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Thomas F. Torrance

THE
HISTORY
OF THE
SUFFERINGS
OF THE
CHURCH of Scotland,
FROM THE
RESTAURATION
TO THE
REVOLUTION:

COLLECTED
From the Publick Records, Original Papers, and Manuscripts of
that Time, and other well attested Narratives.

By Mr. ROBERT WATSON Minister of the Gospel at *Eastwood*.

Nec studio nec odio.

VOLUME I.



EDINBURGH,

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MDCCXXI.

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By Mr. ROBERT, Secretary of the General Assembly.

See London and other

Volume I

Printed in London, by J. Smith, at the Sign of the

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 respectable Members of the General Assembly, that
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T O T H E
K I N G.

SIR,

THE *History of the Church of Scotland*, under a long Series of Sufferings, from which it was rescued by that great Instrument of Providence, King *William* of immortal Memory, is, with the profoundest Humility, laid at your MAJESTY'S Feet.

PERMIT me to observe the adorable and just Retributions of the righteous Judge of all the Earth. Your Royal Progenitors, the excellent King and Queen of *Bohemia*, had the Grace and Honour vouchsafed them, to suffer for our holy *Reformation*, while they were too much neglected by those in *Britain*, who ought to have supported them: Your sacred MAJESTY, with all your Dominions, now reap the Fruits of those glorious Sufferings; and your happy Subjects cannot but hope that there

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are many rich Blessings in Reserve to your MAJESTY and your House, for a great While to come.

YOUR illustrious Father joyned Counsels with His Highness *William* Prince of *Orange*, for bringing about, under GOD, that wonderful Turn of Affairs, at the late *happy Revolution*, which put an End to the Sufferings I have described.

A Period of Time never to be forgotten by *Protestants!* when our *Reformation* from *Pope-ry*, with all the Religious and Civil Interests of *Europe*, were in the utmost Danger: *Popery* had made formidable Advances; a bigotted *Papist* had seated himself upon the Throne, and was in the closest Concert with the *French* King, who, after he had, contrary to solemn Promises and Treaties, ruined a glorious and numerous *Protestant* Church, was strenuously carrying on his darling Project of rooting out the *Northern Heresy*, and grasping hard at the *universal Monarchy*.

Then the LORD did great Things for us, whereof we were glad: We had not long enjoyed our religious and civil Liberties, till the Time approached, when our great Deliverer, worn out with Cares, was ripe for Heaven, and called to enjoy the glorious Reward of the eminent Service he was honoured to do for GOD and his Generation.

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IT was then *kind Providence* put him upon securing and perpetuating those great Things our *gracious GOD* had wrought for us, by entailing the Crown, and settling the *Protestant Succession* in your *illustrious House*.

AND we were at a Loss to determine, whether the *Revolution* it self, or the securing all the *Blessings of it* to us and latest Posterity, was the greatest Appearance of Providence for us and all the *Churches of Christ*.

YOUR MAJESTY'S Subjects could not but humbly and gratefully observe the only wise, powerful, and good *GOD*, preserving this his *own Work*, amidst all the artful and open Efforts, made afterwards to weaken and even overturn that happy Settlement; till we had the inexpressible Pleasure of seeing the same *almighty Arm*, at a Season when our Dangers were only equalled by those we had been in at the *Revolution*, bringing your excellent MAJESTY to the Possession of that Throne you now so much adorn.

MAY our *gracious GOD*, who performeth all Things for us, preserve you long long upon it.

ONE can scarce help envying the Happiness of that *Historian*, who shall have the Honour faithfully, and in a Manner worthy of so great a *Theme*, to transmit to future Ages the *Glories* of your MAJESTY'S Government,

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ment, and of such a lasting and happy Reign, as all good Men most ardently wish you: But the Share fallen to me, is to give some Account of a Management, perfectly *the Reverse* of the Beauties of your MAJESTY'S Administration; in which we see an *happy Temperature* of the Exercise of that *Prerogative*, which all good Kings ought to have, with the *Liberties* of the Subject, and a just Regard to the *Constitution*, a steady Firmness and Resolution necessary to all great Actions, mixed with that Goodness and Wisdom requisite to so great a Trust,

THE exalted and noble Views which fill your MAJESTY'S Eye, are the *Glory* of GOD, the Promoting of *real Religion*, the *Felicity* of your Subjects, and the *Good* of *Mankind*; and we know not which most to admire, your *extensive* and *paternal Goodness* to your Subjects, or your *Mildness* to your Enemies, which, to their lasting Shame, is not able to reclaim them: But my mean Pen is, at best, every Way below this noble Subject, and of late is so blunted with the *melancholy* Matter of the following *History*, and our *Miseries* under preceeding Reigns, that 'tis perfectly unfit to enter upon the *Blessings* of your MAJESTY'S Government.

MAY I presume to hope, that the uncontestable Facts recorded in this *History*, the arbitrary Procedure, Oppression and Severi-

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ties of that Period, the open Invasion upon *Liberty* and *Property*, with the hasty Advances towards *Popery* and *Slavery*, must, as so many Shades, be of some Use to set forth the *Glories* of your MAJESTY'S Reign, even with some greater Advantage than the best Expressions of the happiest Pen.

PERSECUTION for Conscience sake, and Oppression in Civil Liberty, flow from the same Springs, are carried on by the same Measures, and lead to the very same miserable End; so that they could scarce misgointogether in a far better Reign than those I describe. When Aſa put the Seer in Prison, he oppressed some of the People at the same Time: But your MAJESTY'S just and conspicuous Regard to tender Consciences among your Protestant Subjects, perfectly secures them from the most distant Fears of any Invasion upon what is valuable to them, as Men, and Members of a civil Society.

GREAT SIR, You have the Glory of making a noble Stand, in a Manner worthy of your self and the great Interests of Religion and Liberty, against the unmanly and anti-christian Spirit of Persecution, Oppression, and Tyranny, so peculiar to Papists, and such who have been guided by their Counsels.

ALL the Protestant Churches are daily offering up their Thanks to GOD, for your generous and truly Christian Appearances in behalf

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behalf of our oppressed Brethren in Germany, and cannot cease from their most fervent Prayers for *Success* to your MAJESTY'S *Endeavours* this way, in Conjunction with the King of Prussia, your MAJESTY'S Son in Law, and other Protestant Powers.

THE Church of Scotland must be nearly touched with the Hardships put upon any of the Reformed Churches Abroad: In Worship, Doctrine, Government, and Discipline, she is upon the same Scriptural Bottom with them. The Palatine Catechism was adopted by us, till we had the Happiness to join with the venerable Assembly at Westminster, in that excellent Form of sound Words contained in our Confession of Faith, ratified by Law, and our Larger and Shorter Catechisms.

WE suffered the Hardships I relate, for adhering to our Reformation Blessings, and humbly claim the Character of contending and suffering for Revolution Principles, even before the Revolution was brought about. And

IT was, when appearing for the Liberties of the Nation, as well as the Principles of our Reformation, that Presbyterians in Scotland were harassed and persecuted; and yet they maintained their Loyalty, and just Regard to the Civil Powers, even when oppressed by them.

THEY have been indeed otherwise represented by their Enemies; but whenever your
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MAJESTY'S greater Affairs permit you to look upon the following *History*, I flatter myself you will have satisfying Evidence, *That they suffered for Righteousness sake, and not as evil Doers.*

THIS they were taught by their *Bibles*. And now, when we are relieved from such Hardships, our plain Duty and highest Interests are happily combined in an inviolable *Attachment* to your most excellent MAJESTY'S Person, Family, and Government.

THE least Inclination unto a *Popish* Pretender to the Crown of these Realms, is a Crime so black in our Eyes, and so contrary to our Principles and Interest, that we want Words to express our Abhorrence of it.

THE Succession in your MAJESTY'S Person and *Protestant* Heirs, the very *crowning Stone* of the *Revolution*, is what we ardently prayed and contended for, before it took place; and from our very Souls we bless the LORD for making it effectual in your MAJESTY'S Accession, and reckon our selves happy in the Honour of avouching our inviolable *Duty, Affection and Fidelity* to your sacred MAJESTY, our only rightful and lawful Sovereign.

PERMIT me, in the most sincere and unfeigned Manner, to join with the Church of *Scotland*, in Adoration and Praise to our *gracious*
GOD

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GOD and Redeemer, who, because he loved us, made you King over us, to do Judgment and Justice, and hath raised up your MAJESTY to maintain what he hath wrought for us, to preserve our valuable Privileges, and redress our remaining Grievances, brought upon us under the former unhappy Administration.

MAY the same glorious GOD kindly lead you through such Difficulties as the manifold Sins of those Nations bring in your Way, support your sacred MAJESTY under the Fatigue and Cares with which your imperial Crown is surrounded, pour out his best Blessings upon your Royal Person and Family, and, in his great Goodness to us and those Parts of the World, preserve you long the *Arbiter of Europe*, and *Head of the Protestant Interest*; and after an happy and glorious Reign over your Kingdoms, and an extensive and useful Life to the Church of GOD, Mankind and those Lands, receive you graciously to his blessed and eternal Mansions above.

MEAN while, GREAT SIR, in the most submissive Manner, I beg your MAJESTY'S Patronage, and the Liberty to inscribe this History to the Best, as well as Greatest of Kings, and presume, with your Allowance, upon the Honour of Subscribing my self in this
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The D E D I C A T I O N.

publick Manner, with the greatest Humility
and Sincerity,

May it please your most excellent Majesty,

Your Majesty's most faithful,

most dutiful,

most devoted,

and obedient Subject,

ROBERT WODROW.



T H E
P R E F A C E.



It must appear strange to all disinterested Persons, who know any Thing of *Scottish Affairs* from the *Restoration* to the *Revolution*, that there is a Party among us who deny there was any Persecution of Presbyterians for Conscience sake in that Period, and yet raise a terrible Cry of Severity and Cruelties exercised upon the Episcopal Clergy at and since the happy *Revolution*.

Presbyterians are loudly called upon, to give an Instance of Persecution during that Time, except for the Crimes of *Rebellion* and *Treason*. It is boldly asserted, and published to the World, *That no Man in Scotland ever suffered for his Religion*. Libels have been printed, and carefully handed about, containing these glaring Untruths; and no small Pains is taken, and many Artifices used, to impress the *English Nation* with them. Multitudes of Pamphlets were going about after the *Revolution*, larded with these and such like Aspersions upon the Church of *Scotland*, to which some just Answers were at that Time given.

A new Cry was raised, to the same Purpose, upon the Death of our glorious Deliverer King *William*, when a Design was formed to strengthen the Anti-revolution Party, and weaken this Church, by a boundless *Toleration*, and the Reintroduction of *Patronages*: But the last Four Years of *Queen Anne's* Reign were thought a most proper Juncture for propagating those Fallhoods, gradually to prepare the Way for overturning our *Revolution Establishment*, and consequently the glorious Settlement of the

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Protestant Succession, and with those the Religion and Liberties of *Britain and Ireland*. Sir *George Mackenzie's Vindication of the Reigns of King Charles and King James*, was reprinted, and carefully spread, with many other Pamphlets, containing Facts, Assertions, and Representations of Things, perfectly contrary to the Knowledge and Experience of Multitudes yet alive.

The Authors, Abettors, and grand Promoters whereof were the *Jacobites*, who threw off the Mask at the late unnatural Rebellion, equally Enemies to his most excellent Majesty King *George*, and the Church of *Scotland*: And nothing could move them to publish Facts they could not but know were false, save their Engagement in a Party with foreign Papists, their virulent Malice at our present Establishment, and obstinate Zeal for the *Pretender*, who is educated and confirmed in *Romish* Idolatry, Contradictions and Tyranny, and therefore the fittest Hand to react the Tragedies of the unhappy Period I am to describe, and worse, if worse can be supposed.

I with the Prelatick Party among us have not been tempted to venture upon such Methods, by the culpable Silence of Presbyterians, who have been so far from rendring Evil for Evil, or measuring out to them according to their Measure; that, it must be owned, they have been much wanting to themselves, their Neighbours, and Posterity, in not representing true Matter of Fact, for their own Vindication.

As this Negligence hath no doubt given considerable Advantage to the other Side, so it hath been much lamented by many, who, at this Distance, want distinct Accounts of the unparalleled Severities of the former Times: And now it is, with some Colour of Reason, improven in Conversation and otherwise, as an Argument that Presbyterians have nothing to say for themselves; and Silence is taken for Confession in Persons so nearly concerned.

It appears high Time then, to let the World know, that Presbyterians have not been so long silent from want of Matter, but from a Regard to the Reputation of our holy Religion, and common Interests of the *Reformation*. They were unwilling to seem in the least to stir up the Government to deal with the persecuting Party in a way of Retaliation; and, till forced, in their own necessary Defence, to set Matters in their true Light, and expose the severe Treatment they met with, they could have wished the Inhumanities of *professed Protestants*, towards those who *were really* such, had been buried in Oblivion.

The following Work being extorted by the Impudence of those who are no Friends to the present Establishment of Church and State, they ought to bear the Blame of any Misimprovement the Enemies of our *Reformation* may make of that persecuting Spirit, so peculiar to Papists, when it discovers it self among Protestants.

I am assured by a worthy Friend of mine, who was present at a Conversation 'twixt Mr. *Jeremiah White*, well known at *London*, and some Persons there of the first Rank, some few Years ago, that Mr. *White* told, He had made a full Collection of all who had suffered by the penal Laws in *England*, from the *Restoration* to the *Revolution*, for Nonconformity, their Names, the Fines imposed, the Goals where they were imprisoned, &c. That the Number of persecuted Protestant Nonconformists exceeded Sixty thousand, whereof above Five thousand died in Goal. King *James*, after his Accession, came to be informed of this Collection, and offered Mr. *White* a large Sum for it, which he generously refused, knowing the Design a Popish Prince probably had in getting such Papers in his Hand, to expose the Church of *England*, and to extenuate the just Charge of the Tyranny and Persecution of those of his own Religion, if *Popery* deserves that Name.

But the Spirit of Tyranny, Imposition and Persecution, ought to be abominated wherever it is: Nor do I see what Handle Papists can have to insult Protestants from the Severities narrated in the following History, since 'tis plain these proceeded from themselves. The Duke of *York*, and his Party, several of whom turned Papists, were at the Bottom of our Persecution in *Scotland*: Our Prelates were heartily in his Interests; his Dependents were the chief Managers; and any Relaxation allowed in his Reign, was to serve his own Purposes, tho' Presbyterians happily improved it to the strengthening of the Protestant Interest; which, by the good Providence of God, made way for the *Revolution*.

An Attempt is made, in the following History, to give a well vouched Narrative of the Sufferings of the Church of *Scotland*, from the 1660. to the never to be forgotten Year 1688. a Work much wished for by the Friends of the *Reformation*, and Lovers of our valuable Constitution; the Want of which hath been Matter of Regret to the Members of this National Church, and improved to her Disadvantage by Enemies.

The fittest Season for a Performance of this Nature had undoubtedly been Thirty Years ago, when the particular Instances of Oppression and Barbarity, now much forgotten, were recent,

and the Witnesses alive. At that Time somewhat of this Nature seems to have been designed: Narratives were gathered, some of which have come to my Hands, but many of them are lost; yet the publick Registers, and the severe Laws made by our Parliaments, and not a few well attested Instances of their terrible Execution, still remain.

Indeed the Courts held in several Parts of the Country, even those clothed with a *Council* and *Justiciary Power*, either kept no Registers, or, if they did, they are since lost. It was the Interest of those who exacted Fines, and pocketed them, to suppress what they got; and, in most Cases, they were not bound to give Accounts of what they extorted. Innumerable Cases occur in this melancholy Period, where we cannot expect Accounts of the exorbitant Exactions and Oppressions then so common, such as *Subsistence-money*, *dry Quarters*, *Riding-money*, *Bribes*, vast Sums paid by the Friends of the Persecuted, *Compositions*, and the like; to say nothing of the Barbarities committed by the Officers of the Army, Soldiers, and Tools of those in Power, by virtue of *secret Instructions*, *blank Warrants*, *illimited Powers*, and *unwritten Orders*, for supporting the Government, and encouraging the orthodox Clergy, as was pretended.

At this Distance then, and when most of those who were persecuted, and many of the Witnesses to what passed, are removed by Death, 'tis plain, the following History must appear with not a few Disadvantages, and cannot be so full and particular as it might have been at, or a little after the happy *Revolution*.

How the Author came to engage in this Attempt, what were his Motives and Views, is a Matter of so little Importance to the World, that 'tis not worth While to take up the Reader's Time with them: It may be of more Use to give some Account of the Materials I had, and somewhat of the Method I have followed in putting them together.

Our *publick Records*, the *Registers* of the *Privy Council* and *Justiciary*, are the great Fund out of which this History is formed: A great Part of it consists of Extracts from these, and I have omitted nothing in them which might give Light to the State of the Church of *Scotland* in that Period; tho', in pursuing and making Extracts out of Ten or Twelve large Volumes, several Things may have escaped me.

It is with Pleasure I observe a growing Inclination in this Age to have historical Matters well vouched, and to trace up Facts to their proper Fountains, with a prevailing Humour of searching

ing *Records, Registers, Letters and Papers*, written in the Times we would have the Knowledge of.

If this Temper degenerate not into *Scepticism*, Incredulity, and a groundless calling in question such Things as, from their Nature and Circumstances, we cannot expect to meet with in *Records*, I hope, it may tend very much to advance the great Interests of *Religion and Liberty*: But such is the Frailty and Corruption of our present State, that Men are too ready to run from one Extreme to the other, and, because they are imposed upon in some Relations, to believe nothing at all, altho' the Evidence brought is all the Subject is capable of, and no more can be reasonably demanded.

Now, when I am insensibly led into the Subject of drawing History from publick *Papers and Records*, I cannot altogether pass some beautiful Strokes, to this purpose, in that noble Historian *Josephus*. It will be of little Use to most of my Readers to give the original *Greek*; and therefore I shall insert the Passages from the last English Translation. Many Things ly scattered thro' the Works of that great Man, to this purpose; but, in the Entry of his *First Book* against *Appian*, he insists directly upon the Necessity of forming History from *Records*.

Having taken notice of the Lameness of the *Greek Writers* this way, he says, *The Egyptians, Chaldeans and Phenicians, to say nothing of our selves, have from Time to Time recorded, and transmitted down to Posterity, the Memorials of past Ages, in monumental Pillars and Inscriptions, according to the Advice and Direction of the wisest Men they had, for the perpetual Memory of all Transactions of Moment, and to the end that nothing might be lost. — It is most certain, that there is no Greek Manuscript extant, dated before the Poem of Homer; and as certain, that the Trojan War was over before that Poem was written: Nay, it will not be allowed either, that Homer ever committed this Piece of his to Writing at all, but it passed up and down like a Piece of a Ballad-song, that People got by Rote, till, in the end, Copies were taken off it, from Dictates by Word of Mouth. This was the true Reason of so many Contradictions and Mistakes in the Transcripts.*

He enlargeth, in what follows, upon the Faults of the *Greek Historians*, and observes their plain Clashing and Disagreement. *It is evident (adds he) that the History they deliver is not so much Matter of Fact, as Conjecture and Opinion; and that every Man writes according to his Fancy, their Authors still clashing one with another. The first and great Reason of their Disagreement, is the Failing of the Greeks, in not laying a timely Foundation for History, in Records and Memorials, to conserve the Memory of all great Actions; for, without these monumental Traditions, Po-*

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sterity is left at Liberty to write at random, and to write false too, without any Danger of being contradicted. He further notices, That this Way of keeping publick Registers had been neglected in Greece, and even at Athens it self: And adds, Without these Lights and Authorities, Historians must necessarily be divided and confounded among themselves. A Multitude of other Things, to the same purpose, follow, too large to be here transcribed.

The Council and Criminal Court had most of the persecuted People before them; from their Books I have given my Accounts: And the Passages taken from the Records are generally marked with *Comma's*; this hath drawn out the History to a far greater Length than I could have wished. Every Body will observe, that several of the Passages might have been shortned, and the principal Papers themselves abbreviated, and some Repetitions and Matters of common Form omitted; yet I have chosen to give every Thing as it stands in the *Registers* and other Vouchers, and to insert the principal Papers themselves in the *History* or *Appendix*, rather than Abstracts of them, for several Reasons. As they now stand, they are *Self-vouchers*: Had I shortned them, and given them in mine own Words, perhaps, such as know me, might have the Charity to believe, I would not knowingly have falsified or misrepresented Matters; but 'tis much better Things stand as they are in the *Records*. I design, that as little of this History as may be should lean upon me: Let every one see with his own Eyes, and judge for himself, upon the very same Evidence I have; this is certainly the fairest and justest Way. And I am of Opinion, even the necessary Repetitions, and some lesser Circumstances, which might have been omitted, had I compendized the *Registers*, and other publick Papers, will not want their own Use.

This Method may seem a little to the Disadvantage of those whom I would not willingly have misrepresented. It is plain, very harsh Names and Epithets are given to Presbyterians; and the Sufferers are represented in the most odious Colours, in the *Registers*, *Proclamations*, *Indictments*, and the ordinary Course of the *Minutes* of the Council. Many Facts are set in a very false Light; a vast deal of Misrepresentations, ill grounded and idle Stories, are inserted; and every Thing unaccountably stretched against the persecuted Side. Some Notice is taken of this in the Body of the History, and Matters set in their true and just Light, as briefly as I could. Had I been writing a *Defence of the Sufferers* in this Period, much more might have been said: But, as an Historian, I

was

was chiefly concerned to represent Facts; and having given the Representation of Matters, in the very Terms used by the *Persecutors* themselves, their Severity, and the Innocence of the *Persecuted*, will appear the more brightly.

When searching the *Books of Parliament*, I was much discouraged, upon finding the Processes against the Marquis of *Argyle*, Mr. *James Guthrie*, and the Lord *Waristoun*, quite left out; and therefore, generally speaking, I have confined my self to the printed Acts. It had been a Labour too great for me, to have gone thro' all the *Warrants*; and the iniquous Laws stand full enough in Print. Had the *Council Warrants* been in Order, no question but considerable Discoveries might have been made of the Iniquity of this Time; but those being unsorted, and in no small Confusion, I was obliged to keep my self by what the Managers have thought fit to put into the *Registers*; and 'tis surprising to find some Things there, which we shall afterwards meet with.

The rest of the History is made up of particular well vouched Instances of Severities thro' several Parts of the Kingdom, which cannot be lookt for in the *Records*: Some of them are attested upon Oath; others come from the Persons concerned, their Relations, or such who were present at the Facts narrated. In this Part, I have taken all the Care I could to get the best Informations, and have been reckoned by some a little over nice as to my Vouchers: If I have erred here, I hope, it was the safest Side; and I could not prevail with my self to publish to others, any Thing but what I had as full Evidence of, as the Subject would bear at this Distance.

In the First and Second Books, the Reverend Mr. *James Kirk-toun's Memoirs* were useful to me, and some short Hints of the Reverend Mr. *Matthew Crawford*, my worthy Predecessor in the Charge where I serve; these he did not live to complete, as he had done the former Part of the History of this Church to the *Restoration*. I had communicated to me likewise a considerable Collection of Informations, and other Papers relative to the Persecution of this Church, lodged, after the *Revolution*, in the Hands of the Reverend Mr. *David Williamson*, late Minister of the *West-kirk*. I have had Access also to some valuable Papers belonging once to the Reverend Mr. *Alexander Sheils*, mostly written before the *Revolution*. Not a few Gentlemen and Ministers, Relations of the Sufferers in this Period, have sent me well attested Accounts of the Hardships particular Persons met with.

My Brethren and Friends, who have been helpful to me in procuring those Materials, and the Gentlemen by whose Favour I had Access to the *Records*, will please to accept of this publick and general Acknowledgment of their Goodness. I am a Debtor to so many, as renders it impracticable for me to be more particular; if the following History in any Measure answer its Design, I know this will be the best Return my Friends wish for. Any Thing further necessary to be observed, as to my Vouchers and Materials, will fall in upon the History it self.

My Part, in putting those together, is what I should next speak of, tho' I reckon my self the unfittest of any to say much upon this Head. Since I began to reflect upon Things, I still judged writing of History a very difficult Work, and now I find it so: It is a harder Province still, to write Accounts of Times a Man hath not personally known, and when the greatest part of them were elapsed before he was born; the Task grows, when one has none going before him, nor any Thread to guide himself by; especially when the Times are full of Heat, Rents and Divisions, and any Accounts that remain are various, according as the several Parties stood affected; which occasions very different Representations of Facts themselves: In such a Case, nothing but *Honesty* and *Integrity*, with *Labour* and *Diligence*, can carry a Writer through.

My Stile, I know, is what cannot answer the Taste of this Age; Apologies for it are of no great Use. I never affected, or had much Occasion to attain any Delicacy of Stile; all I purpose to my self, is to be understood. A Country Life for Eighteen Years, with my necessary Converse among my People, and discoursing to them in my Sermons, as much as I can, according to their Capacity, hath brought me insensibly to express my self in in a Manner which in Print may appear low and flat: Besides, such a Heap of Informations from different Persons, and in various Stiles, as I was obliged to make use of in this Work, may be supposed would have altered a better Expression than ever I was Master of. Indeed I have kept as much by the Papers I made use of, as possibly I could; and there is but a small Part of the History in my Words, which, I presume, may be understood even by *English* Readers, who, 'tis hoped, will bear with me, tho' I come not fully up to the Propriety of the English Language, nor to the Accuracy and Neatness of their Writers.

The general Method I have used in this Work, was what I was some way obliged to take, and to me it appeared most natural. In this Period which I have described, I had no Line to direct me,

me, or any History of Affairs in *Scotland* during those Two Reigns: I walked in an untrodden Path, and was obliged to make a Road for my self the best way I could. All left me to do, was to class my Materials, *Informations*, *Acts of Parliament* and *Council*, with my Transcripts from the *Registers*, and to joyn together what the Agreement of the Matter required to be connected. This led me to divide the Work in *Chapters* and *Sections*, and those obliged me to make some Repetitions and Resumptions, which otherwise might have been spared. Had I been permitted to keep this History some longer Time by me, I might have pared off those, and cast the Matter in one continued Discourse, without such Breaks; but even these may perhaps not want their Advantage, and may be breathing Places to stop at, in so great a Heap of Matter as is here collected.

After I had formed this History, and published my Proposals for printing it, many Informations were sent me, and I had Access to some *Records* I wanted before; yea, even during the Time of printing this Volume, some Papers of Consequence came to my Hand: The inserting of what was necessary from these, in the proper Places, hath not a little altered this Work, and made the Connection of Purposes in some Parts less natural than it might have been, if all my Materials had been under my View at first. And my later Informations being fuller, and more circumstantiate, there may perhaps be some seeming Differences 'twixt them and the shorter Hints given in other Places; but, I hope, no real Inconsistency will be found, Truth being what I had still in mine Eye.

In this Collection, I have taken in many Things which might have been omitted, had there been any *History of Church or State-affairs* published, relating to this Interval; but when gathering Materials, and searching our *Records*, I thought my self at Liberty to insert every Thing that offered, which might afford any Light to the History of this Period. This hath indeed considerably enlarged the Bulk of the Work; yet, I flatter my self, it may be of some Use to supply our Want of a History of this Time, at least be Materials for others to work upon with less Labour than I have been at: It will likewise render the melancholy History of *Sufferings* and *Persecution* a little more pleasant to the Reader, when other Things are mixed with it.

Most part of the principal Papers, and the Facts here inserted, have never yet been published; and therefore, I am ready to apprehend, they may be the more entertaining to this inquisitive

Age:

Age: From those, judicious Readers cannot but have the best View of this unhappy Time. If, in my Inferences from them, I have any where erred, I shall take it most kindly to be set right. I have been very sparing in any Thing which might bear hard upon Persons or Families; but, when narrating Facts, it was impossible to evite giving the Names and Designations of the Actors. This is what needs offend no Body, and they stand open to every one's View, in our publick *Records* and *Proclamations*. I have charged our *Prelates* with being the first Movers of most Parts of the Persecution of these Times: This is a Matter of Fact, fully known in *Scotland*; and I could not have written impartially, had I not laid most part of the Evils of this Period at their Door. If I have any where used any Harshness in speaking of this Subject, it hath proceeded from a peculiar Abhorrence, I cannot help entertaining, at a persecuting Spirit, wherever it discovers it self, especially in Church-men.

Since we want a *Scots* Biography, and have nothing almost of the Lives of eminent Ministers, Gentlemen, and private Christians in this Church, I have been the larger in my Accounts of such worthy Persons as fell in my Way, since I cannot but reckon that one of the most useful and entertaining Parts of History: This has led me to give several Instances of Sufferers upon the very same account, when fewer Examples might otherwise have answered the Ends of this History; but I thought it pity that any Thing, which might do Justice to the Memory of those excellent *Confessors* and *Martyrs*, should be lost.

From the same Consideration, some principal Papers are inserted in the *History* and *Appendix*, relative to the same Subject, where, it may be, fewer might have sufficed: But I judged it worth while to preserve as many of the valuable Remains of this Time, as I could. All of them contain something or other different; and the true Sentiments, deliberate Views, and undissembled Principles of good Men, appear most naturally in their own Words and Papers. Such as think them tedious and irksom, may overlook them with less Pains than I have been at in collecting and inserting them.

In the following Work, I have taken some notice of the Accounts of our *Scottish* Affairs, during the Interval before me, by the most noted *English* Historians, Dr. *Sprat*, Bishop *Kennet*, Mr. *Collier*, Mr. Archdeacon *Eachard*, and others of lesser Name. This, I hope, is done with a Temper and Deference due to their Merit. Their gross Escapes in our Affairs I could not altogether

over-

overlook: No doubt, most of them have written according to the Informations they had; and I am sorry we have been to blame, in part, for their Want of better Information. This Nation and Church have suffered not a little by this: I perswade my self, our Neighbours will do us more Justice, when they have a fuller View of our Affairs.

There is another Writer, the Author of the *Memoirs of the Church of Scotland*, 8vo. London 1717. who deserves some Consideration by himself. As far as he had our printed Historians to guide him, he hath given a very distinct and fair Account of Matters; he hath likewise done the Sufferers in the Period before me, some Justice, in stating the Grounds of their Sufferings: But how he hath fallen into some very gross Blunders, I cannot imagine. He talks of the *Indulgence*, as a *Contrivance* of the *Prelates* and their Friends; which is a plain Mistake. His making the *indulged* Ministers to accept a *Licence* from the *Bishops*, is yet much worse; and indeed, his whole Account of this Matter seems to be a Satyr upon some of the most eminent Ministers of this Church, who had Freedom to fall in with it. In other Places, this Writer bewrays an uncommon Ignorance of our *Scottish* Affairs: He speaks of the *Highland Host* as brought down upon the West some time after *Bothwel-bridge*, and says, That the Reverend Professor *Hamilton* and Mr. *Mitchel* were sent up to *London*, 1717. to get the Act for *Tule Vacance* repealed; whereas that was done sometime before. These are of a Piece with several Misrepresentations of Fact, in the *History of the Union*, generally believed to be written by the same Hand. A great Number of other Mistakes might be noticed, as to the Circumstances of the Risings at *Pentland* and *Bothwel*, yea, even as to our printed Acts of Parliament; but, I hope, those flow from Inadvertency, whereas his Account of the *Indulgence* looks like somewhat worse; and the following History will sufficiently set the Facts he hath misrepresented, in their true Light.

Perhaps, an Apology will be here expected for the Imperfections in this History; but I see very little Use of this in a *Preface*, however fashionable it may be. As I am sure there are no wilful and designed Mistakes in it, so any that may have happened in so great a Heap of Materials, thro' Haste or Misinformation, and in the transcribing a vast Multitude of Papers, shall be cheerfully acknowledged and corrected.

Indeed I could have wished this Work had remained by me some Time longer, that I might have smoothed it a little, cut
off

off some Things, necessary in the first forming of it, from a Heap of unconnected Papers, and brought it to a little better Bearing: But, after the Proposals were printed, the Subscribers pressed my publishing of it; and I found, the longer I delayed, the more it was like to swell on mine Hand. Since that Time near a Hundred Sheets have been added, and I did not know where this would end; so that it comes abroad very much as it dropt from my Pen, in the midst of other necessary parochial and ministerial Work, and without those Amendments I would have desired. I know well enough this lands upon my self, but Necessity hath no Law; and, I can sincerely say, I have more Ways than one crossed mine own Inclinations in this Affair.

I did very much incline, both in the Proposals and History, to have concealed my Name, as conceiving this of very little Consequence in a Work of this Nature; but my Friends overruled me in this, and would not have the *History of the Sufferings of this Church*, published in an *anonymous* Way. The Work now comes to the publick View, and must have its Fate according to the different Tempers and Capacities of its Readers.

Some of my Friends have urged me to draw down the Thread of our History, in the *Introduction* which follows, from the Time where our printed Historians end, and in some Measure to fill up the Gap we have from the Death of King *James VI.* to the *Restoration*. I have been of Opinion now of a considerable Time, that the Whole of our Church History since the *Reformation*, is too large a Field for one Hand, if he have any other Business or Employment; and that it ought to be parcelled out among different Persons, if we have it done to any Purpose. Even that Period, already described by Mr. *Knox*, Bishop *Spotiswood*, and Mr. *Calderwood*, is capable of great Improvement. Many valuable original Papers, Memoirs, and some formed Histories, either not known to those Historians, or overlooked by them, are recovered since the *Revolution*, and will afford a just Light to that Time: And there is no Want of excellent Materials for forming full Accounts from King *James* his Death to the *Restoration*. Several of my very good Friends have large Collections of Papers during both those Periods, and more may be gotten: I hope, ere long a full Account shall be given, by better Hands than mine, of our Affairs before the *Restoration*; and they have my best Wishes.

The blackest Part of our History in this Church has fallen into my Hands; and I did not think it necessary for me to go any further back than the Time whereof I give the general Hints in the *Introduction*, which may suffice to let the Reader in to what is immediately connected with the Period I have undertaken. I own, I am not much in Love with Abstracts and Compendis in historical Matters, in which I would have all the Light possible: The largest Accounts, with their Vouchers from *original Papers* and *Records*, are still most satisfying to me; and a short Deduction of the former Period of our History would have been of no great Use, and scarce have answered the Toil and Labour it would have cost me.

This History, or rather Collection of Materials for an History, contains a large Number of Facts, and well attested Accounts, which will set the Circumstances of Presbyterians, during Twenty eight Years, in a clearer Light than hitherto they have appeared, and, if possible, may stop the Mouths of such who have most groundlessly aspersed this Church, and do Justice to the Memory of those excellent Persons of all Ranks, who, as *Confessors* and *Martyrs*, were exposed to the Fury of this unhappy Time.

It may also, through the divine Blessing, be of some Use to revive our too much decayed Zeal for our Reformation-rights, to unite all the real Friends of the Church of *Scotland*, from the Observation of the various Methods used by Enemies to divide and ruine her, and serve to quicken our just Warmth against *Popery* and every Thing that tends to bring us back to the dismal State described in the following History.

Eastwood, Dec. 29.

1726.

Notwithstanding the great Care of the Correctors, through the Author's Distance from the Press, the following Mistakes have happened, which being but few in so large a Volume, the Reader is desired to correct them.

ERRATA.

PREFACE, Page 4 Line 37. pursuing read perusing. *Introduction, p. 26. l. 30.* with r. in us. p. 62. l. 17. renowned r. renewed. *History, p. 91. l. 41.* Conc. r. Com. p. 24. l. 15. War, r. War. & l. 15. Subject. r. Subject, p. 29. l. 57. of the r. the. p. 41. l. 51. he would r. he would. p. 64. l. 23. quickly r. richly. p. 67. l. 13. tho' r. the. p. 73. l. 64. dele even. p. 82. l. 39. of breaking r. by breaking & l. 40. tho' r. the. p. 85. l. 13. 25. r. 24. p. 105. l. 35. seizing r. by seizing, & l. 47. and r. under. p. 106. l. 48. great r. whole. p. 108. l. 8. dele those. p. 109. l. 11. the Pope r. the Prelates of the Pope. p. 112. l. 33. Defection r. Defection. p. 120. l. 23. Church and, dele and p. 129. l. 52. are r. we r. p. 130. l. 41. mild Acts r. Mile acts, & l. 52. ready r. boldly. p. 159. l. 7. Parents' r. by Parents. p. 170. l. 43. extend r. extended. p. 200. l. 15. & on the Mir- gin. *Key Pledge* p. 202. l. 57. declare r. they declare. & l. 58. sustained r. just. p. 224. l. 48. called r. named. p. 227. l. 43. new r. now. p. 237. l. 57. Copy r. Paper. p. 251. l. 3. Messages, sent Messages. p. 288. l. 58. Anno r. Anno. p. 297. l. 30. see r. see. p. 310. l. 45. Would r. Would. of the World. p. 331. l. 38. punished as above. p. 335. l. 45. at r. of. & l. 63. Anno r. Anno. p. 347. meet with, add the Committee of public Affairs. p. 352. l. 38. though the p. 377. l. 32. which r. of what. p. 409. l. 65. get r. yet. p. 425. l. 39. Month r. Month. p. 425. l. 58. Construction r. Certification. p. 430. l. 27. competent r. competent. p. 435. l. 43. Churches r. Churches. p. 447. l. 13. dele find r. understood. p. 500. l. 11. obliged r. obliging. p. 524. l. 52. of r. by. p. 505. l. 55. racked r. backed. p. 513. l. 18. 15. r. 15. & l. 64. determined r. advanced. p. 521. l. 49. "so r. Temple. *Appendix, p. 15. l. 34. for by. p. 20. l. 74. then. p. 38. l. 41. repeated r. repeated. & l. 59. repeating r. repeating. p. 70. l. 23. dele not. & l. 25. 1672. r. 1662. p. 118. l. 19. then r. when.*

N. B. Page 393 near the Foot, by a Mistake, Mr John Blackader is said to have died in the *Bast*, whereas, after many Years Imprisonment there, he contracted that Illness whereof he died Five or Six Weeks after he was liberated.

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N. B. There are some few of the Names and Designations of the Subscribers not yet come to hand, which shall be printed with the Second Volume.

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THE
INTRODUCTION,
CONTAINING,

After a short View of the *Publick Resolutions* in 1650. a Narrative of General *Monk's* Management after his Departure from *Scotland*, an Account of the Steps taken for the King's Restoration, his Majesty's Return, and what was done in relation to the Church of *Scotland*, till the Meeting of the *Committee of Estates* in August 1660.

Collected from original Letters of Mr. James Sharp, afterward Archbishop of St. Andrews, the Reverend Mr. Robert Douglas, and other Presbyterian Ministers, this Year.



ONE of the blackest Periods of the History of the Church of *Scotland* being fallen to my Share, it would not be out of the Road, if I should continue the Thread of our Ecclesiastical History from the Demise of King *James VI.* where our printed Historians end, to the Restoration of King *Charles II.* where my Attempt begins, and do somewhat to fill up that Blank.

Indeed several important Memoirs, and written Accounts of that remarkable Period, in my Hands, with not a few original Papers of that Time, would afford me Matter enough for such

an introductory Essay: But it is enough for me to venture upon the Twenty eight Years following; therefore I choose rather to communicate any Thing of this Nature, in my small Collections as to our History, to my worthy Friends who have that Part among their Hands, and can manage them much better than I can pretend to. I shall here, then, very much confine my self to the Year wherein the publick Imprisonments, and other Hardships upon Presbyterian Ministers, Gentlemen, and Noblemen, began.

If once I had remarked, that when Matters were going smoothly on after King *James's* Death, the Tory high-flying *Laudian* Faction, whose Successors, headed by Chancellor *Hyde*, put King *Charles II.* upon all the Heights he ran to in *England*, and the Encroachments he made upon the Church and State-constitution in *Scotland*; that violent Party, I say, put King *Charles I.* upon palming Books and Bishops, and other Innovations upon us here.

This issued in the strange Turn Affairs took, at our second and glorious Reformation in 1638. when this Church was again settled upon her own Base, and the Rights she claim'd from the Time of the Reformation were restored, so that she became *fair as the Moon, clear as the Sun, and terrible as an Army with Banners*. It is hard to manage a full Cup, and I shall not take upon me to defend every Step in that happy Period; the worst Step I can observe, was their unhappy and unchristian Divisions upon the Head of the *Publick Resolutions*.

And because in the following Period there will be Occasion to mention those *Resolutions* several Times, I shall give a View of the Matter of Fact relating to them, as succinctly as I can, without dipping at all into the unhappy Debates on either Side.

Rise of the
publick Re-
solutions.

When King *Charles II.* was, in the Year 1649. invited home, upon settling the Conditions of Government, or *Claim of Right*, and he had taken the *National Covenant* as explained, together with the *Solemn League*, and was thereupon solemnly crowned at *Scone*; a considerable Number of Noblemen and Gentlemen complained of the Hardships put upon them, who were his Father's Friends, and, as they alledged, well disposed to his Majesty, in their being excluded from the Army and Judicatories, by the *Act of Classes*, and other Laws now made.

Although the King did reckon a good many of them well disposed for his Service, and fit enough to maintain and extend the Prerogative; yet these People, now called *Malignants*, and very justly, from their violent Opposition to the Liberties and Rights Civil and Ecclesiastical of the Church and Kingdom, were suspected by such as had all along appeared firm for our Reformation in the Church, and a limited Management in the State; and those apprehended the other would soon possess the King's Ear, and lead him to such Measures as would overturn all that had been done since the 1638. and therefore for some Time they opposed their coming in.

But the King soon fell upon Measures to divide these who had the Management at his Accession, and to gain a Majority for taking off the former Restrictions, and to let his Friends come in to the Army and Judicatories, under some Conditions that were never kept. The Church, whose Judgment, as to Sin and Duty in publick Matters, was now much regarded, must next be gained to make some Declarations in favour of this Design; and, as it always fares with Churchmen when they side into Parties, according to the different Factions of Politicians, and go beyond their Line to please great Men, they split, according to the Two different Parties at Court; whereas hitherto they had been most united and harmonious.

The *English* had invaded the Kingdom, and obtained a Victory at *Dumbar*: This Occasion was improved to push the taking off Restraints lying upon these who were reckoned the King's Friends, tho' they had opposed the Work of Reformation since the 1637. in their Admittance to the Army and Judicatories, while a Part of them are up in Rebellion in the North. Accordingly the King published an *Indemnity*, and wrote to the Committee of Estates and Commission of the Kirk, that these Men might be entrusted and employed.

This was then refused. The Defeat at *Hamilton* falling out soon after, that was made a new Argument for admitting of *Malignants*; and it was urged, That the standing

standing Forces were too weak for defending the Kingdom against the Enemy, unless the whole * *fencible Men*, without Distinction, were raised. And the Moderator of the Commission was importuned by Letters from the King, now at *Perth*, where the Parliament then sat, to call a Commission *pro re nata*, to give their Judgment in this Matter. The Ministers against the *Resolutions* alledge, that many Members were not advertised, that the Diet was so short, the Members could not come up.

* i. e. Men able to bear Arms.

A *Quorum* of the Commission met at *Perth*, where the Parliament put the following Question to them in cunning enough Terms.

Parliament's Query to the Commission.

- ‘ What Persons are to be admitted to rise in Arms, and to joyn with the
- ‘ Forces of the Kingdom, and in what Capacity, for Defence thereof against
- ‘ the Armies of the Sectaries, who, contrary to the *Solemn League and Covenant*
- ‘ and Treaties, have most unjustly invaded, and are destroying the Kingdom?

The Commission of the General Assembly, *December 14th, 1650.* gave the following Answer.

Their Answer, Dec. 14. 1650.

- ‘ In this Case of so great and evident Necessity, we cannot be against the
- ‘ raising of all fencible Persons in the Land, and permitting them to
- ‘ fight against this Enemy, for Defence of the Kingdom; excepting such
- ‘ as are *excommunicated, forfeited*, notoriously profane or flagitious, or
- ‘ such as have been from the Beginning, or continue still, and are at this
- ‘ Time, obstinate, and professed Enemies, and Opposers of the *Covenant* and
- ‘ Cause of GOD: And for the Capacity of Acting, that the Estates of Par-
- ‘ liament ought to have, as we hope they will have, special Care, that in
- ‘ this so general a Concurrence of all the People of the Kingdom, none be
- ‘ put in such Trust and Power, as may be prejudicial to the Cause of GOD;
- ‘ and that such Officers as are of known Integrity, and Affection to the
- ‘ Cause, and particularly such as have suffered in our former Armies, may
- ‘ be taken special Notice of.’

As soon as this Answer was given, the Parliament in their *Act of Levy*, did nominate some of the most considerable of those reckoned formerly Malignants, who had been excluded from the renewing the Covenant, Places of Trust, and even Access to Sacraments, for their Opposition to the Work of Reformation: And more than Half of the Colonels of this Sort, and some of the general Officers, and great Numbers of the Soldiers, were such as had been with *Montrose* and *Mackdonald*. In short, the Bulk of the Officers and Army, had been either involved in the Engagement, or in some Respect or other had opposed the Work of Reformation since the Year 1638.

Many Ministers being dissatisfied at those Resolutions and Actings, a good many Presbyteries signified their Dissatisfaction with such Courses and Resolutions, particularly those of *Stirling* and *Aberdeen*. Upon this the Commission did, *January 7th*, publish a Warning and large Answer to the Letter from the Presbytery of *Stirling*, in which they vindicated their Answer to the Parliament's Query; which increased the Contention, drew forth new Answers and Replies; and the Flame rising, the Opposers of the Answer to the Query were branded with the Character of *Malignants*; all Ministers and Preachers were, by the Commission, discharged to speak, or write against these *Resolutions*. And an Act was made, ordaining Presbyteries to proceed with the Censures of the Kirk against such as did oppose the *Resolutions*; and in *May* the Commission transmitted the Copy of another Act to Presbyteries, ordain-

ordaining such who opposed the *Resolutions* to be cited to the next Assembly at *St. Andrews*, by which a good many, who opposed the *Resolutions*, were kept from being Members of that Assembly.

To give the Whole of this Matter together ; though the former Answer to the Query, and what followed upon it, be strictly called the *Resolutions*, and the Ministers who approved this Answer, *The Brethren for the publick Resolutions*, and the Opposers of this Way *Antiresolutioners and Protesters*, yet the Gentlemen who by these Methods were got into the Army, did not stop here, but pushed their Design to get into Judicatories; from which they were excluded by the *Acts of Classes* 1646 and 1649. which debarred such as had joyned *Montrose*, and were in the Engagement, from publick Offices of Trust, and in short, all Malignants.

Query by
the Parlia-
ment, in
Prosecuti-
on of the
former Re-
solutions.

In order to get this *Act of Classes* rescinded, the King and Estates of Parliament proposed to the Commission of the Kirk the following Query.

- ‘ Whether or not it be sinful and unlawful, for the more effectual Pro-
- ‘ secution of the publick *Resolutions* for the Defence of the Cause of the
- ‘ King and the Kingdom, to admit such to be Members of the Committee
- ‘ of Estates, who are now debarred from the publick Trust, they being such
- ‘ as have satisfied the Kirk for the Offence, for which they were excluded,
- ‘ and are since admitted to enter into Covenant with us?’

The Commission, upon some Considerations, found it proper at first to delay giving an Answer: But, upon the 3d of *April*, the Moderator received a Letter from the King and Parliament, earnestly desiring a Meeting of the Commission to be called at *Perth*, the 17th of *April* 1651, “ That after a due Consideration of the ‘ Acts and Declarations emitted by the Church, and the other Grounds contained ‘ in the Narrative of the *Acts of Classes*, in so far as Conscience can be concern- ‘ ed therein, his Majesty and Parliament have a positive Answer, not only to the ‘ Query in the Terms wherein it was propounded, but likewise their clear and de- ‘ liberate Judgment and Resolutions, if it be sinful and unlawful to repeal and re- ‘ scind the *Act of Classes*.’ And upon the 23d of *April*, another Letter came to the Commission, much to the same Purpose.

Commis-
sion’s An-
swer, *April*,
1651.

To both, the Commission, after some previous Cautions, gave this Answer. ‘ As for the *Solemn League and Covenant*, the solemn *Acknowledgment* and *En-
‘ gagement*, and former Declarations emitted by this Church (which are set
‘ down as Grounds in the Narrative of the *Act of Classes*) we do find they do
‘ not particularly determine any definite Measure of Time, of excluding Per-
‘ sons from Places of Trust for bypast Offences; but only bind and oblige ac-
‘ cordingly to punish Offenders, as the Degree of their Offences shall require or
‘ deserve, or the supreme Judicatories of the Kingdom, or others having Power
‘ from them for that Effect, shall judge convenient, to purge all Judicatories, and
‘ Places of Power and Trust, and to endeavour that they may consist of, and be
‘ filled with such Men, as are of known good Affection to the Cause of God,
‘ and of a blameless and Christian Conversation, (which is a moral Duty com-
‘ manded in the Word of God, and of perpetual Obligation;) so that nothing
‘ upon the account of those Grounds doth hinder, but that Persons formerly
‘ debarred from Places of Power and Trust for their Offences, may be admit-
‘ ted to be Members of the Committee of Estates, and the Censures inflicted
‘ upon them by the *Act of Classes* may be taken off and rescinded without Sin,
‘ by the Parliament, in whose Power it is to lengthen or shorten the Time of
‘ those

those Censures, according as they shall find just and necessary) providing they be Men who have satisfied the Kirk for their Offences, have renewed and taken the *Covenant*, and be qualified for such Places, according to the Qualifications required in the Word of God, and expressed in the solemn *Acknowledgment* and *Engagement*, &c.

As soon as the Court had this Return, the Parliament rescinded the *Act* of *Classes* in all its Articles; by which great Numbers formerly excluded were brought into Parliament, and nominate as Members of the Committee of Estates, and made capable of Places of Trust. And in a little Time, the *malignant* Party, at least the Bulk of them, were admitted to the chief Places of Trust, and got the Management of all into their Hand.

The General Assembly met at *St. Andrews* in *July*, where the Brethren against the *Resolutions*, protested against the Lawfulness and Freedom of the Assembly. Three of the Subscribers were, after Citation, deposed, and one suspended, and the Actings of the Commission approved. The same Heats continued in the next Assembly 1652: And when *Cromwel* had effectually prevented the Meeting of any more Assemblies, and the Debates had been carried on in Synods and Presbyteries, and in Print before the World; at length, in the 1655 and 1656. Conferences were agreed on for Union, and the Matter was carried to *London*, before the Usurper. At length some Sort of Union was made up in most Synods and Presbyteries after *Cromwel's* Death, and Things went pretty smooth, till the King, upon his Return, declared his Displeasure with the Opposers of the *Resolutions*, and some of them were first fallen upon; and, in a little Time, the whole honest Presbyterian Ministers were struck at, and sent to the Furnace to unite them.

Having premised this, I come now to hand my self and the Reader into the Beginning of our direct Persecution, *August* 1660. by giving a short View of Matters from the Time of General *Monk's* leaving *Scotland*, till the Meeting of the Committee of Estates, where I'll have Occasion to take notice of several Matters of Fact, both in *Scotland* and *England*, as to the Restoration of the King, which I have not met with any where else, but in the Letters before me, which are mostly 'twixt Mr. *James Sharp* and Mr. *Robert Douglas*, and some from Mr. *Sharp* to Mr. *John Smith*, one of the Ministers of *Edinburgh*, and others.

From the very Words of those Letters, (which shall be marked thus 'I shall endeavour to form an Account of the great Turn of Affairs this Year, whereby the Reader will have most plain Evidences of the Reverend Mr. *Douglas*, and the rest, their Integrity and Faithfulness, and Discoveries, how careful they were to preserve our valuable Constitution, upon the King's Return; and as sensible Proofs of Mr. *Sharp's* Jugling, Prevarication, and betraying the Church of *Scotland*, and his Treachery to the worthy Ministers who entrusted him. The Reader is intirely indebted to the reverend and worthy Mr. *Alexander Douglas*, Minister of the Gospel at *Logie*, for what is in those Letters, which in a most obliging Manner he communicated to me, with a short Narrative of the Reintroduction of *Episcopacy*, writ by his venerable Father Mr. *Robert Douglas*, of which I shall make some Use in the following History.

In *November* 1659. General *Monk* left *Edinburgh*, where he had been since the Usurper's Reduction of *Scotland*, and by slow Marches reached *London* in *January*, and soon gave a Turn to publick Affairs in favour of the King's Restoration. It appears very probable to me, that he was encouraged secretly by Mr. *Robert Douglas*; but I come to the Matters of Fact in the Letters, which I exhibit according to their Dates.

General Design of this Introduction.

Abstract of the Letters which passed 'twixt Mr. *Sharp* and Mr. *Douglas* and others.

Letter, January 10. 1660. *January 10.* Mr. David Dickson and Mr. Robert Douglas, in their Letter to General Monk, signify their entire Confidence in him as to the Affairs of Scotland, and the Necessity of one from them to be near his Person, to put him in Mind of what is necessary, and acquaint them with the State of Things; and they ask his Pass for Mr. James Sharp. Before the Receipt of theirs, the General ordered Mr. Auditor Thomson to write from York to Mr. Sharp; and in his Name he desires Mr. Sharp 'to undertake a Winter Journey, and come to him at London with all Speed; defers the communicating the Reasons till he be there, wishes he may communicate this with Mr. Douglas only, because the General does not desire this to be made too publick.' And *January 16.* the General himself writes a Letter from Ferry-bridge to Mrs. Dickson and Douglas in the following Words.

' I Received yours of the 10. Instant, and do assure you, the Welfare of your Church shall be a great Part of my Care, and that you shall not be more ready to propound, than I shall be to promote any reasonable Thing that may be for the Advantage thereof: And to that end I have herewith sent you, according to your Desire, a Pass for Mr. Sharp, who the sooner he comes to me, the more welcome he shall be, because he will give me an Opportunity to shew how much I am a Well-wisher to your Church, and to your selves '

A very humble Servant,

GEORGE MONK.

Instructions to Mr. Sharp, February 6. *Upon the 6. of February* several Ministers met at *Edinburgh*, and agreed to send up Mr. Sharp, with Instructions to this effect, That he endeavour that the Church may enjoy her Privileges, That he testify against the late sinful *Tolerati-on*, That he essay to get the Abuses of vacant Stipends rectified, That Ministers may have the Benefit of the *Act abolishing Patronages*; and, that in case any Commission be granted for settling Ministers Stipends, he endeavour to have it in good Hands; which I have annexed, *App. No. 1.*

At the same Time they write to General Monk, and 'recommend Mr. Sharp to him, as one whom they have instructed, and who is to communicate his Instructions with his Lordship, and they have sent him up to prevent any bad Impressions that may be given of them at London. They add, That though it be not their Way to intermeddle with civil Affairs, yet the Miseries of the sinking Nation, make them humbly request his Lordship may endeavour to ease them of their Grievances.'

By another Letter they recommend Mr. Sharp to Colonel Wetham; and by a Third, to Mrs. Calamy and Ash, to be communicate with Mrs. Manton and Coupar, and any others they think fit; wherein they desire them to be assisting to him in the Management of his Trust, for the best Advantage of this afflicted Church.

Mr. Sharp's Letter, Feb. 14. *Mr. Sharp's first Letter, of February 14.* takes Notice of his Arrival at London the 13. his kind Reception by Mr. Manton, who signified to him the large Character the General gave of the Ministers in Scotland, and Mr. Douglas in particular; 'That he had immediate Access to the General, who recommended him to Sir Anthony Asbly Coupar, and Mr. Weaver, Two Parliament-men. He adds, That the City who, two Days ago, were much sadned by the unhandsom Act put upon the General, with a Design to bring him into an odium with the City, is now mightily pleased with the General's Letter to the Parliament.

Upon

Upon the 16. of *February*, the General sends an Answer to what was written to him with Mr. *Sharp*, importing, ' That Mr. *Sharp* is dear to him as his good Friend, but much more having their Recommendation, and he cannot but receive him as a Minister of Christ, and a Messenger of his Church; that he will improve his Interest to his utmost for the Preservation of the Rights of the Church of *Scotland*, and their afflicted Country, which he loves, and had great Kindness from; that it shall be his Care, that the Gospel-ordinances, and Privileges of God's People may be established both here and with them. He seeks their Prayers for God's Blessing upon their Counsels and Undertakings, intreats them to promote the Peace and Settlement of the Nations, and do what in them lies to compose Mens Spirits, that with Patience the Fruit of Hopes and Prayers may be reaped, and assures them he will be careful to preserve their Profession in the Honour they so much deserve.'

Monk's
Letter,
Feb. 16.

Mr. *Douglas*, *February* 23. ' acquaints Mr. *Sharp* with the Receipt of his and the General's Letters, desires he may mind what he spoke about the Lords *Crawford* and *Lawderdale*, and promises to write about them to the General, if need be: He desires Mr. *Sharp* to encourage the General in his great Work, for the Good of Religion, and Peace of the Three Nations, through all the Difficulties he may meet with. He adds, You your self know what have been my Thoughts from the Beginning of this Undertaking, which I have signified to himself; though I was sparing to venture my Opinion in ticklish Matters, yet I looked upon him as called of God in a Strait, to put a Check to these who would have run down all our Interests.'

Mr. Douglas's
Letter, Feb. 23.

By a Letter from *London*, *February* 21. Mr. *Sharp* signifies to Mr. *Douglas*, ' That the secluded Members of the long Parliament are restored, to the Joy of all honest People; that he is satisfied he is come up, since that, though little can be done at present for the Cause we own, effectually, yet one from the Church of *Scotland* bears a Construction that will be for the Reputation of the Church. He says, Friends are satisfied with our late Proceedings with *Monk*, and bless God we were not wanting in such a Juncture; that on *Saturday* he had a private Conference with the General, and so far sounded him as he got Encouragement for some of the most eminent secluded Members to apply to him. Upon *Munday*, Four of them sent him with some Propositions to the General, to which he brought them a satisfying Return. He adds, That Ministers and good People look upon it as the only Expedient for securing Religion, and dashing the Designs both of *Cavaliers* and *Sectaries*, that the secluded Members be restored, rather than that a Parliament should be called with Qualifications which would only tend to the securing of the Interest of the *Rump*, which is now the Third Time the Derision and Scorn of all Men: That with no small Difficulty the General was brought to admit the secluded Members, which was kept very close till this Morning. Yesterday the *Rump* voted their Seclusion, and this Morning the secluded Members entred the House with the Acclamations of the People, 73 in Number to 18 of the *Rump*. Mr. *Manton* was called to pray to them; and they made void all done against them these Eleven Years, appointed the General Commander in Chief of the Forces of the Three Nations, took off the Imprisonment of the committed Citizens, and liberate Sir *George Booth*: That they are to appoint a Council of State to sit till the Parliament be called, *April* 20. After Four or Five Days they design to dissolve themselves, and so make void the Title and Claim of the long Parliament: That the General, in his Speech, declares for Presbyterian Government *not rigid*, and hath writ to the Officers of the Army: That both contain Expressions which will not be pleasing,

Mr. Sharp's
Letter, Feb.
21.

‘ but the present Necessity of Affairs causeth some to put a fair Construction upon them. Once more the publick Cause of those Nations is like to be in Honour, the Phanatick Fury quelled, the Expectations of all sober Men raised, and Scotland somewhat better reputed. In this great Turn Providence is remarkably seen. The *Rump* intended to bottom themselves upon the *Sectarian* Interest, and are now dashed upon that Account, and the almost dying Hopes of God’s People revived. Mr. *Sharp* desires to be recalled, since nothing can be done till the Parliament sit; and the General told him, Nothing could be done, till there be a full House, as to his Instructions: He adds, That ’tis surmised by some, that before those who now sit, rise, somewhat will be started concerning the *Covenant*; others think, it will not be yet Time: But however (*says he*) the publick covenanted Interest, and our Concernment in it, ought not to be neglected. I hope this Week our noble Prisoners will be released, and I am next Day or Thursday to pay them a Visit.’

Mr. Douglas’s Letter, Feb. 28.

In Answer to this, Mr. *Douglas* writes to Mr. *Sharp*, Feb. 28. and signifies, ‘ That he may be sure it soundeth harsh in the Ears of all honest and understanding Men, to hear Presbytery, the Ordinance of *Jesus Christ*, reflected upon by the Epithet of *Rigidity*. We confess (*adds he*) *Rigidity* may be Fault of Men, and may be the Fault of those among our selves, who weakned the Unity and Authority of this Kirk: But the Faults of Men ought not to be charged upon the Ordinance of God, nor upon others who have disallowed and disavowed those Actings. I still entertain Hopes, that Presbyterial Government will be better known to be well consistent with, and helpful to the Government of the State. And as to his Return, leaves it to himself, with the Advice of the General.’

Mr. Douglas’s Letter to Monk, March 1.

Upon March 1. Mr. *Douglas* writes to General *Monk*, thanking him for his kind Reception of Mr. *Sharp*, and encouraging him to go on in the great Work he had among his Hands. He adds, ‘ I have been very much satisfied from Time to Time, to hear what good Opinion your Lordship entertained of Presbyterial Government; and I am confident you shall never have just Cause to think otherwise of it. There is no Government so good in itself, but it may be abused by the Corruptions of Men; yet the Faults of Persons are not to be fixed upon the Government, nor ought it to be rejected because of the *rigid* Miscarriages of some, whose irregular Actings have been hateful to true Presbyterians, as the Issue of Mens Corruptions, and not the genuin Fruit of the Government. It is a blessed Mean appointed of God, for the Preservation of Truth and Verity in the Kirk, and singularly useful to preserve and press Obedience to Magistracy. It was no small Contentment to all here, when we heard of your Lordship’s grave Advice for abstaining from multiplying Oaths and Engagements, as a Way to attain sooner unto Settlement: Honest Men will follow their Duty without such Engagements; and they who fear not an Oath, will be forward enough to take it when it is imposed, and as forward to break it when Occasion is offered. Determinations will be without doubt more kindly entertain’d, and bear the more Weight with Men, when they are known to flow, not from an imposed Constraint, but from an unconstrained Freedom and Inclination, bottomed upon Conscience and right Reason.’

Mr. Sharp’s Letter, March 1.

Mr. *Sharp*’s Letter of March 1. to Mr. *Douglas*, apologizes for his so seldom writing, and signifies he is so much engaged in Business, that he is deprived of his Rest; That People observing the great Countenance the Lord General gives him, press him so, that he is forced to abandon his Chamber all the Day, and much of the Night; That he declines altogether meddling in the Business of particular Persons; That though little is yet done to the Church and Nation, yet his being

being at *London* hath not been useleſs as to the publick Cauſe: 'That the Cava'iers
' point him out as the *Scottiſh* Preſbyter, who ſtickled to bring in the ſecluded
' Members, to undo all by the *Preſbyterian Empire*: That, before the Admiſſion
' of the ſecluded Members, he had ſpoke to the General concerning the *Windſor*
' Priſoners, and ſignified his Commiſſion from Mr. *Douglas* ſo to do; and after
' preſſing the Vote of the Houſe relating to them, he went to *Windſor*, and advi-
' ſed their Writing to the General, and carried their Letter, which he promiſed to
' answer; and every Day ſince, he had been with ſome of the moſt conſiderable of
' the Houſe, who have promiſed to move effectually for their coming to *London*,
' which will be ſpeedily: That the General tells him, his being at *London* is of
' Uſe to him: That the Houſe hath yet a Fortnight to ſit, and have reſolved to
' ſpend the firſt Hour every Day about ſettling Religion, and the reſt of their
' Time upon ſettling the Militia: That the City Miniſters have offered ſome De-
' ſires to be made uſe of by ſome Members of the Houſe; a Copy of which he ſends.
' He adds, That worthy Mr. *Aſh* tells him, that Three Months ago, when the
' Commiſſioners came down to General *Monk*, he wrote to you (Mr. *Douglas*) by
' one of them, which it ſeems was not delivered: That in the Letter, I (Mr.
' *Sharp*) wrote to *Lawderdale* about that Time, I had this Expreſſion, *That he*
' *might be confident General Monk would be for a good Parliament*: Upon this he
' (*Lawderdale*) ſent to Mrs. *Calamy*, *Aſh*, and *Taylor*, which encouraged the
' flagging City. He ſent alſo to *Oxford*, and elſewhere; which gave the firſt Oc-
' caſion of Addreſſes from the City and Counties, to the General, for a free Par-
' liament.'

The Deſires of the City-miniſters, mentioned in this Letter, I have annexed, Deſires of
the City
Miniſters,
App. No. 2.
App. N^o. 2. They are for ſuppreſſing Papiſts, for Sanctification of the Sabbath,
againſt the Diſturbance of Miniſters, for a Committee to approve Miniſters, for a
Declaration of Adherence to the *Confeſſion*, *Catechiſms*, *Directory*, and *Form of*
Church-government preſented by the late Aſſembly, againſt Moleſtation of Miniſters,
and for a *National Aſſembly of Divines*.

In Mr. *Sharp*'s Letter to Mr. *John Smith*, *March 4.* he regrets the Death of Mr. Mr. Sharp's
Letter,
March 4.
Law at *Edinburgh*, and tells him, 'That the Houſe have voted the *Confeſſion* of
' the Aſſembly to be the Doctrine of the Church of *England*, except the Two
' Chapters about *Church-diſcipline* and *Cenſures*, which are remitted to a Commit-
' tee, where 'tis thought they will ſleep till the Parliament ſit. They have ap-
' pointed Dr. *Owen* to be before them on *Thursday*, in order, as 'tis thought, to
' reſtore his Deanry to Dr. *Reynolds*. This Day the Houſe have releaſed our *Scots*
' Priſoners, who have given Security to the Council for their good Behaviour, and
' their Eſtates will ſoon be reſtored: That *Ireland* is ſecured, and all *Quakers*, *A-*
' *nabaptiſts*, and *Seſtaries* baniſhed: That ſome Judges are appointed for *Scot-*
' *land*, but the Parliament will not meddle with them. He adds, He is in a Peck
' of Troubles to get the City Miniſters ſet about their Buſineſs. That Day a large
' Meeting named Four of the falteſt and honeſteſt to ſit on *Munday*, and Mr.
' *Sharp* with them, and afterwards to meet when he ſees fit. He names Five,
' whom he calls *warping Brethren*, and no Friends to the Covenant-intereſt, whom
' a Member of the Houſe of Commons hath undertaken for; but (ſays he) they
' muſt not be truſted. He adds, I tell what your Mind is as to the Civil Buſineſs;
' and honeſt People here, who are but few, either in the City or Houſe, are
' of one Heart with you. The great Fear is, That the King will come in, and
' that with him, moderate Episcopacy, at the leaſt, will take place here. The
' good Party are doing what they can to keep the Covenant-intereſt on Foot; but,
' I fear, there will be much ado to have it ſo. They dare not preſs the voting for
Presbyterian

‘ Presbyterian Government, lest it bar them from being elected next Parliament.
 ‘ Our Friends in the City think it were not amiss, that from the Nation of *Scotland* were published a *Declaration*: But I think it not yet seasonable. It were
 ‘ good you have your Thoughts upon it in Time; and the Intent would be, to
 ‘ guard against *Settaries* upon the one Hand, and *Cavaliers* upon the other. For
 ‘ God’s Sake, take care that our People keep themselves quiet, and wait till the
 ‘ Lord give a fit Opportunity. Matters here are in a very ticklish discomposed
 ‘ Condition. They say, *Ireland* hath sent for the King; but I do not believe it.’

Mr. Sharp’s
 Letter,
 March 6.

March 6. Mr. Sharp writes to Mr. Douglas; and, with reference to the Complaint in his of the 28 of February, upon the General’s declaring himself to be for *Presbytery*, but not rigid, he says, ‘ As to the Reflection upon Presbytery, by the
 ‘ Epithet of *Rigidity*, the Carriage of the true Friends of it hath given sufficient
 ‘ Proof of the Causefulness of that Aspersions; yet upon all Occasions, you see, it
 ‘ doth not fence against it. The Consistency of it with the Civil Government,
 ‘ seemeth to be clear from the present Parliament, who, if they sit a little, intend
 ‘ to ratifie what they enacted about it, 1647. though the Buz of some is loud enough, *No Bishop, no King*. The House Yesterday, in their Preface to the *Act*
 ‘ owning the *Confession of Faith* as the Doctrine of the Church of *England*, did
 ‘ mention the *Covenant* as one of the Grounds upon which they were induced to
 ‘ make such an Ordinance: Whereupon the Motion was stated, That the *solemn*
 ‘ *League and Covenant* should be revived, and an Order made for printing it, and
 ‘ setting it up in all the Churches of *England* and *Wales*, and the Doors of the
 ‘ Parliament-house: To which none in the House offered to make any Contradiction. And this Day the *League and Covenant*, in great Lombard Paper, is to
 ‘ be sold in all the Shops in *London*. This hath given a great Alarm to the *Se-*
 ‘ *ctarian* Party, who centre in *Lambert*, who, refusing to give Security for keeping the Peace, was Yesternight laid in the *Tower*; and they are proceeding against others of that Party. *Waristoun* hath been with me; his Drift is, That
 ‘ I may deal with the General, that he may have a personal Protection, Payment
 ‘ of his Debts, or enjoy his Places at least. I have declined to meddle in it.’

In his Postscript to this Letter, he tells Mr. Douglas, ‘ That Mr. Calamy, Mr. Ash, and Mr. Taylor are honest, and after his own Heart. They say, I (Mr. Sharp) am useful to them; sure they put me to Toil enough in speaking to Parliament Members, the General and his Officers. Honest Men are at a Stand what to think or do. If this Parliament rise, and another sit, they conclude we can have no Security for Religion or Liberty: The following will bring in the King immediately. This cannot sit longer, unless a House of Lords be called, and this the Army will not give way to. Most of the Members have no Inclination to sit longer. This Clashing of Parties is like to cast all in Confusion; and the *Cavaliers* and *Settaries* are waiting their Opportunity. All that wish well to Religion apprehend, that if this Parliament do not continue to sit, the King must come in without Terms, and therefore do judge it best to call him in Time. I never saw *England* in such a Posture. God knoweth how to interpose. The *Papist* and *Settary* will joyn Issue, expecting *Toleration*; and the honest Party are like to be swallowed up.’

Mr. Douglas’s Letter,
 March 13.

Mr. Douglas answers the former, *March 13.* and tells him, He is refreshed with the reviving the *League and Covenant*, recommends *Mungo Murray* to Mr. Sharp’s Counsel and Assistance.

Mr. Sharp’s Letter,
 March 10.

March 10. Mr. Sharp signifies, That he had Mr. Douglas’s to himself and the General, of *March 1.* which the General received, and said he would make a Return

turn. He adds, That the General hath much countenanced Presbyterian Ministers, and still professeth to be for that Way: ' That the *Sectarian* Interest is on the waning Hand, and *moderate Episcopacy* setting up its Head: That upon *Thursday* our noble Prisoners were liberate, upon Security to keep the Peace, and not to return to *Scotland*, without Leave of Council or Parliament: That they are highly esteemed by the *English*. He wisheth a Commission were immediately sent up from *Scotland*, to *Crawford* and *Lawderdale*, to act in Capacity of Commissioners for the Kingdom of *Scotland*. ' The Parliament are this Night upon settling the Militia of the City and Nation, with this *Proviso*, That all in it shall own the Cause of the Parliament against the late King, to be just. He adds, That several Parliament Men and the Lord *Manchester*, think he hath Privacy with the General, and send him (Mr. *Sharp*) to him on all Occasions, and the General by him communicates his Mind to his Friends in the City, and he is employed in all that relates to Religion; so that he hath scarce any Time to write: That he had met with Reports once and again, that you (Mr. *Douglas*) Mrs. *Hutchison*, *Dickson*, *Wood*; and himself, should have said, We could wish to be settled in a Commonwealth-way, and were against the King's coming in on any Terms. Whereupon he went to the Earl of *Manchester*, Lord *Wharton*, and several Parliament Men, to whom it was buzzed by Colonels *Wetham* and *Gumble*, and flatly contradicted it as a Slander; declaring that nothing would satisfy *Scotland* but the King on *Covenant* Terms, and that it was contrary to their Mind he should be brought in on *Cavalier* Terms: That he, finding many possessed with the Belief, that the King, while in *Scotland*, broke all Terms, and the Engagements he was under by Treaty, and was vicious, and unclean, and a Scorner of Ordinances, and a Discountenancer of Ministers, had detected those great Lies and malicious Forgeries, and declared, He could not say the King broke to us, and that the honest Party were well satisfied with him; that by *Covenant* and Treaty, he engaged by all lawful and peaceable Ways to endeavour Uniformity in *Doctrine*, *Discipline*, &c. in the Three Nations. The Difficulties, adds he, from the Army, are overcome; the Militia is so settled, that General *Monk* hath the absolute Power of the Army; and the Agitators and Army cannot now stop the Design on Foot. There is no satisfying the People without the King; a Treaty with him will soon be set on Foot. The General, and leading Men in the House, are now settled in a mutual Confidence. The great Thing now is, Whether this House shall continue or dissolve: If they continue, they lose their Reputation, and will not be able to act for a Settlement; if they dissolve, they fear the next Parliament will bring in the King, without Security to Religion and the publick Cause. But, adds he, I apprehend they must dissolve themselves, and set that on Foot, before the sitting of the next Parliament, which will secure the honest Interest: However, they are resolved on that which will upon the Matter settle Presbyterian Government.'

To this Letter Mr. *Douglas* answers, *March* 15. and signifies his Satisfaction that the General supports Presbyterian Government and Ministers. He adds, ' It is best that Presbyterian Government be settled simply; for we know by Experience, that moderate Episcopacy (what can it be other than Bishops with Cautions) is the next Step to Episcopal Tyranny, which will appear very soon above Board if that Ground once be laid. You know the old Saying, *Perpetua dictatura via ad imperium*. Our constant Moderators was a Step to Bishops, and they once entred, soon broke all Caveats.' He adds, He had Thoughts of a Commission to *Crawford* and *Lawderdale* Three Weeks ago, but knows not how a Meeting shall be got to give it, and to add others if necessary.

Mr. Douglas's Letter, *March* 15.

Further

Further, Mr. *Douglas* that same Day writes to Mr. *Sharp* about the Calumnies cast upon them, and says, ‘ The Report of their being for a *Commonwealth* is a mere Forgery: That they professed any settled Government better than *Anarchy*, and submitted to Providence in their present Condition: That it may be they were mistaken for some of their Brethren the *Protesters*, to whom, *says he*, the King’s Return is Matter of Terror, because of their Miscarriages to him. You know, *adds he*, That the Judgment of honest Men here is, for admitting the King upon no other Terms but *Covenant-terms*, wherein Religion, the Liberties of the Nation, and his just Greatness, are best secured; that as to the King he never broke, but at the short Start at *St. Johnstoun*, which was occasioned by the *Remonstrance*; that his Countenance was favourable to the Ministry; and if Mr. *Gillespy* and others were not so cheerfully looked upon by him, it was because of their opposing the *Resolutions* for the Defence of the Kirk and Kingdom against an unjust Invasion. As to his personal Faults, they did not appear to them: That he heard him say, in reference to the settling Presbyterian Government in *England*, that, by Advice of Parliament, and a Synod of Divines, he would endeavour the Uniformity whereunto the *League and Covenant* engages. All this he offers to get attested, if need be, and wishes a Meeting were warranted to authorize Commissioners to act for poor *Scotland*; and does not doubt, but the noble Persons he (Mr. *Sharp*) speaks of, being Prisoners of many Prayers, will be cordial for the Good of the Kirk and Kingdom, and not suffer themselves to be deceived again, by admitting those to Counsels and Actings who have undone all.’

And, *March 17*. Mr. *Dickson*, Mr. *Douglas*, and Mr. *Hutchison*, write a joyned Letter to Mr. *Sharp*, vindicating themselves from being for a Commonwealth; and meddle with no other Parts of the Letter he wrote. The same Day they write a Letter to General *Monk*, encouraging him to go on, and thanking him for his Countenance.

Mr. *Sharp*’s
Letter,
March 13.

March 13. Mr. *Sharp* writes to Mr. *Douglas*, and tells him, ‘ The House have resolved to do nothing in Prejudice of what passed in favour of Religion before the 1648. To what before he had said on the Covenant, *he adds*, That it was ordered to be read in all the Churches, once in the Month, every Year; that they have appointed a Committee for Approbation and Ordination of Ministers; and therein upon the Matter have approved the *Directory* and Form for Church-government; that this Day Dr. *Owen* was outed of his Deanry of *Christ’s Church, Oxon*, and Dr. *Reynolds* put in his Room; that the House had further ordered, that none suffer any more for the Sake of the *Engagement*, and voted it to be utterly void henceforth. By the abovenamed Clause in *Militia Act*, ordering all to declare the Parliament’s Justice in their War against the King, they have guarded against the *Cavaliers*; and, by their adding, that Magistracy and Ministry are Ordinances of God, they guard against *Sectaries* and *Levellers*. Last Sunday, *says he*, I went to Mr. *Calamy*’s Church with our noble Prisoners, where Mrs. *Calamy* and *Taylor* gave publick Thanks for their Liberation. This Day, the Form and Order of the King’s Coronation, with Mr. *Douglas*’s Sermon, and the Speeches made, are printed, and selling at *London*, printed according to the First Edition at *Aberdeen*. *He adds*, The Difficulties about Sitting or not Sitting of this House continue: But sit or not, they will declare for King, Lords and Commons. The Militia is in the Hand of those who are Enemies to a Commonwealth. *He adds*, That Sunday last, the General sent his Coach for Mrs. *Calamy*, *Ash*, and me; and we had a long Conversation with him in private; and convinced him a Commonwealth was impracticable, and to our

‘ Sense beat him off that Sconce he hath hitherto maintained; and came from him
‘ as being satisfied of the Necessity of dissolving this House, and calling a new Par-
‘ liament. We urged much upon him, that the Presbyterian Interest he had e-
‘ spoused, was much concerned in keeping up this House, and settling the Govern-
‘ ment on Terms; but in regard he had so lately declared against the House of
‘ Lords, and continuing of this House, he could not do it so reputably. The
‘ secluded Members, though they could out-vote the *Rump*, yet cannot so
‘ well proceed against the *Rumpers* in this as in another Parliament.’

Upon the 15. of *March*, Mr. *Sharp* writes to Mr. *Douglas*, ‘ That Yesterday
‘ the House passed the Bill for *Approbation* of Ministers, granting this Power to One
‘ and thirty Ministers, all Presbyterian save Three or Four. This, (says he)
‘ in a Church constitute as ours, were not more tolerable than Mr. *Patrick’s*
‘ (*Gillespy’s*) Parchment; but here ’tis looked on as a very advantagious Act. They
‘ have confirmed all Ordinances in favours of Presbyterian Government, extend-
‘ ing them to all Counties in *England*. The House will dissolve on *Saturday* or
‘ *Munday*. The *Commonwealth* Party are now for any Thing but the King’s
‘ coming in; they would set up *Monk*, but he will not be induced to it. The *Cava-*
‘ *lier* Spirit breaks out very high, and is like to overturn all. We scarce see how
‘ a War can be avoided. The General is confident to carry his Point. The Po-
‘ pish Party are at Work, and the Jesuite Provincial *Bradshaw*, who came over from
‘ *Spain* to *Lambert* and *Vane*, with above a Hundred thousand Pounds *Sterl.* is still
‘ here, and very busy.’

Mr. Sharp’s
Letter,
March 15.

March 20. Mr. *Douglas* writes to Mr. *Sharp*, That he had his of the 13th, and
is well pleased that the Parliament’s defensive War is vindicated. He says, Anarchy
and Tyranny, and likewise Contempt of Magistracy, are to be guarded against;
and as Hierarchy hath been the Bane of the Kirk of God, so decrying the Mi-
nisty, and a lawless Liberty, hath poisoned the Kirk with Heresy and Error. He
tells Mr. *Sharp* of a Meeting of the *Protesters* at *Edinburgh* very unfrequent;
but that ’tis said they wrote a Letter to the General in favours of *Waristoun*.

Mr. Dou-
glas’s Let-
ter, March
20.

The same Day Mr. *Douglas* writes a Letter to the Earl of *Crawford*, wherein he
congratulates him on his Liberation, and his firm Adherence through his Suffer-
ings to his Principles, and takes the Freedom to tell him and the Lord *Lawder-*
dale, ‘ That on their Deliverance they will, like wise *Scotsmen* behind the Hand,
‘ be careful not to suffer themselves to be befooled again by fair Prettexts and Pro-
‘ mises, to admit to their Counsels, and publick Employments, Men that never
‘ loved their Master, their Country, themselves, or the Cause they owned and
‘ suffered for; but by their Rigidity, and Precipitancy, and Ambition to set up
‘ themselves and Followers, had ruined King, Kirk and Country; and, if readmit-
‘ ted, will play the same Game over again; *Burnt Bairns dread the Fire*; And
‘ adds, He is not against Compassion to such as deserved the contrary, but would
‘ never trust them with Places. He beseeches them to improve their Enlargement
‘ in a solid Settlement of the Nations, according to our Obligations by the solemn
‘ Oaths of God. And he begs his Lordship and *Lawderdale* may write down to
‘ their Acquaintances in *Scotland*, to avoid Divisions, and leave off their Plotings
‘ for their private Interest, and let all give Way to the publick Interest of Kirk and
‘ State.’ That same Day a common Letter signed by Mrs. *Dickson*, *Douglas*, *Ha-*
milton, *Smith*, and *Hutchison*, is sent to *Crawford*, *Lawderdale* and *Sinclair*, con-
gratulating them on their Liberation.

Mr. Dou-
glas’s Let-
ter to the
Earl of
Crawford.

Mr. *Sharp* writes to Mr. *John Smith*, *March* 17. That Yesterday the Parlia-
ment did dissolve themselves, after they had issued Writs for another Parliament to
meet 25. of *April*. Mr. *Sharp* seeks to be home, and declines coming to be Mi-
nister

Mr. Sharp’s
Letter,
March 17.

nister of *Edinburgh*. He says, Some sudden Rupture of the *Sectarian* Party is feared, and those who are against the King's coming in, seem desperate.

Mr. Doug-
las's Let-
ter, March
22;

March 22. Mr. *Douglas* answers Mr. *Sharp's* last of the 17. and signifies his great Concern in the new Parliament; and wishes that the late Parliament, in a Consistency with their Declarations to the Country, and Promises to the General, could have continued sitting. This he takes to have been the Method that would have brought Matters to the best Issue. And he expects and hopes the General, whose Honour now is engaged, will keep all in Peace till the Parliament sit down. He desires Mr. *Sharp* to stay as long as he can be serviceable to the General, or Lords lately released.

Letters
from Ireland
March 12.

Upon the 12. of *March*, the Lord *Broughill*, Colonel *Georges* Governor of *Ulster*, and Mr. *John Greg*, in Name of the Presbyterian Ministers of *Ulster*, write Letters to Mr. *Douglas*, with a Gentleman Mr. *Kennedy*, whom they send over to reside at *Edinburgh*, desiring a close Correspondence with *Scotland*, and shewing their hearty Concern for settling Religion and Liberty, and Uniformity in the Three Nations, in Concert with General *Monk*; and desiring Mr. *Sharp*, or Mr. *Wood*, or some trusty Friend, to be sent over to *Ireland*, to concert Measures for the Settlement of all those upon righteous and solid Foundations.

Answer to
them.

The 28. of *March*, Mr. *Douglas* and the Ministers of *Edinburgh* write Answers to those Letters, accept of their kind Offer, and signify they have writ to Mr. *Sharp* by his Brother, whom they send up express to *London* to him, as one who is well acquaint with their Affairs, signifying their Desire to him, and intreating Mr. *Sharp*, or his Brother, to come over from *London* to them. How Mr. *Sharp* ordered this Affair at *London*, we shall find from the Detail of the Letters before me.

Mr. Doug-
las's Let-
ter, March
29.

March 29. Mr. *Douglas* writes to Mr. *Sharp* with his Brother, That if the General be jealous of *Ireland*, he needs not acquaint him with their Desire to him to go thither: That they know nothing, but they agree in one Thing; and leaves it to Mr. *Sharp* to take what Course he thinks fittest; and if he find that the Proposal either feed or breed jealousies, the least he can do is, to let my Lord *Broughill* understand that the Affair was communicate to him (Mr. *Sharp*;) and that he excuse himself the best way he can. Mr. *Douglas* signifies, he sends him up the rude Draught of a Paper, which might be fit to be published at the Meeting of the Parliament. This Paper I insert, App. N^o. 3. as the Sense of so great a Man as Mr. *Douglas*, on the present Juncture of Affairs.

Judgment
of some for-
ber-mind-
ed Men on
Govern-
ment.
App. N^o. 3.

Mr. Sharp's
Letter,
March 24

Mr. *Sharp* writes to Mr. *Douglas*, March 24. declining his being called to be Minister of *Edinburgh*, and pressing another may be pitched upon. In his *Post-script* he acquaints him, That *Lawderdale* and he had been dealing to stop the *English* Judges from coming down till the Parliament meet: That the *English* are willing *Scotland* be as free a Nation as they are; but the General is for keeping us in Subjection, till he see how Matters go in the Parliament: That they will essay to delay the Instructions and Commissions to them, as long as may be.

Mr. Doug-
las's Let-
ter, March
31.

March 31. Mr. *Douglas* writes to Mr. *Sharp*, pressing a Meeting in *Scotland*, either of Shires and Burghs, or of a select Committee, for choosing Commissioners to deal in these Matters that concern *Scotland* in general, and to see to the Nation's Interest. He adds, 'He cannot but admire God's Hand, in moving the late Par-
'liament to revive the solemn League and Covenant, which is the only Basis of
'settling these distracted Nations. The League and Covenant, says he, is hated
'by many in *England* and *Scotland*, because it puts a Restraint upon *Malignants*,
'the *Prelatical* Party, the *Phanauxs*, and those who are loose and profane; which
'ought so much the more to increase the Affections of all honest Men to it, as
'the

the only Mean of effecting a religious and righteous Settlement. He tells Mr. Sharp, That there is a great Noise of one *Hardie*, who hath preached before the General in the *Babylonish* Fashion, and vehemently cried up the *English* Hierarchy, and the rest of the *Romish* Relicks that remained in *England* after the first Reformation; which is made use of here (*Edinburgh*) to the General's Disadvantage.

In the *Postscript* to this Letter, Mr. Douglas urgeth further a Warrant for a Meeting at *Edinburgh*, to choose Commissioners to look after the Nation's Interest; and adds, 'There is now a Generation risen up, which have never been acquainted with the Work of Reformation, nor with the just Proceedings of this Nation, and therefore would condemn them, the *Covenant*, and all their honest and loyal Actings, according to the *Covenant* Principles. You will not believe what a Heart-hatred they bear to the *Covenant*, and how they fret that the Parliament should have revived it. What can be expected of such, but the pursuing of the old *Malignant* Design, to the marring and defacing of the Work of Reformation settled here, and well advanced in the neighbouring Nations? I am informed, that those are to have a Meeting here on the 5th of *April*, and have no Purpose to wait upon a Warrant, but go on upon such an Election, as will be dissatisfying to the Sober and Well-affected of the Nation. 'Tis Matter of Admiration, that they are unwilling that *Crawford* and *Lawderdale* (being upon the Place, and having given such Proofs of their honest and loyal Affections) should be employed in Matters of that Concernment: But those worthy Noblemen may be assured, that the Affections of all honest Men are upon them. There are Three Parties here, who have all of them their own Fears in this great Crisis: The *Protesters* fear that the King come in; those abovementioned, that if he come in upon *Covenant Terms*, they be disappointed; and those who love Religion and the Liberty of the Nation, that if he come not in upon the Terms of the *League and Covenant*, his coming in will be disadvantageous to Religion and the Liberty of the Three Nations: Therefore I exhort *Crawford*, *Lawderdale*, and your self, to deal with all Earnestness, that the *League and Covenant* be settled, as the only Basis of the Security and Happiness of these Nations.'

Upon the 27. of *March*, Mr. Sharp writes to Mr. Douglas, desiring to be recalled. He signifies, 'That the Elections are mostly of the Royal Party, which causeth Fear of Mind among the sober Party: That *Warristoun* that Day took Journey for *Scotland*. He excuseth the General's Letter to them, as having some Expressions in it not so favourable, put in by *Gumble*, who is at the Bottom for Episcopacy. He tells Mr. Douglas, That the Printing of his Sermon at King *Charles's* Coronation, at *London*, hath offended the Episcopal Party, which doth not much matter: That the *Declaration* at *Dumfermling*, bearing the King's Acknowledgment of the Bloodshed by his Father's House, is what he knows not how to excuse: That *Lawderdale* and he endeavour to vindicate *Scotland's* treating with the King upon the Terms of the *Covenant*, from the Necessity *England* now find themselves in, of treating with the King upon Terms, before his Return. He adds, Some of the Episcopal Party have sent Messages to me twice or thrice, to give them a Meeting, which I have refused; and upon this I am reported, both here and at *Brussels*, to be a *Scottish* rigid Presbyterian, making it my Work to have it settled here. They sent to desire me to move nothing in prejudice of the Church of *England*, and they would do nothing in prejudice of our Church. I bid tell them, It was not my Employment to move to the prejudice of any Party; and I thought, did they really mind the Peace of those Churches, they would not start such *Propositions*; but all who pretend for

Mr. Sharp's
Letter,
March 27.

‘ civil Settlement, would contribute their Endeavours to restore it, and not meddle
 ‘ unseasonably with those remote Cafes. The Fear of rigid Presbytery is talked
 ‘ much of here by all Parties; but, for my Part, I apprehend no Ground for it; I
 ‘ am afraid that something else is like to take place in the Church than rigid Pres-
 ‘ bytery. This Nation is not fitted to bear that Yoke of Christ; and for Religion,
 ‘ I suspect it is made a stalking Horse still.’

Mr. Dou-
 glas's Let-
 ter, April 3.

April 3. Mr. Douglas answereth Mr. Sharp's last, and signifies, ‘ That if it be
 ‘ not offensive to the Presbyterians at London, he sees no Cause but Mr. Sharp
 ‘ might have met with some of the Prelatick Party. Since Presbyterial Govern-
 ‘ ment, says he, is settled in Scotland, you were not to capitulate with them about
 ‘ that; but it had been worth the Pains, if you could have, by fair Dealing, per-
 ‘ swaded them not to obstruct the settling of the Civil Government, and to leave the
 ‘ Ecclesiastick Government to the Parliament, who, as 'tis to be hoped, being Men
 ‘ of Conscience, will find themselves bound to settle according to the Covenant.
 ‘ You might have shewed them likewise how falsely Presbyterial Government is char-
 ‘ ged with Rigidity, and with how much Meekness and long-suffering Patience it
 ‘ labours and waits for the reclaiming of Delinquents that ly under the Scandal of
 ‘ transgressing known and unquestionable Laws; whereas the lordly Dominion of
 ‘ Prelacy doth rigidly impose Laws on Mens Consciences, about the Observance of
 ‘ Ceremonies, and severely censureth, both Civilly and Ecclesiastically, Men who
 ‘ out of Conscience dare not conform to them: So that the Challenge of Rigidity
 ‘ may be justly retorted on Episcopacy. Those Things you might have calmly
 ‘ debated with them; but herein I would have you do nothing without the Advice
 ‘ and Allowance of Presbyterians, who, being upon the Place, can best judge of the
 ‘ Expediency of such a Meeting.’

In the Postscript to this Letter, Mr. Douglas again urgeth, That Warrants be
 sent down for the choosing Commissioners to appear from Scotland. He says, Glen-
 cairn is much for the Committee spoken of before; and he wonders the General
 can forget Scotland's ready Offers of their Service to and with him, in his first Un-
 dertaking, which he hath often acknowledged: Adds, ‘ I do not like that we
 ‘ should be so often put to make Apologies. Our Faith and Integrity, both to
 ‘ Monarchy and Presbyterial Government, is more to be valued than theirs who
 ‘ call them in question. It will be strange, if the Affections of these People be
 ‘ more enlarged to those great Interests, than ours who have been suffering for
 ‘ them, and were active for them, when none of them durst appear. If they
 ‘ think it be a Fault, that we laboured to have Presbyterial Government establish-
 ‘ ed with them, and were as tender of their Concernments as of our own, they
 ‘ would do well to be plain, and shew us wherein the Fault lieth; for we supposed,
 ‘ that we were engaged thereunto by the League and Covenant: If that Oath, which
 ‘ was so solemnly sworn at the Coronation, be left out of the Form of Coronation,
 ‘ it seems purposedly done, to hide and keep in Oblivion the Care that hath been
 ‘ taken here of their Concernments in England, because they resolve to mind no-
 ‘ thing of our Concernments.’

Mr. Sharp's
 Letter,
 March 31.

Mr. Sharp writes to Mr. Douglas, March 31. ‘ That there is no Fear of any
 ‘ Disturbance from the Army; and, as the General declared at first, so he hath laid
 ‘ Things effectually, that the military Power shall not maintain a separate Interest
 ‘ from the civil: That all People he is among are Englishmen, and incline to keep
 ‘ Scotland at under, and either incorporate, or make us distinct, as they shall find
 ‘ most serviceable to their Interest: That he is of Opinion, the King, both in
 ‘ point of Honour and Interest, will restore us, and make us a distinct Kingdom.
 ‘ No Man questions now the King's being called in; that the real Presbyterians

‘ in

in the City have desired a Meeting with the Earl of *Lawderdale* and Mr. *Sharp*, on *Munday*, to concert Matters against *Sectaries* and *Cavaliers*; which they design to keep.

April 5. Mr. *Sharp* signifies to Mr. *Douglas*, 'That the General was positive that he (Mr. *Sharp*) should not leave him; that a Warrant for sending Commissioners could not be obtained, for Reasons to be communicate to him at *Fidburgh*; that my Lord *Lawderdale*, and the noble Prisoners, are very useful for their Country. In his Postscript he says, *Waristoun* had applied to him, to deal with the General, that he might have his Office, and his Debts paid; but I declined: That his Wife gives it out, that, had it not been for Mr. *Sharp*, the General would have restored him to his Office; but, after the General heard he was gone, he told me (Mr. *Sharp*) That *Waristoun* would have little Use of his Grant of Six hundred Pounds, and, ere Three Months ended, he would not be worth a Groat; that he (the General) would take care, none of the *Remoustrants* should have any Trust in *Scotland*; that the Judges were only sent down for the Fashion, and in a Month or Two there would be a Change; that it was Necessity put him on it, and a little Time would shew, it was not for *Scotland's* Hurt: That, as for sending Commissioners from *Scotland* to the Parliament, it was neither for our Reputation or Advantage; and that, if we be quiet, our Business would be done to our Mind. He adds, That he behoved to stay at *London*; that the General had told him, he would communicate his Mind to him, and none else, as to *Scots* Affairs; and that in Civil Things he might signify his (the General's) Judgment to such whom he could trust. He adds, That, according to their Appointment, they had a Meeting with Ten Presbyterian Ministers, whom they could trust, where *Lawderdale*, they, and he agreed upon the Necessity of bringing in the King upon *Covenant* Terms, and taking off the Prejudices that ly upon some Presbyterians against this. There are Endeavours for an Accommodation between the moderate Episcopalian Party, and the Presbyterians: But, says he, at our Meeting, *Lawderdale* and I obtained of those Ministers, that they should not give a Meeting to the Episcopal Men, till they first met among themselves, and resolved on the Terms they would stick to. The King is acquainted with all Proceedings here, and wants not Information of the Carriage and Affection of *Scotland*. The Parliament will address him, some say, in hard, others upon honourable Terms. I see not full Ground of Hope, that *Covenant* Terms will be rigidly stuck to. The Paper you sent me by my Brother, anent the Settlement of the Government, will be of good Use to me.'

Mr. Sharp's
Letter,
April 5.

By his Letter, *April 7.* he signifies to Mr. *Douglas*, That all further Applications for Commissioners from *Scotland* must sleep; and adds, 'The Lord having opened a fair Door of Hope, we may look for a Settlement upon the Grounds of the *Covenant*, and thereby a Foundation laid for Security against the *Prelatick* and *Phanatick* Assaults; but I am dubious if this shall be the Result of the Agitations now on Foot. The Story of *Hardie's* preaching before the General, in the *Babylonish* Habit, is a mere Forgery. We intend to publish some Letters from the *French* Protestant Ministers, vindicating the King from *Popery*, and giving him a large Character. The *Sectaries* will not be able to do any Thing to prevent the King's coming in: Our honest Presbyterian Brethren are cordial for him. I have been dealing with some of them to send some Testimony of their Affection for him; and Yesternight Five of them promised, within a Week to make a Shift to send a Thousand Pieces of Gold to him. The Episcopal Party are making Applications to the Presbyterians for an Accommodation; but the Presbyterians resolve to stick to their Principles. I saw a Letter this Day under

Mr. Sharp's
Letter,
April 7.

‘ the King’s Hand, exhorting his Friends to Moderation, and Endeavours for
‘ composing Differences amongst his good People. ’

Mr. Sharp’s Letter, April 12. *April 12.* Mr. *Sharp* writes to Mr. *Douglas*, That his Work is not lessened by the Interval of Parliaments; that the General had left it on Mr. *Calamy* and him, to name such as should preach before him; that the *Phanaticks* will essay their worst on *Lambert’s* Escape, but the General is on his guard. ‘ It was resolved, adds he, That in this Juncture, we may speak one by one with any of the Episcopal Party; and I having told them, that some Motions had been made to me of speaking with them, they prayed me not to decline it. To-morrow I have promised to meet with Doctor *Morley* who came from the King. The King is at *Breda*. The Parliament at its first Sitting will, ’tis expected, call him in. Some say the *Settarian* Party have made Application to him, to bring him in without Terms. The *Dutch* have offered to prepare Lodgings, and defray his Charges during the Treaty. The *French* Ambassador presses his going to *France*; but he refuses. ’

Mr. Sharp’s Letter, April 13. *Again* Mr. *Sharp* writes to Mr. *Douglas*, *April 13.* That the Elections are mostly of *Antirepublicans*; that *Lawderdale* and he had been visiting Mr. *Baxter*. The Insolencies of the *Cavaliers* are so great, that the sober Part of that Name emit Declarations against them. He adds, ‘ There is some Talk, that for the more reputable settling of the Church of *England*, a Synod will be called from all the Reformed Churches. All that were upon the Parliament’s Side, are gone into the calling in of the King, and they are now only intent upon Terms. The General will admit of no other Way of Treaty, but by a Parliament. The Council, fearing that the Parliament may bring him in without sufficient Security to such who acted in the War against his Father, are now upon framing Propositions to propose to the Parliament: This is kept secret, but I am promised a Copy when they are agreed unto. I continue in my Opinion, That *Scotland* should make no Applications till the King come in. I have received Letters from Mr. *Bruce* at the *Hague*, and the King is satisfied that *Scotland* keep quiet. I have sent yours, and one from my self, to my Lord *Broghill*. ’

Mr. Douglas’s Letter, April 21. *Mr. Douglas* writes to Mr. *Sharp*, *April 21.* That Commissioners are coming up, against his Mind, and that of others; yet wishes that the General may put Respect on them: That *Glencairn* is following, and wishes there may be a good Correspondence ’twixt him and *Lawderdale*, and therest of the noble Prisoners. He adds, ‘ I am engaged to believe, that he will do any Thing that may be for the Liberty of the Nation, and for our covenanted Interest here, and I have so much from him my self; and my only Desire is, That all who truly mind the Nation’s Interest, may not divide, but concur unanimously without By-ends, and Self-respects. ’

Mr. Sharp’s Letter April 19. *April 19.* Mr. *Sharp* writes to Mr. *Douglas*, ‘ That the Plot of the *Phanaticks* appears to be broke: That a Messenger from *Lambert* going to the King is taken, who was to assure the King, if he will trust to the Army *Lambert* could make, they would bring him in without any Conditions. *Lambert* is sculking, no Body knows where. Most of the Army have yielded to bring in the King upon Terms. If the *Cavalier* Party do not drive him on precipitant Measures, the Parliament will bring him in upon Terms, honourable to himself, and safe to the Nations. Most of the Members of Parliament are thought to be for Moderation. I find they incline not to put him upon justifying the late War. The Business of Religion will be altogether waved in the Treaty, and referred to be settled by a Synod. I have certain Accounts this Day, that one Mr. *Murray* came on *Saturday* to *London* from *Scotland*, and went on *Munday* beyond

‘ yond Sea. He told some Persons here, that he had Letters from the Nobility
‘ in *Scotland* to the King, shewing they were in Readiness to rise for him. This
‘ is a divisive Way, which will prove foolish and destructive to the Nation, if
‘ persisted in. I apprehend the Gentleman hath been sent by *Middleton*, and
‘ hath brought those Stories from some of our sweet Lords.’

To this last, Mr. *Douglas* answereth, *April* 24. and tells him, That Mr. *Murray* came from *Middleton*, and is returned with a general Answer by the Lords: That he believes no Information that comes that Way, will be for their Concern-
ments, and the Bearer can give little Information of the Carriage of honest Peo-
ple in *Scotland*. ‘ But, adds he, if the King be settled, I do not value Mis-

Mr. *Douglas's* Letter, *April* 24.

‘ representations, for then I hope our Religion and civil Interests will be settled,
‘ which will be sufficient to all, who singly mind the Publick. As to what Mr.
‘ *Sharp* had writ, that the King was not to be urged to justify the War made
‘ against his Father, Mr. *Douglas* says, They would do well, when they do not
‘ put him to a direct justifying of it, to provide against his quarrelling the Law-
‘ fulness of it: That he conceives that War will come under an Act of *Oblivi-*
‘ *on*; and that it does not appear convenient to touch much upon the Lawful-
‘ ness of defensive War; and since it is passed, it ought not to be meddled in:
‘ And that whatever hath been in the Prosecution, and Close of it, evil, yet it was
‘ undertaken upon necessary Grounds, for our civil and religious Interests. He
‘ wishes, That instead of a Synod of Foreign Divines, the Bottom of all were
‘ to be the Assembly at *Westminster* their Procedure, and there is little Need of
‘ the Help of Foreigners in that Matter.’

Mr. *Sharp* writes to Mr. *Douglas*, *April* without Date, That all Care is taken a-
gainst Risings: That he gave the *General* a full Account of what he had sent him
from *Ireland*, and he is fully satisfied: That some of the King's Party are for
bringing him in without Terms; but his more sober Friends are against it. The
General will only have him in by a Parliament; and the best Accounts from him-
self bear, That he is desirous to come in upon Terms, and by a Parliament,
whose Addressees he will attend. The Council have gone through the most stick-
ing Parts of the Articles to be laid before the Parliament for a Treaty; that of
an Indemnity, and Sales and Purchases, which the King will agree to. There is
another Rub like to rise from the House of Lords, that some say *Northumber-*
land and *Manchester* design to ingross all Offices to themselves and Dependents,
and to exclude the young Lords from Sitting, till the Treaty be finished. He
adds, ‘ No Notice is taken of *Scotland* in the Treaty; we shall be left to the
‘ King, which is best for us; God save us from Divisions and Self-seeking. I
‘ have acquainted Mr. *Bruce* how it is with you, and what you are doing, and
‘ advised him to guard against *Middleton's* Designs, and those who sent that
‘ *Murray* over to the King. If our Noblemen, or others, fall upon factious
‘ Ways, and grasp after Places, they will cast Reproach upon their Country, and
‘ fall short of their Ends. I fear the Interest of the *Solemn League and Covenant*
‘ shall be neglected; and for Religion, I smell, that moderate *Episcopacy* is the fairest
‘ Accommodation, which moderate Men who wish well to Religion, expect. Let
‘ our Noble Friends know what you think fit.’

Mr. *Sharp's* Letter, *April*.

A Letter from Mr. *Douglas* to Mr. *Sharp*, *April* 26. bears, ‘ That he hopes
‘ the Nation will not suffer by the Commissioners coming up against all Advice.
‘ He fears the King hath but slender Information of the Carriage of the honest
‘ Party in *Scotland*, and their Disposition: That he wisheth the *General* would
‘ permit him (Mr. *Sharp*) to go over and give the King Information, concer-
‘ ning his and our Carriage. He wishes the King may know who were and are
‘ his

Mr. *Douglas's* Letter, *April* 26.

his real Friends. He is content that *Scotland* be not mentioned in the Treaty, providing we have the Liberty of a free Nation, to deal for keeping what we already have both in Church and State. So long as this Party that now acts get their Will, we will never be without Divisions and Animosities. I fear Mr. *Bruce* hath not sufficient Credit for us. If the *solemn League and Covenant* be neglected, it seems to me that the Judgment on these Nations is not at an End. The greatest Security for the King and those Nations, were, to come in upon that Bottom. If it shall be neglected, I fear it shall give too great Advantage to our Ranters here, who are crying it down. If *moderate Episcopacy* shall be the Result of all the Presbyterians Endeavours, it will be a sad Business, for *moderate Episcopacy* is two Steps of the Ladder, to climb up to the highest *Prelacy*: No Caveats will keep them in such a Moderation, but ambitious Spirits will break all Bonds. It is very well known, what Endeavours King *James VI.* had here to get a moderate Episcopacy settled in constant Moderators, with their own Consent to Caveats, to keep them in Subjection to their own Presbyteries and Synods, and to lay down their Places every Year at the Feet of the General Assembly; as appears by the Meeting at *Montrose*, where honest Men did protest against it, and tell the King, They did see constant Moderators stepping up to the Height of *Prelacy*, which fell out in a few Years; they broke all Caveats, and came to that Height of Tyranny, which was compesced with very much ado: And this was the Beginning of all the Stirs in our Nation. You may be assured, that *England* is better acquaint with, and more inclined to Episcopacy, than *Scotland* was at that Time: They need not think that it will stop at *moderate Precedency*, but will take on Pomp, Dignity, and Revenues to uphold it, and all other Supports of the Hierarchy; then it will be too late to aim at another Frame of Government. It appears to me, that God has put this fair Opportunity in their Hand, that they may fall upon the Government of his own Institution, which would prove a strong Defence against Errors, Heresies, and Profanity, that they talk so much of. The Time is so favourable, that it will be their own Fault if they want a settled Government in the Kirk; it is not probable that the King will deny it; it will not ly upon him, but upon the Kingdom, who will neither seek it, nor have it. If the Presbyterians in *England* shall find the Smart of the Want of that Government, it is just with God that it should be so; seeing they reject his Ordinance, and will have a Plant of their own settling, which God never planted. Whatever Kirk-government be settled there, it will have an Influence upon this Kingdom; for the Generality of this new upstart Generation have no Love to Presbyterial Government, but are wearied of that Yoke, feeding themselves with the Fancy of Episcopacy, or moderate Episcopacy. Our Desire is, that Presbyterial Government be settled; if not, we shall be free of any Accession to the Breach of a sworn *Covenant*.

Mr. Sharp's
Letter,
April 28.

April 28. Mr. *Sharp* signifies to Mr. *Douglas*, That the Design of closing with the King now appeareth above Board. Yesterday the young Lords came to the House, who, with those of the Year 1648. made up Thirty six. There will, 'tis thought, be no notice taken of Qualifications in the House of Commons. Both Houses are adjourned till *Tuesday*, when a Message will come from the King.

Mr. Sharp's
Letter,
May 1.

By his next Letter, May 1. Mr. *Sharp* acquaints Mr. *Douglas*, that a Letter was presented to each House, from his Majesty, by Sir *John Greenfield*, the General's Cousin; and refers for other News to the *Diurnal*: That those Three Days the General had been speaking to him to take a Trip to the King at *Breda*, and he knew not how to decline it, and is sorry he cannot stay till he have Mr. *Douglas's* Mind.

Mind. If he thinks fit to send over any Congratulation to the King, or Orders to himself, it may come up in my Lord *Crawford's* Packet.

In his Postscript he adds, 'General *Monk* has been these Ten Days pressing me to go over to the King, to deal that he may write a Letter to Mr. *Calamy*, to be communicated to the Presbyterian Ministers, shewing his Resolution to own the godly sober Party, and to stand for the true Protestant Religion, in the Power of it; adding withal, That it will be fit you were there, were it but to acquaint the King with the Passages of my Undertaking, known to Mr. *Douglas* and you, and to tell him of Matters in *Scotland*. He spoke to me Three several Times this last Week, and now I am resolved to go, I hope, to do some Service to the honest Party here, and indeed to ours at Home. If you think fit to write to the King, the sooner the better. I have spoken to *Glencairn*, and shewed him what you wrote to me about him.'

May 4. Mr. *Sharp* writes from *London* to Mr. *Douglas*, That he could not get off to *Breda* to this Day. 'The Presbyterian Ministers of the City,' after several Meetings, have resolved to send over next Week some Ministers from the City, *Oxford* and *Cambridge*, to congratulate the King: And I am desired to acquaint the King with their Purpose, and dispose for their Reception; or, if it be possible, that he would write to both Houses by way of Prevention, that they would secure Religion in reference to some Points. Some Particulars of Secrecy the General hath recommended to me, and given Orders to transport me in a Frigate. I have got a large Letter to the King, and another to his prime Minister. Providence hath ordered it well, that my going carries the Face of some Concernment in reference to *England*; but I shall have hereby the better Access and Opportunity to speak what the Lord shall direct as to our Matters, and give a true Information of the Carriage of Business. I think, I need not stay above Ten Days. It will be best to address the King by a Letter. Presbyterians here are few, and all are *Englishmen*, and these will not endure us to do any Thing that may carry a Resemblance in pressing Uniformity: For my Part, I shall not be accessory to any Thing prejudicial to the Presbyterian Government; but to appear for it in any other way than is within my Sphere, is inconvenient, and may do Harm, and not Good.'

Mr. *Robert Douglas* writes to Mr. *Sharp*, May 8. That he durst not write of his going to *Holland*, till his last, of *April* 26. and observes now, That his Motion and the General's came together. He adds, 'I perceive by all that you write, that no Respect will be had to the Covenant in this great Transaction, which if neglected altogether, it fears me that the Lord will be highly provoked to Wrath. It will be the Presbyterians Fault, if they get not as much settled, at least, as was agreed on by the Synod of Divines, and ratified by Parliament; for I perceive that the King will be most condescending to the Desires offered by the Parliament; but I leave that. However our Desires may be for Uniformity in Doctrine, Worship, Discipline and Government; if they will not press it themselves, we are free. Your great Errand will be for this Kirk. I am confident the King will not wrong our Liberties, whereunto he himself is engaged. He needs not declare any Liberty to tender Consciences here, because the Generality of the People, and whole Ministry have embraced the established Religion by Law, with his Majesty's Consent. It is known, that in all the Times of the prevailing of the late Party in *England*, none here petitioned for Toleration, except some inconsiderable naughty Men. Whatever Indulgence the King intends to Persons who have failed under the late Revolutions, yet he would be careful to do it so as they shall be in no Capacity to trouble the Peace of the Land,

Mr. *Sharp's*
Letter,
May 4.

Mr. *Douglas's* Letter,
May 8.

‘ as formerly they did. I doubt not but you’ll inform the King of the Circumstances and Condition of our Kirk: It is left wholly upon you to do what you can for the Benefit of this poor distracted Kirk, that the King’s Coming may be refreshful to the honest Party here; since no Directions from us can well reach you before you come back to London. Receive the inclosed to his Majesty, a true Copy of it for your self. ’

Ministers
Letters
to the
King,
March 8:
App. No.
4.
Instructions
to Mr.
Sharp at
Breda,
App. No. 5.

The Letter of this Day’s Date, to the King, signed by Mrs. Douglas, Dickson, Hamilton, Smith, Hutchison, I have insert, App. No. 4. and shall make no large Abbreviate of it. They put him in mind of his Covenant, and expect Protection in their Establishment, and that he will settle God’s House in all his Dominions, according to God’s Word. In short, it differs not far from Mr. Guthrie’s Address, for which he was seized August 23. as we shall hear. With this Letter they send Instructions to Mr. Sharp, which I likewise have annexed, App. No. 5:

Letter,
from Ire-
land, with
an Answer,
May 8.

I shall scarce break the Thread of this Account, by taking notice that, May 8. Mr. Douglas answers a Letter dated April --- from the Governor of Ulster, wherein is signified the Governor’s Joy to hear of the Unanimity in Scotland on Covenant Principles; that he hopes the prevailing Party in Ireland will carry on their Work of Reformation: That the Army is right, as appears by their Declaration inclosed: That they are in great Fears, some about the King may perswade him to come in otherwise than upon the Call of his People in Parliament upon a Covenant Account. To this Mr. Douglas, in Return, acquaints the Governor, how refreshing his was; regrets so few mind the main Business of Reformation; hopes that God will appear for his own Interests, and is perswaded, that if the Parliament mind the Business of Religion, the King will accord to their Proposals.

Ministers
Letter
to Earl of
Roths
when go-
ing to Bre-
da, May 10.

As soon as the Ministers of Edinburgh were acquainted with the Earl of Roth’s his going over to Breda, May 10. Mr. Douglas and Mr. Hutchison write a Letter to him, signifying, They are glad his Lordship is repairing to the King, and that he will have Opportunity to give an Account of the true State of Affairs during the late Revolutions. They beg he may lay out himself for the Good of the Church, that she may enjoy all her Liberties established by Law. That he knows the constant Adherence of the Body of Ministers to the King during the late Revolutions, and how cordial they have been in the late Change: That he knows likewise, how much the People adhere to the Establishment of the Church, so that there is no Pretext for an Indulgence to such as shall recede from it, but many Inconveniencies would ensue upon the granting it. Those Things they beg his Lordship may lay before the King, that he may not hearken to any Advice to their Prejudice, though they hope there is none such.

Their Let-
ter to the
King, May
10.
App. No. 6:

Likewise they send over a Letter with the Earl to the King, the Purport of which is, to congratulate his Majesty, and to express their Thoughts of the gracious Message he had sent to the Parliament of England; as the Reader will see from the Letter it self, App. No. 6.

Letter to
the Earl of
Crawford
and Law-
derdale,
May 10.

That same Day, May 10. Mrs. Douglas and Hutchison write to the Earl of Crawford and Lawderdale at London, and signify how satisfying it is to them to understand that their Lordships endeavour to keep an entire Union, and good Understanding among us in this Kingdom. They recommend the Earl of Selkirk, as very much for this. They add, ‘ There is another Particular we are necessitate to trouble your Lordships about, concerning the Worship of God in the King’s Family, when it shall please the Lord to bring him to England. We are sensible how he hath been necessitate to make Use of the Service-book. A-

‘ broad,

‘ broad, which if it should be set up at his Return, your Lordships know what
 ‘ may be the Consequences. We judge it will trouble many of this Kingdom,
 ‘ who will account it their Duty to be about his Majesty, and yet are engaged
 ‘ against that Way of Worship: It will give a great Dash to the Hopes of many
 ‘ in that Kingdom, whose Judgments are against it, and yield Advantage to ma-
 ‘ ny who malign this happy Change; and probably upon that Practice it may
 ‘ be again generally set up in that Kingdom, and so may prejudge all future
 ‘ Settlement of Religion. In this Exigent, we could find out no better Expe-
 ‘ dient, than to recommend this Particular to your Lordships Wisdom and
 ‘ Prudence; that if you think fit, by dealing with his Majesty himself, with fit
 ‘ Persons in both Houses, and with honest Ministers, this may be prevented,
 ‘ and some appointed to attend his Majesty, for performing Family-worship till
 ‘ there be a Settlement. And it is our humble Opinion, that (abstracting from
 ‘ our Judgment of the Thing it self) his Majesty’s Forbearance, till there be a
 ‘ Settlement, is the most safe Course. Since the Episcopal Divines themselves
 ‘ have many of them forborn it in *England* these Years bypast, we can see no
 ‘ Prejudice following upon his Majesty’s keeping his Way which he observed in *Scot-*
 ‘ *land*, till there be some Establishment in Matters of Religion, to a more general
 ‘ Satisfaction. We shall no further trouble your Lordships at this Time, but to
 ‘ request that whatever his Majesty hath been pleased to declare concerning *Eng-*
 ‘ *land*, yet Care may be had, that no Liberty may be granted in this Church to
 ‘ overturn the established Religion, wherein there is so general and harmonious
 ‘ Agreement among us. ’

The same Persons, that same Day, write to Mr. *Sharp*, signifying, ‘ That be-
 ‘ side the former Instructions they sent him by way of *London*, he may re-
 ‘ member the great Inconvenience that will ensue upon the King’s using the *Ser-*
 ‘ *vice-book* when he returns, and use all fit Means to prevent it; and mind to
 ‘ inform the King, that no such Concession is necessary to *Scotland*, as he hath
 ‘ given in his Declaration as to *England*. ’

May 12. The abovementioned Ministers of *Edinburgh*, write a Letter to Mrs. *Ca-*
lamy, *Ash*, and *Manton*, which, because of its Importance, is referred to frequent-
 ly afterward, and added, App. No. 7.

May 22. Mr. *Douglas* writes to Mr. *Robert Alison* of *Newcastle*, Member of
 Parliament, in Return to one he had received from him, in which he appears to
 have pressed Mr. *Douglas* to undertake a *London* Journey at this Juncture. After
 Mr. *Douglas* hath expressed his Satisfaction with this great Turn of Affairs, and
 shewed how solicitous all honest Men are for the Settlement of the Church of
England; he adds, ‘ These worthy Men who revived the *League and Covenant*,
 ‘ gave great Encouragement to all Lovers of Religion, and of lawful Authority. I
 ‘ am not without Hopes there are many worthy Patriots with you, who may be
 ‘ able to perswade the Parliament, of the Inexpediency, to say no more, of re-
 ‘ turning to Prelacy and the *Service-book*. I apprehend that indeed you do
 ‘ rightly take up the Case, that if your selves do accord to a Settlement of Pres-
 ‘ bytery, and the *Directory*, the King will willingly grant it. I trust, the LORD who
 ‘ hath done so great Things for us, and particularly *England*, in this Revolution,
 ‘ will not so far leave them, as they shall forget the *Covenant*, and what in pur-
 ‘ suance thereof hath been done by the Assembly and Parliament, and neglect
 ‘ such an Opportunity, whereof they never had the like; and it is to be doubted
 ‘ if ever the like return. I am unclear as to the Expediency of my coming up at
 ‘ this Time. I have frequently spoken and written to the Lord General, and
 ‘ doubt not of his Willingness to concur with honest Men; and have written

Their Let-
 ter to *Lon-*
don Mini-
 sters.

App. No.
 7.

Mr. *Dou-*
glas’s Let-
 ter to *Ali-*
son, May
 22.

lately to the Ministers of *London*; and you have Mr. *Sharp* with you at *London* ready to joyn. Much will ly in the Parliament's own Inclinations, and they have the Prayers of all honest Men, that they may be directed to settle that Government, which we by Experience have found the most effectual Mean for restraining Error, and suppressing Profanity. And I judge the Activity of honest Men should be exerted to deal with Members, and if Need be, I shall write again to the General, if Mr. *Sharp* shall advise it.'

Mr. Douglas's Letter, May 22.

Mr. *Douglas* writes the same Day, May 22. to Mr. *Sharp*, signifying what they had done since his Departure, contained in the above Letters sent with the Earl of *Rothes*. He doubts not but Mr. *Sharp* hath managed his being with his Majesty, for the Interests of Christ; and wishes he may be helpful to the Ministers of *London*, with all Caution and Wariness, that, adds he, 'your doing for them tend not to the undoing of our selves. We are very hopeful that his Majesty will be mindful of us, and will be loth to entertain Suggestions to the Prejudice of the established Doctrine, Worship, Discipline, and Government of this Church: And if the Violence of some press an Alteration, we are confident he will graciously repress that Insolence, and vouchsafe us the Enjoyment of the Liberties and Privileges of this Kirk, ratified by the Laws of this Kingdom; which we have stood for, against the Opposition of those who plied the usurping Powers for the Overthrow thereof, by the plausible Argument of their Compliance with them against Monarchy, whereunto they affirmed we adhered, as indeed we did. We hope, his Majesty will be in Case to distinguish 'twixt these, who, for their own Interest, have struck in with all Changes, and those who were fixed in their Principles for lawful Government.'

Mr. Douglas's Sentiments as to Mr. Sharp his being corrupted at Breda.

It is high Time now to return to Mr. *Sharp* at *Breda*, where Mr. *Douglas*, in his Account of the Introduction of Prelacy, is of Opinion he was corrupted. Perhaps the Reader may be pleased to have what Mr. *Douglas* says there, in his own Words, and they are as follow. I profess, I did not suspect Mr. *Sharp*, in reference to Prelacy, more than I did my self, no more than the Apostles did Judas before his Treachery was discovered: I did not suspect him for that, more than I did suspect him for taking the Tender, after he came out of the Tower so long before us. But since I find that has been his Trickling; and when he went over to Holland, he had a Letter from a prime Nobleman to the King, signifying that he was Episcopal in his Judgment. This was revealed to me after he was made a Bishop. The first Thing that gave me a Dislike at him was, when he was in Holland he wrote some in Commendation of Hyde, an Enemy to our Nation and Presbyterial Government. I durst not as yet believe my self in this, having no more save his Commendation of Hyde: But it appeared afterwards, that in Holland he was a great Enemy to the Presbyterian Interest; and when we wrote a favourable Letter for the Earl of *Rothes*, and with him a Letter to the King, he dissuaded the Earl from delivering the Letter. When at *London*, he was enraged that we had written to the Ministers of *London*. He dealt also treacherously with the Brethren who came from Ireland, in dissuading their Addresses to the King. When he came to Scotland, he dealt earnestly against all Addresses made to the Parliament against Prelacy. He dealt treacherously with the King, making him believe, that there were no considerable Persons against Prelacy; but would have perswaded the King, that all our Lives were in his Hand, and he might do what he pleased; and the Man never rested, till he was brought himself to a Chair. This Passage I thought proper here to insert from Mr. *Douglas*'s own original Copy now before me, both to shew the Hypocrisie, in what of Mr. *Sharp*'s Actings we have seen, if his treacherous Design was a forming all this While, as we may suspect from his taking the Tender; and to evince it

it fully, as well as lay open some Springs of what he says and does in the following Letters.

Mr. *Sharp's* only Letter from *Breda* to Mr. *Douglas*, in this Collection, is dated *May 11.* where, after he hath given him an Account of his Voyage, and that on the 8th at Night he got to *Breda*, where he was led to the Court by *Alexander Bruce*, where the Marquis of *Ormond* introduced him to the King, to whom he delivered his Letters, and next Morning at 9. had an Hour and an Half with the King alone in his Bed-chamber. In the Evening, the King took him to walk in the Garden, near an Hour. ' He adds, He found the King's Memory perfectly fresh as to all Things in *Scotland*; that he asked by Name, how it was with Mr. *Douglas*, Mr. *Dickson*, Mr. *Hamilton*, Mr. *Hutchison*, and Mr. *Wood*; and having asked how Mr. *Smith* was, he said laughing, Is his broad Sword to * the fore? I answered, I knew it was taken from him, when he was made a Prisoner, but his Majesty might be perswaded Mr. *Smith* would be provided of one when his Service required it. The King said, He was sure of that, and of the Affections of all honest Men, to whom he bid me remember him. He further asked how Mr. *Bailie* was, and said, He heard Mr. *Law*, and Mr. *Knox* of *Kelsø* was dead, adding, That both he and the Kingdom had a Loss by their Removal. The King, adds Mr. *Sharp*, surpasseth all ever I heard or expected of him. I gave him an Account of my Management at *London*, and congratulate his Majesty in your Name, which he took very kindly. The States are to congratulate him, and it is happy he is acknowledged by so great a Protestant State: He is little obliged to *France* and *Spain*.

Mr. *Sharp's*
Letter
from *Breda*,
May 11.

* i. e. Has
he his
broad
Sword still?

May 26. Mr. *Sharp* writes from *London* to Mr. *Douglas*, That he is returned to that Place that Day; that he came in one of the King's Frigats with the *London* Ministers: He gives the Particulars of the King's landing, General *Monk's* meeting him at *Dover*, and the Parliament's congratulatory Letter, and their Desire he may come to the City by Water. He adds, ' I find the sober Presbyterian Party have no Reserve but in his Majesty's Clemency, of which they have no Cause to doubt; that he received all their Letters since the 3. at *London*, and would take the first Opportunity to present their Letter to the King; had it come to him in *Holland*, he would have presented it there, where he had Opportunities to have spoken to the full as to the Matter of it. I find the King very affectionate to *Scotland*, and resolved not to wrong the settled Government of our Church. For settling Religion here, I apprehend they are mistaken who go about to settle the Presbyterian Government. '

Mr. *Sharp's*
Letter,
London,
May 26.

Mr. *Douglas*, by his Letter *May 29.* acquaints Mr. *Sharp*, That many of all Sorts are thronging to *London*. ' I trust, adds he, the King will not fall upon Scots Affairs, but remit them to the ordinary Way agreeable to the Laws of the Land. I suspect Counsel may be given to do that which may dissatisfie many, for there are many who seek their own private Good; but I am not afraid his Majesty will give way to what may be prejudicial to the Nation. *Cassils*, and Mr. *James Dalrymple* of *Stair*, are coming up; the first is beyond all Exception. The Protesters think to obtain somewhat by their Means, but I believe the King will not meddle with that which concerns the Kirk's Interest, but refer all to a General Assembly, which he must call for taking away those Differences. You know the publick Resolutions are for the King's Interest, and we have nothing standing as a Testimony of our Loyalty to Magistracy, but those Actings by the Commission of the Kirk, and General Assembly, in defence of our lawful Magistrate, against the Attempts made upon the Government. Those have been the Ground of our Sufferings, from the Day of his Majesty's

Mr. *Douglas's* Letter,
May 29.

De-

Departure, to that of his Return. Before his Majesty do any Thing, he will let us have a favourable Hearing. We intend nothing against Mens Persons, only we desire our Proceedings may be seen to the World, and that our Integrity and Respect to lawful Magistracy may appear. It will be grievous to all honest Men here, if *England* miss this Occasion of settling Religion and Government. Whatever may be pretended for us, and the securing of our Government, it cannot be thought but *England's* Condition in Ecclesiastick Matters will have a great Influence upon this Nation, at least, the troubling our Peace. We have great Hopes his Majesty will grant in Matters of Religion, what his Parliament desires. The Strain of too many *Protesters* in their Preachings is, that we are in hazard of Episcopacy, and a *Service-book*, and press private Meetings as necessary to uphold the Power of Godliness. It is looked on strangely here, that there is never so much as an Advertisement from our Brethren in *England*, concerning the Estate of their Kirk, or any Desire to us to deal for the Good of it; not that we have Thoughts to go without our own Line, to meddle with the Affairs of another Kirk, though we might plead some more Interest in them than any other, by virtue of our *solemn League and Covenant*: If they prudently foresee, our doing any Thing in their Business might relish ill, and resolve to do for themselves. If the Lord shall keep them from the *Service-book*, and *Prelacy*, and settle Religion among them, according to the *solemn League and Covenant*, we have all we desire, and shall look on it as a gracious Return to our Prayers on their behalf.

Mr. Sharp's
Letter,
May 29.

May 29. Mr. Sharp writes to Mr. Douglas, and gives him a large Account of his going to *Breda*. He says, 'General Monk's Design in my going was, That I might give his Majesty an Account of all the Passages of his Undertaking, from his coming from *Scotland* to the Parliament's owning the King; that I might acquaint him how necessary it was to follow Moderation in his After-management; and to move the King to write to some of the City Ministers, by them to be communicate to all Presbyterians, intimating his Majesty's Design to suppress Profanity, and countenance Religion with Power. I insisted on several Things in yours to me, and was the first Minister of the Three Kingdoms, who avowedly addressed the King. I made my Address in Name of the Ministry of the Church of *Scotland*. I was most kindly entertained, and the King hath a great Affection for our Country and Kirk. After I had been several Times with his Majesty, and he naming a particular Time to me to wait on him for his Dispatches to *England*, and Letter to the City Ministers, I began to speak about *Scotland*, when he told me, He would reserve a full Communing about that till his coming to *England*. I found his Majesty most willing to restore our Kingdom to its ancient Privileges, and preserve the settled Government of our Church, in both which, I was bold expressly to move, and had a very gracious satisfying Answer. The *English* Ministers were much satisfied with the King's receiving of them. I kept much Company with the Ministers that came over, and returned to *England* with them; and by Conversation I can make a probable Conjecture of the Tendency of Matters as to Religion in *England*. I have much to say on this Head, which I cannot write at present; I shall only say this, That for me to press Uniformity for Discipline and Government upon the King and others, I find would be a most disgustful Employment, and successless: For though the King could be induced to be for it, it were not in his Power to effectuate it, the Two Houses of Parliament, and Body of this Nation being against it: And if I may speak what I know, and can demonstrate to you, 'tis already past remedying. I know very few or none who desire it, much less appear for

for it. And whoever do report to you, or believe that there is a considerable Party in *England*, who have a Mind for a *Covenant-uniformity*, they are mistaken; and as you say in yours, *May 8.* if they will not press, we are free. I see no Obligation by *Covenant* to impose that upon them which they care not for. If you knew what I know, I am persuaded you would not be very urgent upon that Point. For my Part, I shall have no Occasion to what may cross that Uniformity, but I have no Freedom to an Employment which can have no other Effect but the heightning an Odium upon our Church, which is obnoxious already to many upon such an Account, though I know causelessly. I have heard of your Letter to Mr. *Ash*, who only has seen it, and Mr. *Calamy* and *Manton*. The Rumour goes in the City, I know not if Occasion be taken by that Letter, that the Ministers of *Scotland* have declared their Dissatisfaction that the King is brought in but upon the Terms of the *Covenant*. I am afraid that such Rumours are at this Time studiously raised, and I see more and more the Need of using Caution with those here who have had large Experience of *Anglorum*, &c. And I have Cause to think, that we shall have a Discovery of it, as much now as ever. I shall present your Letter to his Majesty, as soon as the Throng upon his coming to *Whitehall* is a little over.

June 2. Mr. *Sharp* writes to Mr. *Douglas*. 'Upon *Thursday* Night the King called me into his Closet, where I presented yours of the 8 of *May* to him. Having read some of it, and looked on the Subscriptions, he told me he was glad to see a Letter from your Hands; and it being late, and being to go to the House to Morrow, he would afterwards consider it, and send a Return, and deferred me to come to him Two or Three Days after, when the Throng was over. I had yours of the 10. of *May*, with that to the King, which is not yet delivered by the Earl of *Rothes*. I shall look on the Earl of *Selkirk* and Lord *Lorn*, as noble Patriots, well affected to the Interest of Religion. I shall never espouse the Interest of any Person or Party; 'tis our common Interest to keep an equal Way with all who mind the Good of Kirk and Country: And my Endeavour is to prevent Animosities, and to beget and keep Harmony. Cementing and piecing will be our Mercy, and dividing more our Reproach than we are aware of. The King hath allowed the Noblemen who are here, to meet and consult what is proper to be offered for the Good of the Nation; they meet on *Munday*: It is in his Heart to restore us to our Liberties and Privileges if our Folly do not mar it. Yesterday the King went to the House of Peers, passed some Bills, and emitted a Proclamation against *Profaneness*. There is a Day of Thanksgiving appointed in *England*: I wish we may give some publick Testimony of our Sense of the Mercy of the King's Return in *Scotland*. In the House of Peers, upon a Motion made, that the Form of Prayer appointed in the *Liturgy* to be used in that House, be practised, 'tis done. The *Service-book* is not yet set up by both Houses, but they will probably soon do it in all Churches. I shall next Week send a Copy of the Letter of the City Ministers to the King in *Holland*. They resent his Father's Murder, but not one Word of the *Director* or *Confession of Faith*. I gave a Hint by the *Tuesday's* Post, how it concerned us to use Caution, in offering to any here what may seem to be meddling or imposing; and I am every Day more and more confirmed, that it will be a Prejudice upon us, both in our Religious and Civil Rights. I was at a Meeting Yesterday at *Sion College*, with about Sixty Ministers, where it was very solemnly debated, Whether they should petition his Majesty and the Two Houses, that the Exercise of Religion by the Ordinance of *Lords* and *Commons*, according to the *Confession of Faith*, and *Directory* for Worship, and Form of Church-go-

Mr. Sharp's
Letter,
June 2.

' verment might be continued, until the Parliament shall provide otherwise. This,
 ' after long Debate, was referred to a Committee, to be considered of against next
 ' Week. There is a Conference on *Munday*, to be betwixt Six Presbyterians and
 ' Six moderate (as they call them) Episcopals; but I resolve not to be at it. From
 ' any Observation I can make, I find the Presbyterian Cause wholly given up and
 ' lost. The influencing Men of the Presbyterian Judgment are content with Epif-
 ' copacy of Bishop *Usher's* Model, and a *Liturgy* somewhat corrected, with the
 ' Ceremonies of *Surplice, Cross in Baptism, Kneeling at the Communion*, if they be
 ' not imposed by a Canon, *sub poena aut culpa*. And for the Assembly's *Confession*,
 ' I am afraid they will yield it to be set to the Door; and that the *Articles* of the
 ' Church of *England*, with some Amendments, take Place. The moderate Epif-
 ' copalians and Presbyterians fear, that either the high Episcopal Men be upper-
 ' most, or that the *Erastians* carry it from both. As for those they call *rigid*
 ' *Presbyterians*, there are but few of them, and these only to be found in the Pro-
 ' vince of *London*, and *Lancashire*, who will be inconsiderable to the rest of the Na-
 ' tion. A knowing Minister told me this Day, That if a Synod should be called by
 ' the Plurality of Incumbents, they would infallibly carry Episcopacy. There are
 ' many nominal, few real Presbyterians. The *Cassock* Men do swarm here; and
 ' such who seemed before to be for Presbytery, would be content of a moderate
 ' Episcopacy. We must leave this in the Lord's Hand, who may be pleased to pre-
 ' serve to us what he hath wrought for us. I see not what Use I can be any longer
 ' here; I wish my Neck were out of the Collar. Some of our Country-men go to
 ' the *Common Prayer*. All Matters are devolved into the Hand of the King, in
 ' whose Power 'tis to do absolutely what he pleases in Church and State. His Heart
 ' is in his Hand, upon whom are our Eyes.'

Another
 from Mr.
 Sharp,
 June 2.

In another, dated likewise *June 2*. Mr. *Sharp* acquaints Mr. *Douglas*, That he
 had received his Note of *May 26*. ' As to your coming up, when I was with the
 ' King on *Thursday* Night, I moved, upon some Considerations, his Majesty might
 ' write for you. He answered, *Pray you, let it be done*; and calling upon *Law-*
 ' *derdale*, ordered him to draw a Letter for him to sign, that you might come
 ' up to him speedily. This Letter *Lawderdale* promised to have ready this Night,
 ' but it will be *Munday* ere he get it done. The Rumour is here, that there are
 ' several Ministers coming as Commissioners from *Scotland* and *Ireland*: I know
 ' not who hath given Occasion to it, but I apprehend it will not be seasonable at
 ' this Time; we would wait a little, till we see how Matters frame. I am confi-
 ' dent, if Ministers come here at this Juncture, they will be discountenanced, and
 ' give Suspicion of driving a disobliging Design. I find our Presbyterian Friends
 ' quite taken off their Feet; and what they talk of us, and our Help, is merely
 ' for their own Ends. They stick not to say, That, had it not been for the Vele-
 ' mency of the *Scots*, Mrs. *Henderson, Gillespy, &c.* set *Forms* had been conti-
 ' nued; and they were never against them. The King and *Grandeess*, are wholly
 ' for Episcopacy; the Episcopal Men are very high. I beseech you, Sir, decline
 ' not to come up. It will be necessary you come and speak with his Majesty, for
 ' preventing of Ill, and keeping our Noblemen here right. Your coming will
 ' certainly do much Good; and tho' I know the Temper of the Brethren, yet I
 ' see not what their coming will signify at this Time, and am apt to think they
 ' will not get Content. I have no Design in this; I speak my Heart to you, that
 ' you may do more alone for the Good of Kirk and Country, than they all. Few
 ' or no *Scotsmen* will be about the King in Places of Significancy. *Lawderdale* is
 ' of the Bed-chamber; he promises to keep *Roths* with himself. The Parlia-
 ' ment, when it meets, will make all void since 1639. and so the King will be
 ' made

made King (*that is*, absolute there as here) and dispose of Places and Offices as he pleases.

Mr. Douglas and Mr. Smith write a Return to those Two last of Mr. Sharp's, Mr. Douglas's Return to the Two former, June: June, without the Date. 'That they are refreshed with his Majesty's safe Arrival. As to that Part of your Letter about *Uniformity*, we thought fit, *say they*, to give you this Return of our Thoughts. 1. It is not our Opinion to impose any Thing upon his Majesty; yet humbly to represent to him, that he and the Parliament may settle Religion there according to the Terms of the *Covenant*, we think it no Crime, yea, we count it a Duty for our own Exoneration, though it should not prove successful: And if it be held a Crime to make known to his Majesty so innocent a Desire, it may be feared, that the keeping of it here may come under the same Account. 2. We cannot be induced to believe that it were unfeasible if his Majesty would be pleased to intimate his Royal Inclinations thereunto; but we conceive it would find Acceptance, when we remember, that the Reviving of the *League and Covenant* by the Ordinance, after the restoring the secluded Members, was acceptable and refreshing. 3. The Question is not, Whether there be many or few for it? but, Whether it be our Duty, whereto we are obliged by the *Oath of God*, in such an Opportunity, when Settlement of Religion is intended, humbly to desire, that it may be done according to the Terms of the *Covenant*? And though, if they slight the Matter, we cannot impose it upon them, yet, for our own Exoneration before God and Men, we are obliged to desire it. 4. We cannot but be affected with Grief to consider, that it should heighten an *Odium* upon our Kirk, to desire that Ministers may carefully endeavour, by their humble Addresses to his Majesty and Parliament, to prevent the Reintroduction of those once rejected Reliques, *Episcopacy* and the *Liturgy*, which have bred so much Trouble and Persecution to the faithful Ministers and Professors of the Gospel there, and have had such a bad Influence upon this Kirk. 5. Our Letter to some Brethren there, is so innocent, that we are not afraid of the Judgment of sober Men, though it were printed; and for any Misrepresentation that hath been raised, whether upon it, or otherwise, it is a mere Calumny: For we were, and are, and could not but be well satisfied with his Majesty's Restitution to his Kingdoms, for which we so heartily prayed, and so seriously longed. Nor can it be interpreted Dissatisfaction with his Majesty's Restitution, that, when he is restored, we humbly represent to his Majesty our Desires for settling of Religion according to the Terms of the *Covenant*. There is just Ground of Suspicion, that such Reports are raised by some of our own Countrymen there, who are Enemies to the Reformation established, and labour the abolishing of the *Covenant* of the Three Nations. Dear Brother, we have writ these Things to you, for your Information, and Encouragement against those discouraging Rencounters you meet with, in this Juncture, from Men that are either downright Enemies to the Reformation of Religion, or are but Friends of Gallio's Temper. Yours of the 2. of June holds forth, that there is a great Defection there, from the Grounds of the *League and Covenant*; which continued in, cannot but highly provoke the Lord.'

By this plain and full Letter of Mr. Douglas and Mr. Smith, we may see how Remarkably they deal with Mr. Sharp, how fixed they stand to the Principles and Profession of the Church of Scotland; and the Reader cannot but regret, that they had such a Person to correspond with, as this Betrayer of the Church of Scotland. Whether Mr. Douglas's Jealousies of him by this Time were fully formed, I know not; but a great deal of Plainness is used with him; and, had he followed those Instructions and Principles laid down in this Letter, and formerly, I doubt not but much

much more might have been done for the Work of Reformation at this Time. However, these worthy Persons did lay the Matter candidly before him, whom they had unhappily confided in as their Commissioner; and what could they do more in the present Circumstances? Other Letters were sent, much to the same Purpose.

Accordingly, *June 7.* Mrs. *Dickson, Douglas, Hamilton, Smith, and Hutchison*, send a joynt Letter to Mr. *Sharp*, in which they say, 'That, upon the Occasion of the late wonderful and comfortable Revolution, we held it our Duty, upon the account of our *solemn Engagement to God*, and our brotherly Affection, and our Respect to the Quiet of the established Interests of this Church, to express the Thoughts of our Heart to some of the reverend Ministers of *London*, for our Exoneration, resolving to intermeddle no further in the Affairs of others, save to express our humble Opinion. But having learned by your last, of your being present at the Meeting in *Ston College*, and other Conferences of our reverend Brethren; as we do thankfully acknowledge the Respects hereby put upon you, so we have appointed, that your being at these Consultations may, through the Lord's Blessing, not prove unprofitable for the Good of the common Interest of Religion, which, we know, is most dear to all honest Men: And therefore we hope and desire, that (as you have Opportunity to express your Judgment before these reverend and worthy Men) you will not omit to acquaint them, how much it lieth on the Hearts of all good Men here, that God may lead them forth to a right Improvement of this Opportunity, after which many, who now sleep in the Lord, did so much thirst and long. We suppose it is not a desperate Work, humbly to deal with his Majesty (who is so excellent and moderate a Prince) for the preventing of *Episcopacy* and the *Liturgy*, which by Experience they have found so bitter and prejudicial to themselves and many others in *England*, and which, if they once be established, may very speedily revive the Complaints of godly Men. And we hope, that the great Pains of the learned *Assembly of Divines* (so heartily and unanimously approved in this Church, and so much owned in *England*) will not be so easily lost; but that godly honest Men will endeavour what they can to have those good Beginnings entertained, and yet further advanced, as Need requires. The Condition of the Times does necessitate us again to apologize for what we thus write unto you; if we could satisfie our own Consciences, and approve our selves to God, and Posterity, who will reap the Fruit of our Improvement of this Opportunity, we are so far from any pragmatical Humour, that we could with much Ease to our selves sit down in Silence, as if no such Matters were in Agitation about us: But, apprehending that your being on the Place in this Juncture, and it being known that you are owned in your Employment there by the Body of the Ministry of this Church, we conceive, that it may be looked upon as if we were satisfied with any Proceedings prejudicial to our former Engagements, unless you express our Sense of Affairs as you have Occasion, with that Prudence, Respect and Discretion that becometh; whereof we hope you will be careful, so long as you stay there.'

Their Letter to him,
June 9.

The prudent, and yet zealous Concern of those faithful Watchmen, the reverend Ministers of *Edinburgh*, at this Juncture, appears yet further by their Letter next Post, signed by the last named Persons, to Mr. *Sharp*, of the Date *June 9.* which likewise deserves to be transcribed here, and follows. 'By our last to you of the 7th Instant, we acquainted you, That however the Conscience of our Obligation by *Covenant*, and our Sense of the Hazards to which this Church hath been exposed by the former Settlement of *England*, do put us on earnestly to desire an acceptable Settlement there; yet Fear of Offence hath perswaded us to

' move

‘ move no further in that Business (after our Exoneration by Letter to some there)
 ‘ then to desire you so to walk in it, as might not conclude us, by reason of our
 ‘ Silence, in an Approbation of what may be established there contrary to our Co-
 ‘ venant. Yet, amongst our Solicitudes, we cannot apprehend that we will offend
 ‘ any, if we humbly lay before his Majesty our Thoughts of those Affairs; and
 ‘ therefore have sent you an inclosed Paper, containing the Sum of our Thoughts,
 ‘ and Motives inducing us to use that humble Freedom; whereof (and of what
 ‘ else may occur to your self to the same Purpose) we seriously intreat you to make
 ‘ prudent Use, in laying the Particulars therein contained before his Majesty. He
 ‘ is gifted to his People in return of their Prayers, and their Expectations are fix-
 ‘ ed on him, as the Man of God’s right Hand, who will refresh the Hearts of all
 ‘ the Lovers of Zion; and honest People (whatever be represented to their Fears)
 ‘ can never be perswaded but his Majesty will perform all Things according to the
 ‘ Covenant. His Majesty hath been pleased so much to respect faithful and honest
 ‘ Men in their humble Freedom, that we will not doubt of his Acceptance of this
 ‘ Mite from your and our Hand, which floweth from much real Zeal for his Ma-
 ‘ jesty’s Happiness, and without which we could not be satisfied we had dealt faith-
 ‘ fully. Be strong in the Lord, and wait for him who hath done great Things
 ‘ for us, whereof we are glad, and hath hereby encouraged us to wait for Mercy
 ‘ to his Zion. To his Grace we commend you, and are, &c.’

The Paper sent along with this Letter, is intituled, *Some few Particulars* Particulars
which Mr. Sharp is desired humbly to propound to the King’s Majesty by Conference, to be pro-
at fit Opportunities; and ’tis a little too large to be insert here; therefore I pounded to
have put it in the Appendix, No. 8. and go on in my Abstract of this remarkable the King.
 Correspondence. App.No. 8.

June 5. Mr. Sharp writes to Mr. Douglas, That he had his of the 29. of May; Mr. Sharp’s
 that the *Scotsmen* at London had concurred in a Paper, containing their De- Letter,
 fires to his Majesty as to Scotland, which was that Week to be presented. He hath June 5.
 not yet had Opportunity to speak to the King: That he reads that Day in the
 News Paper, That Mr. Douglas and Mr. Dickson are repairing to London, and
 wishes it may hold, and designs to move to the King, that some Brethren best
 known to his Majesty may be sent for. He does not perceive the Ministers at
 London design to give them any Advertisement concerning the State of the Church:
 And adds, ‘ I pray the Lord keep them from the *Service-book* and *Prelacy*. If the
 ‘ King should be determined in Matters of Religion by the Advice of the Two
 ‘ Houses, ’tis feared that *covenanted Engagements* shall not be much regarded.
 ‘ All sober Men depend more upon the King’s Moderation and Condescensions,
 ‘ than what can be expected from others. The *Episcopalians* drive so furiously,
 ‘ that all Lovers of Religion are awakened to look about them, and to endeavour
 ‘ the Stemming of that feared Impetuosity of these Men: All that is hoped is to
 ‘ bring them to some Moderation and Closure with an *Episcopacy* of a new Make.
 ‘ You may easily judge how little any Endeavour of mine can signify to the pre-
 ‘ venting of this Evil; and therefore, how desirous I am to be taken off, and re-
 ‘ turned to my Charge. I am still full of Fears, that *England* shall lose this Op-
 ‘ portunity of settling Religion. It is broadly rumoured in the City and at Court,
 ‘ That *Scotland* are all in Arms for the *Covenant*: This is a Pretext made to
 ‘ keep us under Force. There is Talk of a Petition from the City in refe-
 ‘ rence to the *Covenant*, and that we from *Scotland* are the Promoters of it; but
 ‘ I apprehend that it will come to nothing. However, the high Carriage of the
 ‘ *Episcopal* Men gives great Dissatisfaction: The Lord may permit them thus
 ‘ to lift up themselves, that thereby they may meet with a more effectual Check.

‘ Bishop

Bishop *Wren* preached last Sabbath in his Lawn Sleeves at *Whitehall*. Mr. *Calamy* and Dr. *Reynolds* are named Chaplains to his Majesty I hear Mr. *Leighton* is here in Town in private.

Mr. Douglas's Letter, June 12.

Mr. *Douglas*, June 12. answers the former, and tells Mr. *Sharp*, There was never an Intention of Mr. *Dickson* and his coming to *London*. If, says he, our Brethren, after what we have writ to them and you, lay not to Heart the Reformation of their Kirk, we are exoner'd, and must regret their Archness (Backwardness) to improve such an Opportunity, and be grieved for the Relapse into the sickly Condition, and grievous Bondage of the Hierarchy and Ceremonies. If the Presbyterians would deal effectually with those concerned, making use of the Advantages of a good Cause far advanced in the former Parliament, the Covenant Engagements, the gracious Disposition, and Moderation of the King, and of the high and furious Drivings of the *Episcopalians*, they might by the Blessing of God, be in a far better Condition, than 'tis probable they shall be, considering their Neglect. That *Scotland* is in Arms for the Covenant, is a broad Lie, when broadly rumoured; if such Pretences be forged for keeping an Army on us (and they are daily coming with more Forces) it will be a Sin against God, and a Dishonour to his Majesty. But we are perswaded, his Majesty will defend us, and our ancient Privileges. 'Tis much to be lamented, that such Men as *Wren*, whose corrupt Principles, and wicked Practices, in persecuting conscientious Ministers, though conform, are too well known to be so soon forgotten, should have the Impudence to appear in Publick, with these *Babylonish Brats*. The excommunicate *Sydeserf*, pretended Bishop of *Galloway*, and Mr. *James Atkin*, a deposed Minister, and excommunicate, took Journey hence on Friday last, for *London*, perswading themselves, that *Prelacy* will come again in Fashion here; but I hope they shall never see that Day, or rather Eclipse of our Day. I doubt not but you'll carefully guard against all that is intended to the Prejudice of the established Doctrine, Worship, Discipline, and Government of this Kirk.

Mr. Sharp's Letter, June 9.

June 9. Mr. *Sharp*, in his to Mr. *Douglas*, signifies, That he has little pleasing Matter to write of: That he is pleased with my Lord *Cassils*'s coming up; he fears we have not many like him to look to. My Lord *Lowdon* is not yet come up. That he himself endeavours not to mingle in their particular Interests and Differences, but presses Union. There are none, adds he, here, but disclaim the *Protesters*: That he visited the Earl of *Selkirk*, Lord *Lorn*, and *Tweeddale*, who professeth his abandoning the *Protesters*: That Twenty eight Scots Noblemen, and some Gentlemen, had presented a Petition to the King, for withdrawing the Forces, and calling a Parliament; the King received it graciously. It is thought, the Committee of Estates will first meet, in order to the calling a Parliament. The French Ambassador is commanded forthwith to remove. Those who are Incumbents in sequestrate Livings are left to the Course of Law, whereby above a * Thousand in the Country and Universities will be ejected. I can (says he) do no good here for the stemming of the Current for *Prelacy*, and long to be home: Whatever Dissatisfaction may be upon good People, yet no considerable Opposition will be made to *Prelacy*. I hope, the Lord will see to the Preservation of his Interests among us. I gave some Hints formerly about this, and, by what yet appeareth, I see no Ground to alter my Thoughts, that our meddling with Affairs now will be useless, and of no Advantage to our Cause. The sad Apprehensions I have of what I find and see as to these Matters, bring me into a languishing Desire to retire home, and look to God, from whom our Help alone can come. I hope, you will consider of what is fit to be done. If you see Cause

This Number seems too great.

of Application in this critical Juncture, you'll take me off, after my long continued Toil.'

Mr. Douglas answers this last, *June 14.* and signifies to Mr. Sharp, He wishes all were as fixed as *Cassils*. 'You may, adds he, let the Protesters sleep, for they are not to be feared; they are to be pitied rather than envied. Concerning *Pre-lacy*, we have delivered our Mind fully in former Letters; and when we have exposed our selves, we must leave that Business on the Lord, who will root out that stinking Weed in his own Time, whatever Pains Men take to plant it, and make it grow. We expect, at your Conveniency, you will give us an Account of what Letters and Papers you have received since your Return to *London*; after which, we shall give you an Answer about your abiding there, or coming home.'

In another Letter without Date, but, by a Passage in it, I conjecture 'tis writ *June 10.* Mr. Sharp tells Mr. Douglas, 'I now begin to fear the long contended for Cause is given up. Three Months ago, some here were pressing upon the Presbyterian Party, both in the House and City, to make themselves considerable by Conjunction of Counsels, and pursuing in an united way the same End and Interest: This could not be compassed. Then the dissolving of the secluded Members (which some attribute to some of themselves, others to General Monk, I know both had a Hand in it) and Jealousies mutual between Army and Parliament, made way for the King's coming in without Conditions; whereupon the Episcopal Party have taken the Advantage: And they finding now, that the influencing Men of the Presbyterian Party are content to yield to a moderate Episcopacy, and a reform'd Liturgy, craving only that Ceremonies be not imposed by Canon, do shift all Offers for Accommodation, and do resolve to set up their Way, and, under pretext of fixing and conforming all to their Rule, for avoiding of Disorder and Schism (as they say) give Cause to apprehend, that Matters Ecclesiastick in *England* will be reduced to their former State. This does exceedingly saden and perplex the Hearts of sober good People, and Episcopal Men carry as if they concluded nothing could stand in their Way. There were, last Week and this, some Endeavours for getting a Petition in Name of the City, That Religion might be settled according to the *League and Covenant*; but the inconsiderate and not right timing of that Motion, has exceedingly prejudged that Business, if not totally crushed the Design, so as it occasioned a cross Petition by the most considerable of the City, That in all Petitions hereafter there might be nothing mentioned which had a Relation to the *League and Covenant*, and that nothing should be moved of this Nature to the common Council, till their Meeting be full. It hath been generally bruited here, and had Belief with some, that the Petition for settling Religion according to the *Covenant*, was set on Foot and influenced by the *Scots*, and Commissioners were coming from the Church: They name, in the Diurnals, Mr. Douglas and Mr. Dickson, with a Gybe. This was so openly spoke of, that, in their Meeting at the common Council, it was moved by one, that they might put off their Petition till the *Scots* Commissioners came to Town, they being upon the Way; and currently it was talked of in and about the City, and I enquired by divers, If I knew any Thing of it? I apprehend, this Rumour has been industriously raised and spread by some, to cast the greater Prejudice upon us, who will have it still believed that we are Sticklers to inflame all, and will not rest till we have our Presbytery imposed upon *England* (this is their Strain) and therefore it will be necessary for the King to keep on a Force upon us. I have done what I could for vindicating us from giving any Ground to that malicious Report, professing, That whatever the

Mr. Douglas's Letter, June 14.

Mr. Sharp's Letter, June 10.

Judg-

Judgment of the Church of *Scotland* might be as to these Matters (which is sufficiently known) yet we had no Hand or Meddling in that Petition: For my own Part, I knew nothing of it till the Morrow after it was framed (as indeed I heard not of it till the *Munday*, when the Talk was, that it was to be presented to the House) neither had I heard of any Commissioners coming from the Church. I said further, That from the Northern Counties, and other Places, there had been Endeavours used to draw Petitions for the settling of Presbyterian Government; and this hath been by an underhand Way set on Foot, by some of the House of Commons, giving this Encouragement, That the Church of *Scotland* would joyn with them. But the crushing of the City-petition will render all these Motions ineffectual, and, I fear, give Advantage and Ground to the Episcopal Party, who now make it their Work to put off the Meeting of a Synod, which hitherto hath been in the Talk of all, seeking to settle their Way before a Synod can be called. I see generally the *Cassock* Men appearing every where boldly, the Liturgy in many Places setting up. The Service in the Chapel at *Whitehall* is to be set up, with Organs and Quiristers, as formerly. No Remedy for this can be expected from the Parliament, who, for the Majority, are ready to set up Episcopacy to the Height in Matters Ecclesiastical; and with the rest moderate Episcopacy will go down. The sober Party have no Reserve but in the King, whose Inclinations lead him to Moderation; God bless him, and prevent the sad Consequences which may come upon this Way.

Our Noblemen, and others here, keep yet in a fair Way of seeming Accord; but I find a high loose Spirit appearing in some of them, and I hear they talk of bringing in Episcopacy into *Scotland*; which, I trust, they shall never be able to effect. I am much sadned and wearied out with what I hear and see. Some leading Presbyterians tell me, They must resolve to close in with what they call moderate Episcopacy, else open *Profanity* will upon the one Hand overwhelm them, or *Erastianism* (which may be the Design of some Statesmen) on the other. I am often thinking of coming away; for my Stay here, I see, is to little Purpose. I clearly see the General will not stand by the Presbyterians. Mr. *Calamy* is at a Stand whether to accept of being King's Chaplain, and I think it will not be much pressed upon him. The King has taken into his Council divers who were upon the Parliament's Side, but none of them are against moderate Episcopacy. The General took me to his Majesty on *Thursday* last; but the Throng is so great, I could have no Opportunity for private Communication.

As to your coming up, tho' upon my Motion, upon *Thursday* was Se'en-night, that you should be sent for, the King did most willingly yield to it, and desired a Letter might be drawn to that Purpose by *Lawderdale*; yet I am tossed in my Thoughts about it since, which I have communicated to *Crawford* and *Lawderdale*; and they are at a Stand in it. Upon the one Hand, I consider your coming might be of great Use to the Church and Country at this Time; his Majesty, bearing a great Respect to you, would certainly be much swayed with your Advice: Upon the other Hand, when I weigh how much the Prelatical Men do here signify, and what a jealous Eye they will have upon you and your Carriage, bearing no good Will, I perceive, to you, and the publick Affairs not yet put in a Way of Consistency; I fear, your coming at this Time, which will be attended with Charge and Toil, may give you small Content, when you will find that you can have but little Time with the King, and 'tis not your Way to deal with any Body else; so that in Ten Days you will weary. When Matters come to a greater Ripeness, Two or Three Months hence, your coming may be of more Use and Satisfaction to your self, and Advantage to the Publick. I know the

King will not be desirous as yet to send for any other of the Brethren. And if I thought you would come hither before the *Instructions* for the King's Commissioner to the Parliament were drawn, you might do much good; else, I know a little of your Way, and am so tender of your Content, that I fear it will not be so convenient. However, I have put all off till I speak with the King, and know his Mind fully in it. If I find him positive in his Desire of your coming, immediately you shall have notice; if not, I shall give you an Account accordingly. Pardon my writing thus confusedly my Heart unto you. Your coming at this Time can do no good, I am perswaded, to the Presbyterian Interest here, but you will expose your self and our Government at Home to more Jealousies and sinister Construction; and for our Church-government I trust it shall be preserved in spite of Opposition, and I would have you reserved from Inconveniencies on all Hands, that you may be in better Capacity to act for it. As for my self, I see that here which gives me small Content, and were you here, I believe you would have less; and therefore I intreat I may have Leave speedily to return. I know you are not capable of being tickled with a Desire of seeing the Grandeur of a Court, and you would soon tire were you here; and the Toil and Charge of coming hither, and returning in so short a Time (it being necessary you be at home against the Sitting of the Parliament) will be, in my Apprehension, much more than any Good can be done at this Time. The Protesters Interest cannot be kept up, and I apprehend the Parliament will handle them but too severely. The Design is to overturn all since the Year 1640. and to make the King absolute. *Elisha Lighton* is not so significant a Person as that by his Means his Brother can do us hurt.

June 12. Mr. Sharp answers Mr. Douglas his Letter of the 5. and tells him, That since a *Thanksgiving* is ordered in *England*, they will consider what is to be done in *Scotland*; that he has not yet got any Return from the King to their Letter, he is so throng. That Two Days ago my Lord *Rothes* told him, he was taking an Opportunity to deliver that Letter sent by him. That the Ministers of *London* will make a Return to that Letter sent them. That Letter, adds he, may be owned, and contains only a Testimony of your Affection to this Church; I wish they may repay the like to you. What Use they will make of it, he knows not. He adds, 'For my Part, whatever Constructions may be put on my Way here, I have a Testimony that my Endeavours have not been wanting for promoting the Presbyterian Interest according to the *Covenant*. I cannot say they have been significant, as Matters are now stated. There are few Ministers of the Presbyterian Perswasion of any Note here, to whom I have not communicated your Readiness to concur in your Sphere, for advancing the Ends of the *Covenant*; and upon several Occasions both here, and in *Holland*, I have acted with them in order thereunto. I have spoke also with some of another Judgment, and given them an Account of our Principles and Way, to evidence we are not Persons of that surly Temper, nor our Profession so inconsistent with Magistracy and Peace, as hath been represented. Possibly thereby I have not avoided that Fate which is incident to Men of such Employment, in this ticklish Time; and therefore must prepare for a Lash from both Hands. But I am the less solicitous what Usage I meet with, that I am assured my Ends have been straight, and if I have failed in any Mean, it hath been through Mistake, and not any dishonest Purpose: I leave my Reputation to the Lord. It is my Duty to acquaint you, from Time to Time, with the Condition of Affairs, as they relate to our Cause, and, according to my Apprehensions, to give you my Collections from them. Others may be of another Opinion, but

Mr. Sharp's
Letter,
June 12.

‘ I am still of the Mind, that our interposing in their Matters here, further than
 ‘ we have done, will not bring any Advantage to our Cause, nor further those Ends
 ‘ we think our selves obliged to pursue at this Time. I have not yet come to know
 ‘ his Majesty’s Resolution, for sending for some of the Ministers of *Scotland*;
 ‘ But for what I can learn, it is not his Purpose to do it till his Affairs here take
 ‘ some Settlement. He was pleased last Week to say to me before General *Monk*,
 ‘ That he would preserve our Religion, as it was settled in *Scotland*, entirely to
 ‘ us. My Stay here will be of no Use upon many Accounts; ’tis most necessary
 ‘ I come Home, and speak with you before Resolution be taken what is incumbent
 ‘ to be done by you. I am not edified by the Speeches and Carriage of divers of
 ‘ our Countrymen in reference to the *Covenant* and Ministry, when they are
 ‘ come up here. I have small Hopes the Garisons in *Scotland* will be removed,
 ‘ the Lord’s Controversy is not yet at an End with us.’

Mr. Doug-
 glas’s Let-
 ter,
 June 19.

Mr. *Douglas* answers this in his to Mr. *Sharp*, June 19. and says, That be-
 fore they heard of the *Thanksgiving* in *England*, they had appointed the Day he
 writes upon, as a Day of *Thanksgiving* for the King’s Return, in the Presbytery of
Edinburgh, and wrote of their Appointment to other Presbyteries, who, he hears,
 are to keep the same Day. He adds, ‘ I suspect the King’s Coronation is delay-
 ‘ ed upon a *Prelatick* Interest. I wish the King were crowned before any Thing
 ‘ of that Nature be concluded upon, that his Majesty may not run to a contrary
 ‘ Oath; my Heart trembles to apprehend any Thing of that Kind. It were a
 ‘ happy Thing to have Religion settled upon *Covenant* Terms, that Prelacy, so
 ‘ solemnly cast out, may not creep in again under pretext of a moderate Episco-
 ‘ pacy. This will be found a playing with the Oath of God, seeing moderate
 ‘ Episcopacy, as they call it, is unlawful, and a Step to the highest of Episcopacy.
 ‘ Ministers there need not deceive themselves, by thinking that it will stand there
 ‘ without the Ceremonies, that is impossible; and ’tis a received Maxim, *No Cere-*
 ‘ *mony no Bishop*, they having nothing to uphold their Pomp, but the Ceremo-
 ‘ nies. You know I am against Episcopacy, Root and Branch. I wish the King
 ‘ would put that Business off himself, upon the Parliament and Synod of Divines;
 ‘ and if they will have that moderate Episcopacy, let it be a Deed of their own,
 ‘ without Approbation by his Majesty. I fear our gracious Prince meet with too
 ‘ many Temptations from the Generality of that People, who love Prelacy, and
 ‘ the *Service-book*. I pray he may be kept from doing that which may offend
 ‘ God, who has delivered him.

Mr. Sharp’s
 Letter,
 June 14.

June 14. Mr. *Sharp* writes to Mr. *Douglas*. ‘ This Day the King called for
 ‘ me, and heard me speak upon our Church-matters, which I perceive he does
 ‘ thoroughly understand, and remembred all the Passages of the *Publick Resoluti-*
 ‘ *ons*. He was pleased again to profess, that he was resolved to preserve to us the
 ‘ Discipline and Government of our Church, as it is settled among us. When I
 ‘ spoke of calling a *General Assembly*, he said he would call one how soon he
 ‘ could; but he thought the Parliament would be called and sit first. I found the
 ‘ end of his Majesty’s calling for me, was to give me Notice, that he thought
 ‘ it not convenient to send for Ministers from *Scotland* at present: When his
 ‘ Affairs were here brought to some Settlement, he would then have Time and
 ‘ Freedom to speak with them, and to send for them to come to him. He thought
 ‘ it was fit for me to go down and give you notice of this, and the State of his
 ‘ Affairs here, and that he would write by me to you; and called to one of his
 ‘ Bed-chamber to seek for your Letter, which I delivered, saying, It would be
 ‘ found in one of his Pockets, and a Return should be sent, and my Dispatch
 ‘ prepared this next Week. I find his Majesty speaking of us and our Concern-

ments

ments most affectionately. There hath been some Talk in the City of a Petition from the Ministers about Religion, but some leading Men not thinking it expedient, it was waved. Mr. Calamy, Mr. Manton, and Dr. Reynolds are sworn Chaplains: Some say Mr. Baxter is to be admitted likewise, and when it is their Course to officiate, they are not tied to the *Liturgy*, but, others having performed that Service, they shall only preach till they be clear to use it. The King hath ordered a Letter to Dr. Reynolds and Mr. Calamy, ordering them to nominate Ten to themselves, of their Judgment, to meet in a Conference with Twelve of the *Episcopal* Party whom he will nominate.

Mrs. Dickson, Douglas, Wood, Hamilton, Smith, and A. Ker write to Mr. Ministers at Edinburgh their joynt Letter to Mr. Sharp, June 21. That since the King desires he should come down, they are willing he come. They are confident he will refresh them with the Tidings of his Majesty's constant Purpose, to preserve to them their Liberties and Privileges, so solemnly engaged to, and advantageous to his Majesty's Greatness, and Government. They profess they never intended, nor do intend to press Presbyterian Government on other Kirks, otherwise than by laying before them the Warrantableness thereof from God's Word, and the Efficaciousness of it, being God's Ordinance, by his Blessing to suppress Errors and Profaneness. And particularly, they thought it incumbent on them to lay before their Brethren their Duty, to endeavour by Addresses to King and Parliament, that the Sin of a Party, who laid aside the *Covenant*, may not now be made the Sin of the Nation. Since the Lord, in his gracious and wise Providence, has restored the King's Majesty and Parliament to their just Rights and Privileges, so notoriously and wickedly wronged against the express Obligation of the Third Article of the *Covenant*; they wish, and it may be in Equity expected, that the Rights of God and of Religion, unto which there is an Obligation in the other Articles, should be established; that what is God's may be given unto him, as what is *Cesar's* is and ought to be given to him: That their Tenderness to his Majesty makes them desire that he may be kept free from giving his Royal Approbation to *Prelacy* and the *Service-Book*, and may rather lay the whole Matter upon a Synod of Divines, who, by peaceable Debates, may come to resolve upon that which is most agreeable to the Word of God, and upon his Parliament, who may come to further Clearness upon the Result of their Debates.

Mr. Sharp June 16. acquaints Mr. Douglas, he had received by that Post Mr. Sharp's Letter, June 16. One of the 7. and Two of the 9. with the inclosed Paper, which, adds he, contains Matters of such ample and important Consequences, as will take longer Time to manage, than I have in this Place, and give Work for employing more than One or Two: Considering the King's present Throng, I would take Three or Four Months to propose them in a Way effectual, or becoming the Grandeur of so great a Prince. These are Materials, I hope, will be laid up for more solemn Addresses. I have a Testimony, that I have not been wanting to improve any Opportunity I had during these Transactions for the Interest of our Country and the *Covenant*. This will bear me up under the Constraints my Employment at such a ticklish Juncture lays me open to. I trust when I return to make it appear, I have pursued the publick Ends of Religion, as far as the Condition of Affairs would bear; and I have been biassed by no selfish Ends. If Informations you have received about the State of Affairs here, have come from better Grounds than what I have given, I shall not justify my Mistake; but for any Observation I can make, I profess it still to be my Opinion, that I know no considerable Number, and no Party in *England* that will join with you for settling Presbyterian Government, and pursuing the Ends of the

the *Covenant*. And albeit I am perswaded, that our Engagements are to be religiously observed; and of all Concernments, that of Religion ought to be secured, yet, with all Submission and Reverence to your Judgments, I am not satisfied, that 'tis incumbent to me (as the present State of Affairs is circumstanced) to press further than I have done the Matter of the *Coronation Oath* in *Scotland*, and settling of Presbyterian Government upon this Nation, which I know will not bear it on many Accounts. And, under Correction, I apprehend our doing of that which may favour of meddling or interposing in those Matters here, will exceedingly prejudice us, both as to our Civil Liberty, and Settlement of Religion. It is obvious, how much the Manner of settling Religion here, may influence the disturbing and endangering of our Establishment: Yet Providence having concluded us under a moral Impossibility of preventing this Evil; if, upon a remote Fear of Hazard to our religious Interests, we shall do that which will provoke and exasperate those who wait for an Opportunity of a Pretext to overturn what the LORD hath built among us, who knows what sad Effects it may have? The present Posture of Affairs looks like a Ship foundered with the Waves from all Corners, so that 'tis not known what Course will be steered: But discerning Men see, that the Gale is like to blow for the *Prelatick* Party; and those who are sober will yield to a *Liturgy*, and moderate *Episcopacy*, which they phrase to be *effectual Presbytery*; and, by this Salvo, they think they guard against Breach of *Covenant*. I know this Purpose is not pleasing to you, neither to me. I shall, if I find Opportunity before my coming away, acquaint his Majesty with as many of your Desires, as Conveniency will allow. I shall also make them known to such Ministers as I meet with; and at present, till a Door be opened for a more effectual Way, this will be a Testimony, that you are not involved in an Approbation of what may pass here in Prejudice of the *Covenant*. Parliament Men know that I have often spoke to them of our firm Adherence to the *Covenant*; and if any of them would excuse their not taking Notice of it, by our not clamouring by Papers to the House about it, I am doubtful they think what they speak: But more of this upon my Return, which I so much desire, when I have so much Dissatisfaction with the Course of Affairs here. The King speaks to our Countrymen about the Affairs of *Scotland* on *Munday* next: I wish we were all soon Home, for little Good is either gotten or done here. The LORD fit us for future Trials, and establish us in his Way.

Mr. Sharp's
Letter,
June 19.

June 19. Mr. Sharp writes again to Mr. Douglas, acquainting him, ' That he had his of the 12. and had little to add: That he had been with some City Ministers, and Mr. Gower of *Dorchester* an eminent Presbyterian Minister, who speaks with Regret of the Neglect of the *Covenant*; but, says he, I see no effectual Way taken to help this; your Exoneration is sufficiently known to them, and I wish I could write you had any Encouragement from them to go further. I see little the Presbyterians can, or intend to do for the promoting that Interest. The surest Friends to our Religion and Liberty of our Countrymen, since they came here, are of Opinion, that your further interposing can do no Good, but will probably bring Hazard to the Settlement among us. I hope this Week to have his Majesty's Letter signifying his Resolution to preserve the established Doctrine, Worship, Discipline, and Government of our Kirk, and that we shall have a *General Assembly*; and then I shall come Home with your Leave. If we knew how little our Interests are regarded by the most Part here, we would not much concern our selves in theirs. If we cannot prevent the Course taken here, we are to trust GOD with the Prefer-

vation

‘ vation of what he hath wrought for us. Yesterday his Majesty gave Audience
 ‘ to the Commissioners from *Ireland*, who, among other Desires, moved, that Re-
 ‘ ligion might be settled there, as it was in the Days of the King’s Grandfather
 ‘ and Father, that Establishment being the only Fence against Schism and Con-
 ‘ fusion. From this we may guess what our Presbyterian Brethren may meet with.
 ‘ In the Evening our Lords attended the King, and General *Monk* was present.
 ‘ *Crawford* and *Lawderdale* spoke so before the King for the removing Garisons,
 ‘ that the General could not answer them. At the end the King desired they
 ‘ would consult among themselves, and give their Advice about calling a Par-
 ‘ liament, and till then, how the Government of the Kingdom was to be settled.
 ‘ This Day they met frequently, and, after some Debates, not without Heat and
 ‘ Reflections, it was referred to a Committee of Twelve to draw up a Petition to
 ‘ his Majesty, That the Government might be managed by his Majesty, and the
 ‘ Committee of Estates nominated by the Parliament at *Stirling*, until the sitting
 ‘ of the Parliament, which, they thought, might be called by Proclamation le-
 ‘ gally; and they humbly desired that all the Forces might be withdrawn, and,
 ‘ if it seem good to his Majesty, he might, in the place of the *English* Garisons,
 ‘ put in *Scottish*. This Paper in a Day or Two they are to present. By the Tem-
 ‘ per that appeared in the Generality of this Meeting, I know not what may be ex-
 ‘ pected by us; the Lord fit us for the Trials that abide us. Mrs. *Gillespie* is
 ‘ come up to petition the King for the Continuance of her Husband’s Place, and
 ‘ he is thought not to be far off.’

June 21. Mr. *Sharp* writes to Mr. *Douglas*, That his of the 14. was come to Mr. *Sharp*’s
 him: ‘ That the Course of Prelacy is carrying on without any Opposition; so that Letter,
 ‘ they who were for the Moderation thereof, apprehend they have lost their Game, June 21:
 ‘ No Man knows what this Overdriving will come to. The Parliament complain
 ‘ of his Majesty’s Moderation, and that he does not press the settling all *sicut ante*.
 ‘ God only knows what Temptations and Trials are abiding us. I have made
 ‘ such Use of your Papers as is possible. You stand exonerated as to any Compliance
 ‘ with the Times, or betraying the common Cause by your Silence, in the Judg-
 ‘ ment of all to whom I have communicate what you have ordered me to do. Our
 ‘ Task is to wait upon God, who hath done great Things we looked not for,
 ‘ and can make those Mountains Plains.’

June 23. he writes to Mr. *Douglas*, ‘ All is wrong here as to Church-affairs. E- Mr. *Sharp*’s
 ‘ piscopacy will be settled here to the Height; their Lands will be all restored: Letter
 ‘ None of the Presbyterian Way here oppose this, or do any Thing but mourn June 23:
 ‘ in secret. We know not the Temper of this People, to have any Thing to do
 ‘ with them. All the Bishops in *Ireland* are nominate. Dr. *Bramble* is Archbi-
 ‘ shop of *Armagh*: And they are to sit down next Session of Parliament. I am
 ‘ divers Times with *Cassils* and *Lorn*, who are fixed to us. I suspect, the general
 ‘ Bent of our Countrymen carries them to *Erastianism* among us. I hear, your
 ‘ Pulpits ring against the Course of Affairs here, and your Sermons are observed
 ‘ particularly. All Persons in *England*, who have acted in the publick Contests
 ‘ since the 1646. are like to suffer one way or other; and this will cast a Copy to
 ‘ the Proceedings in *Scotland*. I find some very eager to prosecute such at the next
 ‘ Meeting of the Committee of Estates or Parliament.’

June 26. Mr. *Sharp* writes to Mr. *Douglas*, That he had received his of the 19. Mr. *Sharp*’s
 ‘ That the King’s Coronation is thought to be delayed, upon the Reason he spoke Letter,
 ‘ of. Dr. *Gauden* hath written against the *Covenant*. Petitions come up from Coun- June 26:
 ‘ ties, for *Episcopacy* and *Liturgy*. The Lord’s Anger is not turned away. The Ge-
 ‘ nerality of the People are doting after Prelacy and the *Service-book*. Dr. *Crofts*,
 ‘ preaching

‘ preaching before the King last Sabbath, said, *That for the Guilt he had contracted in Scotland, and the Injuries he was brought to do against the Church of England, GOD had defeated him at Worcester, and pursued his Controversy with a Nine Years Exile; and yet he would further pursue him, if he did close with his Enemies*, meaning those of the Presbyterian Perswasion who are of the Privy-council. The King expressed his Dislike after Sermon, calling him a passionate Preacher. The Episcopal Party take all Methods to strengthen themselves: They have reprinted Mr. *Jenkins’s* Petition in the Tower, and Recantation Sermon. Some Ministers of the City tell me, they are endeavouring to promote a Petition, that Religion may be settled with Moderation; yet, for avoiding Offence, they will not take notice of the *Covenant*, or Presbyterian Government.’

Another of
the same
Date.

By another Letter, of the same Date, Mr. *Sharp* tells Mr. *Douglas*, ‘ That he had seen a Paper of Sir *John Chiesly’s*, in his Vindication, wherein he declares, ‘ That by the *Remonstrance* they intended not to exclude the King, but proposed, if they had carried the Victory at *Hamilton*, to have joyned him: In it Sir *John* insists upon his not complying with the *English*, and refusing Offices under them. *Lawderdale* and *Cassils* are both convinced we ought not to meddle with the Affairs of *England*. We thought best to put off the speaking to the King of a General Assembly, till he signify his Pleasure about calling a Parliament. Some of our Noblemen here are against the *Covenant* and a General Assembly, Men of no Principle railing against the Ministry; but the leading sober Men are for both; only they differ about the Time of calling the Assembly: If it should be before the Parliament, it would have no Authority; and they fear you would be too tender of the *Remonstrators*, for they are resolved to take Order with the *Remonstrance* at the Parliament. Some think the Assembly might sit before the Parliament, but most are for its sitting afterwards. In the King’s Declaration for calling a General Assembly, *Lawderdale* and I were thinking, ’tis fit the Assemblies at *St. Andrews* and *Dundee* be mentioned as what his Majesty owns; which will put a Bar upon the Elections of *Remonstrators*, or else they must renounce their Judgment. We were speaking, whether it were fit that the Assembly which was interrupted by *Lilburn*, 1653. should be called to sit again. These Hints I give you, that you may send your Mind, and a Draught for calling an Assembly in the Way you would have it. When it shall please GOD to give it us, it will be expected that the *Remonstrance*, *Protestation*, and all that has followed, be disclaimed. *Cassils* thinks, you went too far in your *Propositions for Peace*; and that, they not being embraced, you ought not now to stand to them, but, for the Vindication of the Government of our Church, you ought to disown all the Absurdities of the *Protesters*. I know no Call nor Shadow of Reason for us to mingle with what relates to the *English* Church. The Presbyterian Ministers are now busy to get Terms of Moderation from the Episcopalians. There are Discontents and Grumbings, but the Episcopal Men have the Wind of them, and know how to make use of it. I am convinced, your coming up, either before this, or now, would have been to no Advantage, but much to your Discontent; afterwards the Opportunity, I believe, will be far more seasonable. A Friend of *Lambert’s* did move, that the King should send *Lawderdale* to the Tower, to speak with him privately, and he would discover all the Treacheries in *Scotland*, which he knows better than any *Englishman*: He promised he would send *Lawderdale* to *Lambert*, to know these Villanies. I find, the King bears no Respect to *Lowdon* or *Lothian*. Dr. *Reynolds*, Mr. *Manton*, and *Baxter*, were this Day with the King. Mr. *Calamy* is ill of the Gout. Mr. *Ash* tells me, they will write an Answer to yours. The King, after the General and Chamberlain had

‘ spoke

‘ spoke to him of endeavouring Reconciliation ’twixt Episcopal Men and others, said, He would make them agree. The Calling of a Synod is put off. The King, having spoke the other Night of Mr. Cant’s Passionateness, fell a commending of you. I have spoke with *Broughill* to the full, and cleared his Mistake of any Stirs among us; he professeth great Friendship for us.’

By his next to Mr. *Douglas*, June 28. Mr. *Sharp* tells him, ‘ I cannot see how it is possible for me, or any one else, to manage the Business committed to me by your Letters of the other Week, with any Shadow of Advantage; but a certain Prejudice will follow upon our further moving in these Particulars that are so disgustful here. I am baited upon all Occasions with the *Act* of the *West-kirk*, and the *Declaration* at *Dumfermling*. The *Protesters* will not be welcome here; their Doom is dight, unless some, upon design of heightning our Division, give them Countenance, which I hear whispered among some Noblemen. No Good will follow on the Accommodation with the Episcopal Party; for these who profess the Presbyterian Way, resolve to admit moderate Episcopacy; and the managing this Business by Papers will undo them: The Episcopal Men will catch at any Advantage they get by their Concessions, and, after all, resolve to carry their own Way. Those Motions, about their putting in Writing what they would desire in point of Accommodation, are but to gain Time, and prevent Petitionings, and smoothe over Matters till the Episcopal Men be more strengthened. I find that there is a Conjecture, and not without Ground, that *Middleton* will be Commissioner to the Parliament. The *Garisons* will not be taken off till next Summer. The Committee of Estates will sit down, and make Work for the next Parliament, which will be soon called. The King hath declared his Resolution, not to meddle with our Church-government; which hath quieted the Clamourings of some ranting Men here, as if it were easy to set up *Episcopacy* among us. I saw this Day a Letter from one in *Paris*, That some learned Protestants in *France*, and of the Professors at *Leyden*, were writing for the Lawfulness of Episcopacy; and, if the King would write to the Assembly in *Charenton*, July next, there would be no Doubt of their approving his Purpose to settle Episcopacy in *England*. Our Noblemen who are of any Worth, are fast enough against Episcopacy amongst us; but I suspect some of them are so upon a State-interest rather than Conscience, and all incline to bring our Church-government to a Subordination to the Civil Power. The Committee of Estates and Parliament will exercise Severity against the *Protesters*. It will be yet Ten Days before I get off.’

Mr. *Sharp* writes another Letter to Mr. *Douglas*, June 28. and signifies his Receipt of that of the 21. and his Satisfaction that they have given him Leave to return; and runs out upon the great Mercy of the King’s Restoration; and adds, ‘ Although we want not our Fears, let us procure what is wanting by Prayer, and not dwell too much on Fear, lest we sour our Spirits: That he writes this, because he hears some in *Scotland* cast down all that is done, because the great Work of Reformation is not done. He adds, Yesterday I asked our Friends, honest Mr. *Godfrey* and Mr. *Swinton*, What they thought was fit for us to do at present? They answered, They saw nothing remaining, but Prayer and waiting on God. The other Day, Mr. *Calamy*, Dr. *Reynolds*, Mr. *Baxter*, and Mr. *Ash*, had a Conference with the King, whose Moderation and Sweetness much satisfied them. It issued in this, That the King desired them to draw up in Writ the Lengths they could go for meeting those of the Episcopal Way; and promised, he would order the Prelates and their Adherents to draw their Condescensions, and, after he had seen both, he would bring them to an Accommodation, in spite of all who would oppose it.’

Mr. Sharp’s Letter, June 28.

Another Letter of the same Date.

‘ it. Some Friends of the Presbyterian Way are very solicitous about this Business, fearing that what they do now may conclude all their Party, and lest they fall into an Error *in limine*, which cannot be retracted, *that is*, if they give in their Paper of Concessions, those will be laid hold on, and made use of by the other Party as granted; and yet they remit nothing of their Way, and so break all with Advantage: I spake to them to guard against those Inconveniencies. Mr. Calamy sent to me Yesterday, to tell me of their Proceedings; but I told him and others, I would not meddle in those Matters; that their Accommodation, and falling in to *moderate Episcopacy* and *reformed Liturgy*, was destructive to the Settlement among us. Next Week they are to have Meetings on these Heads; but I see not through them, and expect no Good of them.’

Mr. Douglas's Letter,
July 3.

July 3. Mr. Douglas acknowledges the Receipt of Mr. Sharp's of the 23, 26 and 28. and notices, That *Croft's* seditious Sermon before the King, is much like the Way of the Usurpers, who justified all their Procedure, by the signal Providence of God against the Royal Family. *Croft's* Sermon, and *Gauden's* Book, says he, may stir up Men to speak for Presbytery against Prelacy. He desires him, when he comes off, to appoint some to receive Letters from them, and deliver them to *Lawderdale*. After this, adds he, ‘Assemblies are not to interweave Civil Matters with Ecclesiastick; and he wisheth that the King were informed of this, that, after our Brethren went from us, our Proceedings were abstract from all Civil Affairs; and he is confident, when the Assembly sits, all those former Ways will be laid aside.’

Another of
that same
Date.

That same Day he writes another Letter to Mr. Sharp, and, as to his and others preaching against the Course carrying on in *England*, he says, ‘Except it be to pray that the Kirk of *England* be settled according to the Word of God, and the King and Parliament directed, we meddle not with *England*: Neither can it be thought that we should preach against Prelacy in *England*, where there are none of that Way to hear us. Some indeed here make it their Work to possess People with the King's Purpose to bring in Prelacy to *Scotland*; which hath necessitate me often in publick to vindicate his Majesty, and signifie he hath never discovered any such Purpose, but rather professed the contrary; which hath satisfied honest People here, who were discouraged with such Apprehensions. If it be your Mind at Court, that we should not speak of Presbyterian Government in *Scotland*, and that our *Covenant* may be kept here, then I hope never to be of it; for we had never more Need, considering the Temper of many here, and our Countrymen with you. Mr. *John Stirling* and Mr. *Gillespie* came to me from a Meeting of the *Protesters*, desiring us to joyn with them in a Representation to the King; but I declined this, as I hinted before in one of mine. I think, an Assembly cannot sit till the Government of the Nation be settled; but when the Parliament has sit, it will be necessary. I have sent you the Draught of a Proclamation for a free General Assembly; or, if his Majesty will have the Assembly that was raised 1653. a small Alteration will make it answer. (This Draught is annexed, *App. No. 9.*) I think it necessary, that, when the King intimates a Parliament, a Petition come from this to his Majesty, for his convening that Assembly *pro re nata*; upon which Petition, a Proclamation may be issued. Let our noble Friends know of this, and such a Petition may be soon got.’

Draught of
a Proclamation for
a General
Assembly,
App. No. 9.

Account of
the *Dumfermling*
Declaration,

‘As to what you write of the *Declaration at Dumfermling*, I was one who went to his Majesty with it first, before any Commissioners were sent; and, after hearing his Scruples, he knows, if he remember, that I did no more press him with it: And when I returned, I endeavoured to satisfy the Commissioners; and when they

‘ they were naming other Commissioners to send again to his Majesty, I said, I would not go; and they thought me too favourable a Messenger for such an Errand, and sent good Mr. *Hamilton*, with some whom they thought would press it more: And, after his Majesty had signed it, and written a very honest Letter to the Commission, to alter some Expressions in the *Declaration*, the *Protesters* carried it by Multitudes, that not one Word of it should be altered.’

‘ As for the Act of the *West-kirk*, I shall declare to you the Truth of that Business, for none can do it better than Mr. *Dickson*, *Andrew Ker*, and I. We met first at *Leith*, Mr. *Dickson*, Mr. *Hamilton*, Mr. *Thomas Kirkaldy*, and I only, all the rest were *Protesters*. When such an Act was offered, we debated on it about the Space of Three Hours, and finding them obstinate, I, being Moderator, dissolved the Meeting. After that, the Officers being dealt with by them, a great many of them professed that they would not fight at all, except they got something of that Nature, and upon that, there was a Meeting at the *West-kirk* drawn on for Accommodation, where the *Quorum* was Twenty three Ministers, Eighteen of whom were for satisfying the Officers with such an Act; and Nine Ruling Elders, Six of whom were violent for it. Mrs. *Dickson*, *Hamilton*, *Kirkaldy* and I, were still against it, till, after Conference, Two of us, with some of them, after solemn *Protestation* that there should be no Use made thereof, but to shew it to the Officers for Satisfaction, it was agreed on by that Plurality, that it should be enacted, which was carried to the *Committee of Estates* by them, and approven there; and it was by me inclosed in a Letter to *David Lesly*, in which I declared it was merely for Satisfaction of some Officers, that now they might fight against the common Enemy. My Memory serves me not to declare what further was in it, yet, notwithstanding of all Professions to the contrary, it was published that Night in Print, without either my Hand at it as Moderator, or Mr. *Ker*’s as Clerk; which afterwards was made evident at *Perth*, and the Chancellor being posed, who gave Warrant to print it? he professed publickly, he gave none. The King’s subscribing the *Declaration* at *Dumfermling*, made the Act null: But that did not satisfy us, after we saw their Way which they took, notwithstanding of his Majesty’s Subscription, continuing to oppose all the *Resolutions* which were taken for his Majesty’s Preservation, and the Kingdom’s Defence; and in the Assembly at *St. Andrews* and *Dundee*, where his Majesty’s Commissioner was present, the Assembly took to their Consideration that Act of the *West-kirk*, and put an Explication upon it. It is not full enough, because by the Enemy’s coming to *Fife*, we were forced to go to *Dundee*. Thereafter our Troubles growing upon us, after much hot Debate about the condemning it altogether, having so many to deal with in that troublesome Time, the Assembly only came this Length; I hope the next Assembly shall make it full enough.’

And of the
Act of the
West-kirk.

‘ Two Things would be well considered: These Men now called *Protesters* were not then discovered to be such Enemies to the Proceedings of the Kingdom as afterward they appeared; and therefore Pains was taken to condescend in some Things to keep them fast: And next, they had infected many of the Officers, who were made unwilling to fight, except they were satisfied in their Scruples, and we behoved to condescend in some Things to engage them, as in granting a Warrant to raise an Army in the *West*, to encourage them to fight. But after they were found to fall on the *Remonstrance*, and those Ways, there was never any Thing in the least yielded to them, as all our Procedure will make evident when seen by a General Assembly; which will be to us a standing Testimony of our Honesty and Reality in pursuing his Majesty’s Inter-

rest,

rest, and the Kingdom's, in our Sphere, against all Opposers. The Mistrust of those with you made me at such Length lay before you; what may inform you in these Matters.

Mr. Douglas's Letter, July 5. His Thoughts upon the Accommodation at London.

July 5. Mr. Douglas adds, ' In my last, I overlooked the Matter of the Accommodation. My Thoughts of it are, 1. That the Matters of Offices and Ordinances, which ought to be of Christ's Appointment, admit not of a Latitude to come and go upon: Which they suppose, who by way of trying, give Commissions and Condescensions in the Matter of *Episcopacy*, and the *Service-book*. 2. By their *Accommodation* they yield up what they had gained, through the Blessing of God, by the Labours of a learned *Assembly*, and was agreed to by the Parliament. 3. Not only their Concessions will be improven, as you well observe, but also whatever the *Hierarchists* may happen to condescend to at present, *ad faciendum Populum*, they will not keep longer than they find a Convenience to step over, at their own Ease, to their wonted Height. Their present Carriage, and the open Appearances of the most violent of them, makes this plain. 4. I believe those learned Men will, on second Thoughts, perceive, that 'tis a Task, if not impossible, yet very difficult to propose *Concessions*, which may satisfy the Presbyterians in *England*, without Conference with them, and Communication of Counsels. For which Effect, and that the *Odium* of the Miscarriage ly not on them, it may be expected from their Wisdom, that they will endeavour a Meeting of the honest and learned Men of the Ministry, to consider of the Matter. 5. Whatever be the Event and Effects, it will be a Comfort to honest Men, they had no Hand in the Reintroduction of those Things they cannot be free of in a Way of Treaty and Condescension. Those Things being considered, we cannot approve of that Way, and you do well not to meddle in it. '

Mr. Sharp's Letter, July 3.

Mr. Sharp writes to Mr. Douglas, July 3. and says, ' I lately spoke with some who have the chief Management, and had Opportunity to clear the Integrity of honest Men, from the Year 1651. to this. For any Thing I can observe, the King and his Ministers have such a Resentment of the *Protesters* Way, that we shall need rather to plead some Indulgence, than fear any Favour. *Lawderdale* denies he sent any Letter to Mr. *Patrick Gillespie*; and all his Eloquence will scarce secure him from being accountable, when an Inquisition is made into the Affronts he put upon the King and his Authority, and his Intrusions upon the *Town* and *University*. The King told the Four Presbyterian Ministers at their last Conference, he would have the Church of *England* governed by Bishops. And when it was replied, that they were not Enemies to regulated *Episcopacy*, he bid them put in Writ their *Concessions*, and what *Regulations* they thought needful. He promised that none of them should be pressed to *Conformity*, until a Synod determined that Point, and that all who had entered into Livings whose Incumbents are dead, should be continued, and others, before they were outed, should be provided for. They have had several Meetings since. At their first, they voted they would treat with the *Episcopal* Party upon Bishop *Usher's* Reduction: But I apprehend they will go a greater Length, and to Morrow I shall know of Mr. *Calamy* the Particulars. I trust you will not think it convenient I be present at Meetings where such *Concessions* are made. The King will give our Countrymen their Answer very soon; and it is, that the *Committee of Estates* will speedily sit down, with Limitations as to the Time, and their proceeding as to *Sequestrations*, or *Finings* till the Parliament sit. If the Accounts here of Expressions Ministers use in their Pulpits be true, I wish Ministers would moderate their Passions at such a Time. '

By

By another Letter July 3. Mr. Sharp acquaints Mr. Douglas, ' That he sees no Ground to think undeserving Men will be in Request, as is reported with them in Scotland. I have, adds he, acquainted the King's prime Minister with Mr. Gillespie's Character in case he come here: I have also acquainted that great Man with your Deservings of the King. The King hath not yet considered how to manage his Affairs as to Scotland, and all he says to our Countrymen here will be but for the Fashion. That which will be effectual, must proceed from his Cabinet Council, consisting of Three Persons, whom he will call in a few Days, and set apart some Time with them on purpose to manage Scots Affairs. Middleton will be Commissioner, who professeth a great Regard to you. I apprehend Glencairn will be Chancellor, Crawford Treasurer, Newburgh Secretary, Sir Archibald Primrose Register, Mr. John Fletcher Advocate. General Monk desires you may write to the Presbyterian Ministers in the North of Ireland, to leave off their indiscreet Preaching against the King, and not praying for him. I hope these Reports are aggravated, but since the Commissioners of that Kingdom have petitioned for Episcopacy, I am afraid they be persecuted. Cassils is honest, but not for this Court. ' Another of the same Date.

Mr. Douglas answers the Two last, July 12. As to the Expressions in Pulpits, he says, Some Men take a Liberty to speak, which will not be remedied, but by a General Assembly; and if this be meant of others who have been all along for the King, 'tis but a Calumny. 'Tis another Forgery which you write, of the Ministers of the North of Ireland: Mr. Peter Blair is just now come over, and assures us they all pray most cordially for his Majesty. I hear of some Protesters in the North of Scotland who pray not for the King, but none in Ireland. A General Assembly will help us, and give them Advice in Ireland. Your Matters at London are yet a Mystery to me. Mr. Douglas's Letter, July 12.

July 7. Mr. Sharp writes to Mr. Douglas, he had his June 28. ' The Ministers have had several Meetings at Sion College since my last: They have many Debates, and are not all in one Mind; yet they have all agreed to Bishop Usher's Model, to Set Forms, and an amended Liturgy; they desire Freedom from the Ceremonies. Some Yesterday spoke in the House for Episcopacy, and Mr. Bainfield speaking against it, was hissed down. The English Lawiers have given in Papers to shew that the Bishops have not been outed by Law. The Cloud is more dark than was apprehended. Mr. Hart, Richardson, and Kays are to be in Town this Night from the Ministers of the North of Ireland. Their coming is ill taken by the Commissioners from the Convention there, who have petitioned for Episcopacy. Affairs begin to be imbroyled here; many fear a Break. The Presbyterians are like to be ground 'twixt Two Mill-stones. The Papists and Phanatics are busy. Argyle is this Day come to Town, and he will not be welcome. ' Mr. Sharp's Letter, July 7.

July 10. Mr. Sharp writes to Mr. Douglas, That Crofts is discharged the Court. The Episcopal Men are bowing a little; the Presbyterians have finished their Concessions; the Issue will be the emitting of a Declaration by the King about moderate Episcopacy, amended Liturgy and dispensing with the Ceremonies. They will subject to any Episcopacy; they will act under moderate Episcopacy, and own Bishops may be acknowledged as Civil Officers imposed by the King. I find no Inclination in the King to meddle with our Church-government. The Marquis of Argyle was sent to the Tower last Lord's Day. He adds, ' He is not of their Mind, who would not have you preach for Presbyterian Government, holding up the Covenant, and keeping out Prelacy from Scotland; but I am still of the Opinion, That there is neither Necessity, nor Mr. Sharp's Letter, July 10.

Advantage to meddle with the Settlement, whether Civil, or Ecclesiastick, here in *England*. Dear bought Experience should make us wary of mingling with the Concerns of a People, who bear no Regard to us. You'll have many Letters as to the Manner of *Argyle's* Commitment, and I say nothing of it. His Warrant mentions the Cause to be *High Treason*, whether for past Actings, or what he may do at this Time against the King's Interest, I know not. This Day the Lord *Lorn* was permitted to see his Father. I'll endeavour to move, That one of the Instructions to the Committee of Estates may be to see to the preserving the Government of the Kirk, and particularly of the Acts of the *General Assembly* at *St. Andrews* and *Dundee*; and then that after the Parliament a *General Assembly* be called. I doubt if the Motion, for the King's taking notice of the *Assemblies* since the Interruption of his Government, take. I have frequently observed in Converse here for our Vindication, that by the Influence of the protesting Party among us, we were led out to some Exorbitancies not chargeable on us or our Kirk. Honest *Cassils*, *Lowdon*, *Lothian*, and *Lorn*, have been pressing a Conference before the King, with *Crawford*, *Lawderdale*, *Roths*, and *Glencairn*, to debate the Expediency of a Committee of *Estates*; but this, favouring of Faction and Division, is not liked by the King. The Motive of *Cassils* and the rest for avoiding the Committee, is the Apprehension they have of the others Design to quarrel the Parliament, 1649. and so to render their Actings culpable. I engage in no Party, while I am here, that I may know how the Wheels move. There is a Necessity I get and keep Acquaintance with the Episcopal Party, as well as Presbyterians, and with those about Court who manage the King's Affairs, though they be no Friends to Presbyterians; though I will hereby be exposed to the Constructions of Men. I am confident the King hath no Purpose to wrong our Church in her Settlement; my greatest Fear is their introducing *Eraastianism*. Chancellor *Hyde*, and those of that Party will have *Middleton* Commissioner, and some of our Noblemen have told the King, it is their Desire he be the Man. 'Tis probable *Lawderdale* will be Secretary.

Mr. Douglas's Letter, July 19.

July 19. Mr. Douglas answers the last, and tells Mr. Sharp, 'That there is no Fear of their meddling with Civil Affairs in their Judicatories: We, adds he, have Reason to know that these are to be kept distinct without Encroachment. When the King grants a General Assembly, it will be seen how consistent Presbytery is with Monarchy. I was never urging for an Assembly before, or in Time of Parliament. It shall be sufficient to us, that nothing be done in Parliament to the Prejudice of our established Kirk-government, and that the Assembly be indicted shortly after. I think it will do as well, that the Members of the Assembly be chosen after the established Order, as that the last Assembly be called. Some of the Protesters are here met, they will get none of us to joyn them in what they do.'

Mr. Douglas's Letter, July 21.

July 21. Mr. Douglas writes again, and desires Mr. Sharp to give the Lady *Argyle* all the Comfort and Assistance he can, when she comes up to see her Lord. He adds, When Sir James Stuart and Sir John Chiesly were seized, Mr. Gillespie was here at the Meeting of Protesters, and saw fit to remove. Two came to me from the Meeting, and desired we would joyn them in a Letter to the King anent Episcopacy in *England*. I told them, We could not joyn with them in any Thing of that Kind; and wished them to consider, that the Circumstances they stood in, with reference to the King, were not good. When they asked me, If I thought not it requisite to bear Testimony against Prelacy there? I answered, I thought not; and told them, I was afraid it might be hurtful to them; and we could

could not, to any Advantage, press any Thing now for *England*. I hear, they have resolved to do nothing at this Time; but, if any Thing were done in reference to the *Remonstrance*, they would give their Testimony.

Mr. *Sharp* writes to Mr. *Douglas*, July 14. ' That he had communicate his Thoughts upon the Accommodation to the Brethren of the City. They have some Sense of the Inconveniencies you mention; but they excuse themselves from the present Necessity they are under, and the Duty they ow to the Peace of the Church. They gave in their Paper to the King on *Tuesday* last, which he ordered them not to communicate, till he made his Pleasure known. After he heard them read it, he commended it, as favouring of Learning and Moderation, and hoped it might give a Beginning to a good Settlement in the Church. When I heard of the Contents of that Paper, I asked, If they thought it consistent with their *Covenant Engagements*? They said, They judged so; for they had only yielded to a constant Precedency, and a reformed Liturgy. I fear, they have hereby given a Knife to cut their own Throats, and do find the Episcopals prosecute their own Way. This Morning the King called me to his Closet alone, where I had the Opportunity to give a full Information, as to all those Particulars you by your former Letter did desire; and, I must say, we have Cause to bless the Lord for so gracious a King. A Letter will be writ in a Day or Two, and I will get off. Ere long the Parliament will restore the Bishops Lands. There are universal Complaints of the Ejection of many honest Ministers throughout the Land, and the Readmission of many not well qualified. ' Mr. Sharp's Letter, July 14.

Next Post, Mr. *Sharp* writes to Mr. *Douglas*, and acquaints him, ' That upon *Munday* there was a long and an hot Debate in the House of Commons about Religion. The high Episcopal Men laboured to put to the Question the whole complex Business about Doctrine, Worship, Discipline, and Government of the Church of *England*, that none other should take place, but what was according to Law. The other Side, consisting of Presbyterians, *i. e.* for the most part moderate Episcopal Men, urged, That the Particular about Doctrine might only at that Time be put to the Question. After Debates till Night, it came to this Issue, That the House should adjourn the taking the Matter of Religion into their Consideration until the 23. of *October*; and, in the mean time, they should desire his Majesty to take the Advice of some Divines about the settling and composing of Differences about Church Matters. Thus all is put into his Majesty's Hands. Whether this shall contribute to the regulating or heightning the Episcopal Way, there are different Conjectures: However, all Offices in the Church and Universities are just filling with Men of that Way. Two Ministers from *Ireland*, Mr. *Kays* an *Englishman*, and Mr. *Richardson* a *Scotsman*, came to Town some Time since; they have been several Times with me, and let me see their Address, signed by Sixty Ministers and upwards, and their Letter to the *London* Ministers. Their Address is well penned, and contains nothing which can give Offence, unless the Episcopalians except against the designing the King to be our covenanted King, and engaged against Error and Schism, Popery and Prelacy; and therefore pray, that Reformation may be settled according to the Covenant. The *London* Ministers civilly received them, but I do not hear of their assisting them. I have given them Advice as to the managing of their Employment, and have made way for them to the General, if by him they may have Access to the King. I have brought them to my Lord *Cassels*, and am to take them to *Crawford* and *Lawderdale*. I am afraid their Success be little; but 'tis well they are come over, to vindicate the Aspersions cast upon them as to ' Undu-

‘ Undutifulness, and to obtain some Abatement of the Rigour and Persecution they
 ‘ have Cause to fear from the Prelates. They have need, honest Men, of our
 ‘ Prayers; for the crushing of them will blast the Lord’s Work, in that Kingdom,
 ‘ in the Bud. I told you in my last, that on *Saturday* I was with the King: The
 ‘ Sum of what he is graciously pleased to grant as to Church Matters, was by his
 ‘ Order cast into a Letter, which was read to him on *Munday*, and approved, I
 ‘ being present, and ordered to be put *in mundo*, for signing with his Hand, and
 ‘ affixing his Privy Seal. I trust it shall be refreshing to all honest Men (and he
 ‘ gives the Heads of it, which need not be here insert.) He adds, This is all I
 ‘ could desire, as Matters are stated; and I adore the Goodness of God, who
 ‘ hath brought my Six Months toilsom Employment to this Issue. I have asserted
 ‘ our Cause to his Majesty and others, and pleaded for Pity and Compassion to our
 ‘ Opposers. I have not spoke of any Thing favouring of Severity or Revenge. I
 ‘ had almost forgot my urging his Majesty to call a General Assembly, which, he
 ‘ told me, could not now be resolved upon as to the Time, till he should more fully
 ‘ advise about ordering his Affairs in *Scotland*. And, upon the Motion of his own-
 ‘ ing the Assembly at *St. Andrews*, 1651. he readily yielded to it, as the fittest
 ‘ Expedient to testify his Approbation of our Cause, and his Pleasure that the Dis-
 ‘ orders of our Church be remedied in the approved Way. You’ll easily see why
 ‘ he could not own these Assemblies, that were holden after the Interruptions of
 ‘ his Government.’

Mr. Sharp’s
 Letter,
 July 26.

July 26. Mr. Sharp acquaints Mr. Douglas, That several of our Countrymen are
 not satisfied with the King’s gracious Declaration as to the preserving our Government.
 I am advised to put off my Journey Two or Three Days, that I may take Care that,
 by Instructions to the Committee of Estates, the King’s Assurance in his Letter
 may be made good; and probably those Instructions will be perfected this Week.
 The King’s Condescension, that the Acts and Authority of the General Assembly
 at *St. Andrews* and *Dundee* be owned, doth take in the Acts of the Commission
 preceeding it. Upon my Motion of it to his Majesty, he was satisfied with the
 Reasons I gave, from his own Concernments and ours. After the Parliament,
 the Assembly, I hope, will be indicted. As soon as the King hath nominated a
 Secretary, I shall leave the Copy of the Proclamation you sent, with him, for cal-
 ling the Assembly. I gave you Account, on the 24. of the large Opportunity I
 had with his Majesty to clear you from all Mistakes and Aspersions, according to
 the Particulars of the Information you sent me; and the King is sensible the Stretch-
 es came from the overbearing Sway of those Men. We hear here of another Meet-
 ing of theirs: I wish they would forbear them; and if they forbear them not in
 Time, they will draw a Check upon themselves. You’ll have had Notice of the
 King’s Answer to the Paper presented by our Lords: After Insinuations of his great
 Regard for *Scotland*, he tells them, The Field Forces shall be withdrawn present-
 ly, the Garisons as soon as may be, and the Garison of *Edinburgh*, as soon as a
Scottish Garison can be raised. The Committee of Estates sits down *August* 23.
 and is not to meddle with Persons or Estates, and to fill up their Number with
 those who, by *Remonstrance* or otherwise, have not disclaimed the King’s Autho-
 rity: The Proclamation for this Committee is preparing. The Proceedings to
 settle Episcopacy in *England* and *Ireland* go on apace: The Bishops will be spee-
 dily nominate for *England*, as they are mostly already for *Ireland*. The Brethren
 from *Ireland* are at a great Stand what to do: The General, *Manchester*, or any
 Person of Interest, refuse to introduce them to the King, if they present their Ad-
 dress. They have writ to their Brethren for Advice. The most they can expect,
 will be a Forbearance a little in the Exercise of their Ministry, but they will not be
 permitted

permitted to meet in Presbyteries, or a Synod. I give them all the Assistance I can, though they get none from the City Ministers.

Mr. *Sharp* writes next, *July 28.* and tells Mr. *Douglas*, That *Argyle* will be sent down to the Parliament, to be tried: His Friends wish rather he were tried before the King. No Petition from the *Protesters* will be acceptable to the King. I wonder how they expect you should, by a Conjunction with them, involve your self in their Guilt and Hazard. Their *Remonstrance* will be censured. Yesterday the King went to the House, and, in an excellent Speech, pressed an Indemnity to all who had not an immediate Hand in his Father's Murder. I spoke this Day with our Brethren from *Ireland*, who tell me, By the Advice of their best Friends here, they are resolved to expunge out of their Address the Expressions which might be most offensive, and to tender a smooth one to his Majesty, without mentioning their Exception against Prelacy, or craving Reformation according to the *Covenant*; and the Drift of their Desires are, to be permitted the Exercise of their Ministry, and such a Discipline as may guard against Error and Profaneness.

Mr. *Sharp's*
Letter,
July 28.

By his next, of *August 4.* to Mr. *Douglas*, he tells him, That the Two Brethren from *Ireland* had been with him, and signified, that Yesterday they had been introduced to the King, who received their Address and Petition (which they did smoothe) and caused read them, and spoke kindly to them, bidding them be confident, they should be protected in their Ministry, and not imposed upon; he would give Orders to the Deputy of *Ireland* to have a tender Regard of them. They are going home, much satisfied with this Answer.

Mr. *Sharp's*
Letter,
August 4:

August 11. Mr. *Sharp* signifies, 'That the Apprehensions of *Scotsmen* here are much altered, since his Majesty hath been pleased to yield to what I humbly offered, by his Condescensions in that Letter. I thought, it was not amiss to acquaint several here with it; and their Expressions about the Government of our Church are much moderated. The Letter of the Ministers of *London*, in Answer to yours, is, after much Belabouring, signed by them; and I am to have it to Morrow. The Episcopal Party here are still increasing in Number, as well as Confidence. Some think, they fly so high, that they will undo their own Interest.'

Mr. *Sharp's*
Letter,
August 11:

This Collection of Letters ends with a Letter from Mrs. *Calamy*, *Ash* and *Manton*, in answer to that of the Ministers of *Edinburgh*, of *June 12.* and 'tis insert *App. N^o. 10.* and with this I shall conclude this Extract, and large Abbreviate of this Correspondence. The King's Letter to Mr. *Douglas*, to be communicated to the Presbytery of *Edinburgh*, with what followed thereupon, will come in upon the History it self.

Ministers
of *London*
their An-
swer to the
Letter of
the Mini-
sters of *E-*
dinburgh,
June 12.
App. N^o.
10.

I have chosen to give this Introduction mostly in the very Words of the Letters themselves, and I have omitted nothing in them I thought necessary to give Light to this great Change of Affairs. Some Things, minute, and of no great Importance in themselves, are inserted, because they tend to give Light to other Matters of greater Weight. And though this Abbreviate be larger than what at first I hoped it might have been, yet containing a Summary of upwards of Thirty Sheets of Paper, and a great Variety of Matter, both as to the Church of *Scotland*, and Matters in *England* at this critical juncture, and nothing being left out that might clear this Part of our History, I flatter my self, it will not be unacceptable to the curious Reader. To shorten it, and as little as might be interrupt the Narrative, I have turned over Eight or Ten principal Papers to an *Appendix*, which immediately follows. I could not avoid some Repetitions, neither could I, without spending more Time than I had to allow, reduce this Narrative to any other

The INTRODUCTION.

other Method than what it lies under in the Letters themselves; and by this, the Reader hath the Benefit of having it in the very Words of the Writers. Some Passages in them need to be explained, yet I was not willing to write Notes upon them, but let them continue in their own native Dress. A few warm Passages, relative to the late unhappy Debates, I thought good to bury, as of no great Use to us now.

Upon the Whole, this Abstract will give a fuller View, than I have any where seen, of the Apostacy of that violent Persecutor Mr. *Sharp*, and how inconsistent he proved with his own Pretensions and Professions. I suspect, and there seems Ground for it from what is above, that Mr. *Sharp*, Mr. *Leighton*, Bishop *Sideserf*, and others at *London*, were concerting the Overthrow of the Church of *Scotland*, with the High-fliers in *England*, when Mr. *Sharp* is writing such Letters as we have seen, and, in the mean time, waving and burying the Applications made to him by the reverend Ministers of *Edinburgh*. And here we have an undoubted Proof of the Diligence, Activity, and Faithfulness of worthy Mr. *Douglas*, and the rest of the Ministers who joyned him: And, when we compare what is above insert, with what shall occur in the Body of the History, as to the Letter to the Presbytery of *Edinburgh*, and the Senses put upon it, the Reader must observe the disingenuous and base Trick put upon the Church of *Scotland* therein. I come now to the History it self.



APPENDIX.

APPENDIX.

Instructions to Mr. Sharp, from Mrs. David Dickson, Robert Douglas, James Wood, John Smith, George Hutchison, and Andrew Ker, February 6. 1660.
No. I.

YOU are to use your utmost Endeavours that the Kirk of *Scotland* may, without Interruption or Inroad, enjoy the Freedom and Privileges of her established Judicatures, ratified by the Laws of the Land.

2. Whereas, by the lax Toleration which is established, a Door is opened to very many Errors, and loose Practices in this Church; you shall therefore use all lawful and prudent Means to represent the Sinfulness and Offensiveness thereof, that it may be timely remedied.

3. You are to represent the Prejudice this Church doth suffer by the interverting of the taking Stipends, which by Law were dedicated to pious Uses; and seriously endeavour, that hereafter taking Stipends may be intromitted with by Presbyteries, and such as shall be warranted by them, and no others, to be disposed of and applied to pious Uses, by Presbyteries, according to the 20 Act of the Parliament 1644.

4. You are to endeavour that Ministers, lawfully called and admitted by Presbyteries to the Ministry, may have the Benefit of the 39 Act of the Parliament, Intituled, *Act anent abolishing Patronages*, for obtaining summarily, upon the Act of their Admission, Decreet, and Letters conform, and other Executorials, to the effect they may get the Right and Possession of their Stipends, and other Benefits, without any other Address or Trouble.

If you find that there will be any Commission appointed in this Nation, for settling and augmenting of Ministers Stipends, then you are to use your utmost Endeavours to have faithful Men, well affected to the Interests of Christ in this Church, employed therein.

*David Dickson.
Mr. Robert Douglas.
Mr. James Wood.
Mr. John Smith.
Mr. George Hutchison.
Mr. Andrew Ker.*

Desires of the City Ministers, February 1660. No. II.

It is humbly desired,
1. **T**HAT there may be a speedy Course taken against Jesuits, Papists, Priests, and all Popish emissaries.

2. That an effectual Course also be taken for the better Sanctification of the Sabbath, and to prevent the opening of Shops by Quakers, and all other Profanation of the Sabbath; and, in order thereto, a certain Act, bearing Date *September 27. 1651. Intituled, An Act for Relief of religious and peaceable People from the Rigour of former Acts of Parliament in Matters of Religion* (whereby many have taken Encouragement to neglect the publick Ordinances) may be considered and repealed.

3. That the Disturbance of the Ministers, in the publick Worship of God, may be prevented and punished.

4. That certain Ministers may be appointed for the Approbation of all Ministers who shall be admitted into Livings, till the next Parliament take further Order.

5. That they would be pleased to declare, that they still own the *Confession of Faith, the Catechisms, Directory, and Form of Church-government* pretended to them by the late Assembly of Divines, and approved of by several Ordinances of Parliament.

6. That Care may be taken, that godly ordained Ministers, who are in sequestred Livings, may not be molested, through the Want of some Formalities in Law as to their Institution.

7. That they would please to consider what may be done in order to the calling of a national Assembly of Divines, to be chosen by the Ministers of the respective Counties, with due

due Qualifications, that so, by the Blessing of God upon this Ordinance, we may have Hope for the healing of our sinful and woful Divisions.

The Judgment of some sober-minded Men in Scotland, concerning the Settlement of the Government in the Three Nations. N^o. III.

FOR the Settlement of Government, Two Things are mainly considerable; the one is concerning the Power of settling it, the other is concerning the Form of the Government to be settled.

Concerning the Power of settling Government, it is in the Three respective Parliaments of *England, Scotland, and Ireland*. It is Matter of no small Contentment to us, that there is a full Parliament to meet in *England*, of whom we have the Confidence that they will do right for themselves; yet we must plead, that *de jure* belongs to the Three Nations to consult and conclude, in their respective Representatives, that wherein all of them are severally concerned; for *quod omnes tangit, ab omnibus tractari debet*. In which Purpose it may be considered, 1. That *England* is but a Part, and their Representative doth only represent that Part; now no Part can conclude and determine the Whole. 2. All the Three Nations have always had their respective Parliaments, until the unhappy Changes under the late Usurpation, which hath overthrown the Liberties of all the Three Nations. 3. If any Thing be determined by a Part, which is not agreeable to the Mind of the rest, it must be imposed without a free Consent, and by Force; and this is the Continuance of that very Bondage upon others, under which both they and we have lien this while bygone. 4. A greater Freedom of Expression is required in this Particular, in so far as concerneth *Scotland*, which is in a worse Case than any of the other Two; because the Power that is in the other Two, by divine Providence, puts them in a Capacity to act for themselves; whereas *Scotland* is, by that same Power, impeded from acting toward their own Liberty. If the Force upon the secluded Members, that hindred them from acting according to their Trust, was unjust, and was taken off according to Justice, then all the Acts of Violence thereafter committed by these who acted that Force, upon these who enjoyed their own Freedom before, are unjust, and cannot, without owning the Injustice of others, be still continued unto their sad Restraining from acting as a free Nation. It were to be wished that the Injustice thereof were a little better considered; upon which account, let it be remembred, 1. How well *Scotland* hath deserved of *England*; for being intreated for, and by their Commissioners, they took their Lives in their Hand, and hazarded themselves, to deliver their Brethren from a fearful threatened Bondage; and yet the Recompence that they have gotten, hath been, to be unjustly invaded, and many Thousands of them killed, starved, imprisoned, and removed to the far Parts of the World: Unto this Matter, the Words which the Lord commanded to be spoken before the Host of *Israel*, by the Prophet *Oded*, may be well applied, *2 Chron. 28. 9, 10, 11. Behold, because the Lord God of your Fathers was wroth with Judah, he hath delivered them into your Hand, and ye have slain them in a Rage that reacheth up unto Heaven. And now ye purpose to keep under the Children of Judah and Jerusalem, for Bond-men and Bond-women unto you: But are there not with you, even with you, Sins against the Lord your God? Now hear me therefore, and deliver the Captives again, which ye have taken captive of your Brethren; for the fierce Wrath of God is upon you.* 2. That that unjust Invasion was never imputed unto the Nation of *England*, but unto a Party which then and thereafter kept *England* in Bondage, as well as others: But if now, when the Lord hath opened a Door of Hope unto them for their own Liberty, they keep their Brethren still in Bondage, and do not behave themselves toward their oppressed Brethren, in their Speeches to the Army, and in their Actions toward their Brethren, as the Heads of *Israel* spake and did, *2 Chron. 28. 12, 13, 14, 15.* They will add one Trespas to another, and make it to be a national Sin, which will draw from the avenging Hand of divine Justice a national Judgment. 3. That the Body of this Nation evidenced their Willingness and Readiness to hazard themselves unto the utmost, and to lay out themselves above their Ability, toward the promoting of the generous Intentions of General *Monk*, whom the Lord raised up, to put a Stop unto the violent Actings of those that were in a Way of undoing Religion and Liberty, and to make way for the Meeting of a full and free Parliament. These Things, being well weighed in the Balances of an impartial Judgment, will strongly plead, that *Scotland* ought to be a Sharer with *England* and *Ireland*, in the settling of Government.

Concerning the Form of the Government, it is either Civil, or Ecclesiastical.

As to the Civil Government, it may be supposed to be intended either in a Commonwealth, or in a single Person.

The Civil Government of these Three Nations cannot be settled in a Commonwealth for these Reasons. 1. The People of these Nations have been so accustomed unto Monarchy, that they can hardly put their Neck under another Form of Government. 2. However it be pretended to be a Commonwealth, yet it is really and in effect but an *Oligarchy*, the carrying on of the Interests of some few particular Persons. 3. Such a Commonwealth is but introductory to a single Person, as late Experience hath made it evident in the Practice of the *Protector*, who turned their Republick unto Government of a single Person, *viz.* of himself. 4. It is held as a Maxim in the Politicks, That it is dangerous to change the Government of a Kingdom, so long as there are righteous Heirs of the Crown to plead their Right, lest the Kingdom be continually vexed with new Wars and Broils, and involved in Blood, so often as they have Will and Power to endeavour the forcible Possession of that which is known to all neighbouring Princes, to be their undoubted Right. 5. If the Settlement of Government be in a Commonwealth, it will necessitate the keeping up of Armies, to impose that Form upon these of the Nations, who cannot in Conscience give Way thereto; and how disadvantageous and dangerous this is, may be seen. 1. By the vast Expences which they will draw to, and these must be wrung out of the Estates of People: A Taste of this the Nations have had these few Years bygone, wherein there hath been more imposed upon the People, than in Hundreds of Years before. 2. What Security can be had from these Armies, but they may act over again what the Armies before them have lately acted, and model the Government to their own Pleasure, or make themselves the Rulers of all. 6. A Commonwealth, out of a preposterous Desire of securing Civil Interests, useth to bring with it no small Disadvantage to the true Reformed Religion, by Toleration of Errors and Heresies. A sad Proof of this these Nations have had in late Times under the Essays for a Commonwealth, wherein Errors of all Sorts, Heresies and Blasphemies have abounded, more than they have done in any such Time since the Days of Christ. 7. It seems that God is not pleased with such a Change in these Nations; for since it began, they have been tossed, like a *Tennis-ball*, from Hand to Hand, without any Settlement, which hath made the Government to be like washing Floods, overflowing the Banks, when once it hath gone out of the right Chanel; and though Men have been framing a Government upon the Wheel, yet the Lord hath broken it all, intimating this very Thing, That a Commonwealth is not the Foundation wherein these Nations can safely rest.

As to the settling of a Civil Government in a single Person; Reason and Conscience plead, that that single Person be the righteous Heir of the Crowns. For, 1. Though the Nations were necessitate to undertake a lawful defensive War, to preserve Religion and their civil Rights and Liberties, against the Breaches made upon both, by wicked Counsellors misleading the Father; yet since the Parliament found Reason to have readmitted the King, whereupon by Force, so many Members were secluded, his Son who hath never acted any Thing of that Kind, should not be reputed to be in a worse Condition than himself, and so manifestly injured as to be denied Readmission to his just Right. 2. However the Father was engaged in War against *England*, yet his Son was never so engaged, but only against a prevailing Party which kept *England* under Bondage, and kept *him* under Banishment. 3. The Three Nations are not at Liberty to make choice of any single Person that they please, but have determined themselves in the *solemn League and Covenant*; which hath been solemnly sworn in them all, professing in the Sight of almighty God, that one main End they aim at, is the Honour and Happiness of the King and his Posterity; which was afterward renewed in many Declarations, wherein they profess their Integrity and Sincerity, in pursuing of the War, without any Prejudice intended to the King's Power and Authority, or his Posterity. 4. It is expected, that the ensuing Parliament (the happy and peaceable Meeting whereof is earnestly desired) will endeavour to redress the Wrongs which themselves and the Nation have received, by the Practices of these that violently oppressed them; and it is no less expected, that they will restore Persons to their due Rights, who were outed of them by the same Violence which oppressed the Nation, lest the Parliament's Injustice, in denying *Suum cuique tribuere*, become the Sin of the Nation. *Non tollitur peccatum, nisi restituatur ablatum.* 5. The setting up of the righteous Heir will secure the Nation against the Fears of Invasion from Abroad, or Insurrections from within, upon the account of any Interest to the Government, and so take away the Necessity of keeping up standing Armies, to the exhausting of the Country, and endangering of a settled Government. 6. All the well affected to Government in *Scotland*, can give this Testimony unto him who is righteous Heir, That he was faithful in his Treaties, did countenance the honest Ministry, and religious Duties, and was without any known Scandal in the Course of his Conversation, which are Qualifications desirable in a single Person for settling of Government. 7. The good Hand of divine Providence doth lead, as it seems, unto that single Person, by keeping the Government unsettled until the sitting of a free Parliament, by instructing and fitting him for a just and moderate Government in the School of Affliction, and

and by mercifully inclining the Hearts of the Body of the People toward him: Whereas for a While, there was an Alienation of Affection in many from that Family, that coming out of the Furnace of Affliction, as a Vessel fitted for honourable Employments, he may be called unto the Throne by the Representative, and heartily embraced by the Body of the People.

Self-seeking Men will not want Objections against the settling of the Government in this Way. 1. Purchasers of Crown-lands, and of other Casualties and Emoluments belonging thereto, out of fear to be deprived thereof, will be great Sticklers in Opposition to this Settlement. This Objection were easily answered, if Covetousness were not both unsatiable and unreasonableness. For, 1. The Rent of the Lands, and other Things of that Nature during the Years of their Possession hath equalled, if not exceeded the Price which they laid forth upon the Purchase. 2. It were most unjust that the Three Nations should suffer, and be at the Expence of keeping up Armies for maintaining a few private Men in an unrighteous Purchase: The Nations had far better buy out their Purchases, than be at the Expence of maintaining Armies. 3. To deny him Admittance to the Crown, that he may not be admitted to the Possession of his Lands, were to add Sin to Sin, and to maintain a lesser Sin by committing a greater. No Man will suffer it to enter into his Mind, that the Parliament will make this their Sin. 2. Such as have been accessary to the grand Injuries done to his Father, will fear that he prove vindictive against them, if he should be admitted; but an Act of Oblivion will secure them, and an Act of *Indemnity* will secure all others in reference to the Actings of these latter Times: And as to the defensive War undertaken by the Parliaments of the Three Nations, the Lawfulness thereof may, and ought to be declared and secured in Law. 3. The honest and sober Party may, upon sinister Information, be possessed with Fears that he shall introduce an arbitrary Government, but his Admittance is not pleaded for upon any Terms, but upon the Terms of the *League and Covenant*, wherein all the Rights and Liberties of the Parliaments and People of the Three Nations *respective* are secured, and which he hath most solemnly sworn and subscribed in *Scotland*.

Whatever other Objection may be moved from the Fears of Men, it may be considered, that what is incumbent upon the Nations, whereunto they are obliged before God and Men, should be done, committing the ordering of contingent Events to the good and wise Providence of the LORD of the whole Earth.

For the Government of the Kirk in *Scotland*, they are determined unto Presbyterian Government, as that which is most agreeable to the Word of God, being thereto obliged by their *National Covenant*, and by the *solemn League and Covenant*; and the other Two Nations are obliged by the *League and Covenant*, to endeavour the Preservation of the Reformed Religion in the Church of *Scotland*, in Doctrine, Worship, Discipline, and Government, according to the Word of God, and the Example of the best Reformed Churches. 2. For *England* it is expected from the Parliament thereof, that is shortly to sit, that they will ratify the 30 and 31 Chapters of the *Confession of Faith*, as well as the late Parliament hath ratified all the rest of it.

Though there may be some in *England* for Episcopacy, and some for other Forms, yet Presbyterian Government ought to be pitched upon, for these Reasons. 1. Episcopacy and other Forms are Mens Devices, but Presbyterian Government is a divine Ordinance. 2. The Three Nations are tied by the *League and Covenant* to endeavour the Extirpation of Prelacy, *that is*, Church-government by Archbishops, Bishops, &c. and to endeavour the nearest Conjunction and Uniformity, as in Religion, Confession of Faith, Directory for Worship, and Catechizing, so in Form of Church-government. 3. The Maintenance of the Episcopal Hierarchy requireth huge and vast Rents, which might be employed to far better Uses; more is laid out for the upholding the lordly Grandeur of one of that Hierarchy, than many able, faithful and laborious Ministers of the Gospel live upon. 4. It is known by sad Experience in *England*, that Episcopacy hath been the Inlet unto Popery, *Arminianism*, and other Errors which were on Foot, and fomented by them before the late Troubles; and other Forms which Men have been modelling, have brought forth Swarms of Errors, Schisms, and unhappy Divisions in these Nations; only Presbyterian Government being Christ's Ordinance, stands as a Wall and an Hedge against all these, as *Scotland* hath tried by Experience, in which, so long as Presbyterian Government stood in Vigour, no Error in Doctrine, Worship, Discipline, and Government durst set out the Head. 5. Presbyterian Government doth well agree with any lawful Civil Government, though Presbyterians have no Reason to be indifferent to any Form of Civil Government, since they know what Good hath been enacted towards the Establishment of Presbyterian Government in the Three Nations under Kingly Government; and it may be truly said of it, That in the right Exercise thereof, it is the best School to teach Subjects due Obedience to the lawful Magistrate. It is maliciously suggested by the Enemies thereof, that it is intolerably rigid in the Exercise of it, which may take with good People, who are unacquainted therewith: For removing whereof it may be considered, 1. That the Errors of Men, in abusing of this Ordinance of God,

ought no more to reflect upon it, than the Errors of Men abusing other divine Ordinances, ought to reflect upon them. 2. Presbyterian Government hath within it self a sufficient Guard against the Aberrations of Men; for inferior Kirk-judicatories are in their ownings liable to the Trial and Censure of the Superior Judicatories, until it come at length to the General Assembly, which useth to take a Course for redressing all Abuses, so that there is nothing needful but the Authority of the Civil Magistrate to countenance them in their Proceedings. 3. It is so far from being rigid, that all Tenderness is used toward the ignorant to bring them to Knowledge, Meekness toward the restoring of those that are fallen through Infirmary, Painfulness to reclaim these that are of a different Judgment, and patient Forbearance even toward the Obstinate, that, if possible, they may be reclaimed before they be proceeded against by the highest Censure of the Kirk; and yet it being a divine Ordinance, which restrains Looseness, Profanity, and Error, it needs not be wondered at if Men of Judgment, that it be reckoned as rigid by these who love a lawless Liberty in Opinion and Practice.

Seeing it is now both the Desire, and Hope of all honest and sober Men, that the Lord, by his good Providence, will bring the Parliament to sit in Peace and Freedom, they would seriously consider how much it concerneth them to look well unto the building and ordering of the House of the God of Heaven; for it hath been observed by very godly and judicious Men, that because there was no Care taken to settle the Affairs of the Kingdom of Christ, but by a vast *Toleration*, a Way opened for a Flood of Errors to enter upon the Church: The Lord justly permitted Confusions to come upon the State, and made the various Vicissitudes of State Mutations to be the Astonishment and Derision of all about. That abomination which hath provoked the Lord to Jealousie must be removed, as they would expect God's Blessing upon the Nation, and upon their Endeavours for the solid Settlement of a righteous Government.

That there is a free Parliament to sit in *England*, is a Matter of no small Comfort, and giveth good Hope to the well affected in the Nations; only it is their earnest Desire that it may be free indeed, and not as it hath been in these late Times. To make a free Parliament a threefold Freedom is requisite. 1. That there be a Freedom in reference to the Matters therein to be handled; and in particular, that they be not predetermined in that which is the main Matter, by the Army, or any other in Place or Power, toward the settling of any Government contrary to the Minds and Inclinations of the Bulk of that Body which they represent. 2. That there be a Freedom in their voicing, without being overruled. It was thought most absurd, and an Encroachment upon the Freedom of Parliament, when the King seized upon some Members of the House; what shall be then thought if a whole Parliament should be raised, and not permitted to sit? But this Usage is not to be feared, since it hath pleased the Lord, in his Providence, to make my Lord General instructed for their Meeting; it is expected that he will also prove vigilant and faithful for their peaceable Sitting. 3. There is a Freedom requisite for the Subjects to present their Desires and Overtures for the Government, that they may be more kindly accepted than hath been the Use in late Times, wherein a Man hath been accounted an Offender for a Word. The People of *Scotland* have all this while, under the Variety of Changes, lived peaceably, submitting unto Providence, and do yet in a peaceable way wait patiently for Relief, and Enjoyment of their just Liberties. If they shall happen to be frustrate of their Expectation, they must in Patience possess their Souls, till God appear for them: But better Things are hoped for from this Parliament, which God hath raised up to act for publick Interests, and common Liberty. It is Time in their Endeavours to settle these distracted Nations: They will meet with many Difficulties; but if all the well affected were to speak unto them, they would speak in the Words of *Azariah* the Son of *Oded*, 2 *Chron.* 15. spoken to *Judah* in those Times, when there was no Peace to him that went out, nor to him that came in, but great Vexations were upon all the Inhabitants of the Countries, and Nation was destroyed of Nation, and City of City, for God did vex them with all Adversity. *Be ye strong therefore, let not your Hands be weak, for your Work shall be rewarded:* Upon the hearing of which Words of *Oded*, they took Courage, reformed Religion, put away all these Things that were abominable in the Sight of God, and entered into a Covenant to seek the Lord God of their Fathers with all their Hearts, and all their Souls.

Letter to the King's Majesty, from Mrs. Robert Douglas, David Dickson, James Hamilton, John Smith, and George Hutchison, Edinburgh, May 8. 1660. N^o. IV.

May it please your Majesty,

WE cannot but admire the Faithfulness and tender Compassions of the Lord our God, who keepeth Covenant and Mercy, in that it hath pleased him to have respect to the long and sad Afflictions of your Majesty, and of your faithful Subjects, and to the many Prayers put up to him, in great Trials of Affliction, by opening so comfortable and promising Door of Hope, that he will repossess your Majesty in your just Rights, and restore unto your People their Rulers as at the first, and their Counsellors as at the Beginning, and that probably (which we hear your Majesty so much desires) without Effusion of Blood: This is the Lord's Doing, and it is wonderful in our Eyes, that we may not only enjoy the Liberty (whereof we have been long, to our great Grief, deprived) to tender our faithful Service at such a Distance, but are filled with Hopes to enjoy your Majesty's Presence in your own Dominions, as a bright Sunshine after a long and tempestuous Night, to prove a Shelter and Encouragement to all these who delight to walk in the Ways of Truth and Peace. And, when we abstract from Instruments in all the late Revolutions, we cannot but further adore the holy and wise Providence of God, who, having preserved your Majesty's Royal Person in imminent Hazards, hath seen it fit to breed you (as another *David*) in the School of Affliction, that you may be an eminent Instrument in his right Hand, to promote the Interests of his Son *Jesus Christ*, and to rule for him; whereof your Majesty's Moderation of Spirit, and Steadfastness in the Truth, in all your sharp Trials, have been comfortable and refreshing Evidences to all who have heard thereof. Sir, As the Condition of your Majesty, and of your Dominions, have been no light Affliction of Spirit to us, and to the Lord's faithful Servants in this Church with us, these Years bygone, while we have been forced to encounter with Difficulties, both from among our selves, and from without; so it hath been no small Addition to our Affliction, that we could not any other way express our Duty to your Majesty, than by our Endeavours to sympathize with you, and our Prayers to God for you; for any comfortable Account whereof, we do heartily bless him, and do resolve, in the Power of his Grace, to give him more Employment, till it please him to perfect that good Work which he hath begun. But now, since it hath pleased God to open a Door (which we have long desired) for our Brother Mr. *Sharp* to come and wait upon your Majesty, we could not any longer forbear to present by him this our humble Address, in Testimony of our loyal Affection to your Majesty, and our humble Acknowledgment of the Lord's Goodness to these your Dominions, in this comfortable Revolution of Affairs, making way for your Majesty's Reinstalment. If it had been expedient in this Juncture of Affairs, your Majesty might have expected an Address from the Generality of the Ministers of this Church, who, we assure your Majesty, have continued, and will continue in their Loyalty to Authority, and the Maintenance of your just Rights, in their Stations, according to these Principles by which your Majesty left them walking in Opposition both to Enemies from without, and Disturbers from within: But, doubting that such an Application is not yet seasonable, we have desired Mr. *Sharp* to inform your Majesty more fully of the true State of this Church; whereby, we trust, your Majesty will perceive our Painfulness and Fidelity in these trying Times, and that the Principles of the Church of *Scotland* are such, and so fixed for the Preservation and Maintenance of lawful Authority, as your Majesty needs never repent that you have entered into a Covenant for maintaining thereof: So that we nothing doubt of your Majesty's constant Resolution to protect this Church in her established Privileges, and are no less confident (tho' we presume not to meddle without our Sphere) that your Majesty will not only hearken to the humble Advices of those who are concerned, but will also, of your own Royal Inclination, appear to settle the House of God, according to his Word, in all your Dominions. Now the Lord himself bless your Majesty; let his right Hand settle and establish you upon the Throne of your Dominions, and replenish your Royal Heart with all those Graces and Endowments necessary for repairing the Breaches of these so long distracted Kingdoms; that Religion and Righteousness may flourish in your Reign, the present Generation may bless God for the Mercies received by you, and the Generations to come may reap the Fruits of your Royal Pains. So pray,

Directed,
For the King's Majesty.

S I R,
Your Majesty's faithful Subjects,
and humble Servants,

Mr. Robert Douglas.
David Dickson.
Mr. James Hamilton.
Mr. John Smith.
George Hutchison.

Instructions for Mr. James Sharp, in reference to the King, May 8. No. V.

1. **Y**OU shall fully inform the King of the constant Fidelity of the Body of the Ministry of *Scotland*, to him; and that (however some Endeavours were of Necessity used, to prevent Prejudices to the Government of the Kirk, yet) Conscience hath been made, of not complying with any that have been in Power, nor seeking or receiving any Benefit from them, notwithstanding many Hazards to which they were daily exposed by reason of their Fidelity, many Temptations from those who would gladly have conciliate their Favour, and many Trials and Temptations from those among our selves, who, to drive their own Designs, did fall off to those in Power, and did endeavour to irritate them against us, as constant Adherers to the King, and Enemies to them.

2. If need be, you may inform the King of the Testimony to the Government of the Kirk of *Scotland*, and the constant Adherers thereunto, extorted even from Adversaries; in that, however they did own that Party in this Church who did homologate their Way, yet they were forced to acknowledge that we were the Men of sober and rational Principles, and therefore did endeavour to gain us, but in vain.

3. In informing of our constant Adherence to the King, and our dealing with God for him, if any Occasion be offered, to clear our forbearing to express his Name in our publick Prayers, you may clear, that it was only a forbearing to express royal Titles, lest thereby greater Prejudice might have ensued, both to the Work of the Gospel, and to the King's Affairs; but the Thing it self was constantly kept up by us, even in Publick, in so far that it was still charged upon us, that though we forbore the Name, yet we did the Equivalent.

4. When ye have Occasion to sound the King's Inclinations concerning Religion, ye may inform, That all honest Men have their Eyes much upon his Majesty's self, that he will not only be ready to hearken to wholesom Counsel, but will of himself give eminent Proof of his being taught in the School of Affliction, to be an eminent Promoter of Reformation, as another *Josiah*; and particularly, you may inform, That as we doubt nothing of his Constancy in adhering to what he is engaged unto by Covenant, as to us; so, whatever Motives he may have to take another Course in *England*, either to incline to an Episcopacy, or to give a Latitude to Variety of Ways (wherein, beside our Judgment of the Things themselves, and the Consideration of the King's Engagement, we cannot but foresee many Inconveniencies; and, for your further Instruction in this Particular, we refer you to the Letter of *April 26.* and a Paper of *March 27.*) yet there is no Shew even of Conveniency or Advantage, to alter any Thing of the settled Government of the Kirk of *Scotland*, wherein all the People are generally principled, and do acquiesce.

You may also inform how necessary it is, that the King, in dealing with this Kingdom, do give an equal Countenance to all who have adhered to him, in these late Revolutions; and that Care be taken, that no Factions made by any, upon any Thing, be allowed to the Prejudice of others no less faithful. You know, that, among the King's real Friends, some have taken more Liberty to make the best they could of the late Times, who now seem to set themselves among those who would be greatest Courtiers; and we have nothing to say against any particular Favour the King may please to put upon them; yet, if those, and others with them, should be only countenanced, and others under a Cloud who have made Conscience to abstain from the least Shadow of Compliance, it cannot but sadden honest Men much, give Occasion to real Compliers to insult over them, and exceedingly prejudge the King's Affairs, who, we trust, will hold to his old Principle, That he came not to be a Head to a Faction, but a King to all.

As for those among us, with whom you know we have had so much Vexation, you may inform, if you find Cause, That we really wish no Evil to their Persons, nor shall, for our Part, stumble, if the King exercise his Moderation toward them; yet we apprehend their Principles to be such (especially their Leaders) as their having any Hand in Affairs, cannot but breed continual Distempers and Disorders.

When you have Occasion to speak concerning the settling of Religion in *England*, you may further remember to inform the King how many Presbyterians are in *England*, who have cleaved to him, who cannot acknowledge Episcopacy to be of God's Institution, and cannot but expect hard Things if that Yoke be imposed upon them: Also you may inform of what Stamp divers of the later Episcopal Divines are, who not only run that Length in affecting Episcopacy, as to acknowledge the Patriarchates of *Rome* in the Western Church, but, in point of Doctrine, have published many strange Tenets, contrary to the Doctrine of the Reformed Churches, and of the Church of *England*, and orthodox Bishops in former Times. The settling of the Interest and Way of Men of such Principles, would give sober
and

and orthodox Men Cause to fear the overturning of all Religion. You may also inform what Errors, *Arminianism*, *Popery*, &c. were hatched under Episcopacy, in the latter Times thereof.

Letter to the King's Majesty, from Mrs. Robert Douglas, David Dickson, and George Hutchison, Edinburgh, May 10. 1660. with the Earl of Rothes. No. VI.

May it please your Majesty,

WHILE your Majesty's faithful Subjects in this Kingdom were waiting upon the Lord for a comfortable Account of the late promising Revolution of Affairs, it pleased him, who remembreth his People in their low Estate, to refresh their Spirits, which have so long groined under so much Bondage, with the News of your Majesty's gracious Message to your Houses of Parliament of *England*, and their Proceeding thereupon, toward the Instalment of your Majesty in your just Right. Upon the first Hearing thereof, such of your Majesty's faithful Subjects, Ministers in this City, as had Occasion at any Time to be near your Royal Person, did hold it their Duty to make their humble Address, which they desired Mr. *Sharp* to present to your Majesty: And now the Earl of *Rothes* having made us acquainted with his Purpose to come and wait upon your Majesty, we have taken the Opportunity again to express our humble and sincere Affection to your Majesty, and our hearty Rejoycing in the Lord, who hath filled our Mouths with Laughter, because of this Change of his right Hand. This noble Lord (a true Lover of your Majesty, and his Country, and the true Interests thereof) can inform your Majesty with many of our Afflictions of Spirit under our Bondage, and how often our Grievs have doubled upon us, while we lookt for Peace, and behold, Trouble, and while many Endeavours to put a Period to our Miseries have been blasted, and contributed only to the augmenting thereof: But now we are like Men that dream, while we consider how eminently the Lord himself hath appeared, in turning again our Captivity. Hereby we are encouraged to trust our faithful God in all Exigents, who, after so many Years Success, hath fulfilled what he hath recorded in his Word against Oppressors and Ufurpers; and we cannot but look upon his doing all these great Things for your Majesty, and your Kingdoms, as a Token for Good, and Pledge of much further Kindness to be manifested. We may assert it to your Majesty, that as the Lord hath kept our Hearts from fainting during our long Captivity, and made us confidently expect a Revolution, and overturning of all the Designs of bloody Men; so no small Part of our Refreshment did flow from our Hopes, that your Majesty, being restored to your Kingdoms, after that God hath for a long Time trained you in the School of Affliction, shall give singular Proofs of your Proficiency therein. Your faithful Subjects do expect, that the Lord's so wonderful preserving and restoring of your Majesty, will produce no ordinary Effects; but as the Case is singular, so the Consequences thereof shall be proportionably comfortable. And, in all the Hazards to which Religion may be exposed, their Eyes are fixed upon your Majesty, as the Man of God's right Hand, who will not only give your Royal Assent to what your Subjects shall humbly propose, in order to the Security and Settlement thereof, but will, by your Majesty's own Example, and by improving the Royal Power, make it appear unto the World, that it is in your Heart to order the House of God according to his Word, who hath been pleased to respect your Majesty and your Royal House; so that your Subjects may be excited to their Duty, and encouraged to walk after such a Pattern. Your Majesty's constant Adherence to the Protestant Religion, amidst so many Temptations, and the Moderation of your Royal Spirit, expressed in your late gracious Message, are Pledges of our Hope, that Religion shall flourish in your Majesty's Reign, and that all good Men shall reap the Fruit of those many Desires and Prayers, put up to God in behalf of your Majesty and your Royal Family; and in particular, this Church do nothing doubt of your Majesty's Royal Protection and Countenance to the Religion therein established, wherein it hath pleased the Lord so to confirm and establish all Ranks of Persons, notwithstanding all the Delusions of the Time, that (beside the Justice of the Thing it self) there will be no Hazard to any Interest, to preserve all the Privileges thereof inviolable. We have briefly laid open these Thoughts of our Heart, which our sincere Desire of your Majesty's Happiness and Prosperity doth suggest unto us; and we trust the Lord will give your Majesty Understanding in all Things, and instruct you to judge and esteem of Counsels, according as they shall be found consonant to the Will of him who is the

supreme

Supreme Lawgiver. To his rich Grace, and wise Direction, your Majesty is recommended by,

Directed,
For the King's Majesty.

S I R,
Your Majesty's humble and faithful
Subjects and Servants,
Mr. Robert Douglas,
Mr. David Dickson,
George Hutchison.

Letter to Mrs. Calamy, Ash, and Manton from Mrs. David Dickson, Robert Douglas, James Hamilton, John Smith, and George Hutchison, Edinburgh May 12. 1660. N^o. VII.

Right Reverend and dear Brethren,
As we often had Occasion of comfortable Correspondence with our Brethren in England, and under our late Distresses have several Times given you an Account of our Case, and have been refreshed with your tender Respects toward us, so we held it our Duty to pour out our Hearts unto you, upon Occasion of this signal Revolution of Affairs, wherein the Lord's Hand hath so eminently appeared, that our Mouths are filled with Laughter, and our Tongues with singing. We are indeed as Men who dream, when we consider how the Lord hath so ordered this Dispensation, as to give us Hopes to see our lawful Magistrate possessed in his just Rights, in so harmonious and peaceable a Way. And though we doubt not but many will now be active to have Reformation of Religion at least obstructed; yet we cannot but hope, that the Lord, who hath done all these Things for us, is so far from a Purpose to destroy us, that he is putting in our Hands a blessed Opportunity of advancing his Kingdom, if we were fitted for such a Mercy, and the Dispensation be rightly improved. Though it hath pleased the Lord so far to advance his Work in this Church, as that all the Privileges and Interests thereof are established by Law, with the King's Royal Consent, whereunto the People have generally submitted, even in our late Confusions, and though we purpose not to stretch our selves beyond our Line; yet our tender Sympathy with honest Men there, and even Respect to the Welfare of this Church (Experience having taught us how much Influence the Condition of Affairs with you had upon us) makes us apprehensive of the sad Consequences of setting up Episcopacy, and the Use of Liturgy again, under which Religion hath suffered so much, as your selves do well remember. We hope the Lord is putting it in your and your Brethrens Hearts to lay forth your selves at this Time for preventing those Evils, and what may have a Tendency thereunto, or may encourage People to look toward these Ways. We may assure you, that you have to do with a moderate Prince, who is ready to hearken to sound and wholesome Counsel, whereof we had large Experience, in that his Majesty was not only content to descend to lay aside the *Service-book*, and observed the Directory of Worship in his own Practice and Family, all the while it pleased God to continue his Majesty with us. You have now the Advantage of humble Dealing with a Prince long trained in the School of Affliction, and preserved therein, and (we trust) fitted thereby to be an eminent Instrument in God's right Hand for the Advancement of his Son's Kingdom: And therefore we trust his Majesty will hearken to what humble Advice God shall put in your Hearts for him, that he may be exemplary in his own Practice, and put forth his Royal Power for Satisfaction of honest Men in the Matters of Religion. We are far from prescribing unto you our Reverend and dear Brethren, or from being any Thing doubtful of your Vigilance and Activity in this Juncture of Affairs; but it flows only from our Abundance of Affection, and the Conscience of our Obligation by Covenant, that we have given you the Trouble of these few Lines. We know how incumbent it is to us in our Stations, to forbear to intrude upon the Work of others, and do purpose to demean our selves accordingly; yet we are most confident that this Expression of our brotherly Love will not be unacceptable unto you. And we shall pray, that the Lord may give you Understanding in all Things, and may lead you forth in his right Hand, to act in your Stations at this Time for the Good of Religion; and for the settling of that Government in the Church, which you have so solidly asserted by Writing, and which is the most effectual Mean to stop the Current of Profanity, and damnable Errors and Heresies, as we have found by Experience: For we fear that if this Opportunity, which God hath put in our Hands, be lost, it will hardly (if at all) be recovered. And if the Lord be pleased to assist you in the managing thereof, it shall be
your

your Rejoycing to have been instrumental in refreshing the Spirits of honest Men in all the Three Nations, and your Labour shall be acceptable to God, through Jesus Christ, and tend to the Advantage of the true Religion in the present and succeeding Generations. We add no more, but that we heartily recommend you to the Lord's rich Grace, and are

Directed
To the Right Reverend
Mr. Edmund Calamy,
Mr. Simeon Ash and
Mr. Thomas Manton,
Ministers of the Gospel
at London.

Your very loving Brethren,
David Dickson,
Mr. Robert Douglas,
Mr. James Hamilton,
Mr. John Smith,
George Hutchison.

Some few Particulars which Mr. Sharp is desired to propound to the King's Majesty by Conference, at fit Opportunities. N^o. VIII.

1. **A**Lbeit we doubt not of his Majesty's being satisfied of our Loyalty and good Affection to his Service; yet you may, from Time to Time, further assure his Majesty, that our gracious God hath eased our Spirits of a long and sad Pressure, by overturning all these bloody Usurpers, and restoring his Majesty to rule over us, and hath hereby sent us a gracious Return of these many Petitions we have put up to him in Times of deep Distress on that behalf, which hath raised our Expectations, that the Lord, who hath done all these Things for us, hath a Purpose of doing much Good to these Kingdoms by his Majesty's Means.

2. You may signify unto his Majesty, how much we are refreshed with the Intimations we have received of his Resolution to restore us unto our civil Liberties, and to preserve the Doctrine, Worship, Discipline, and Government of this Church. This we look upon not only as an acceptable Service to the King of Kings, whose Interests we believe these are, and as an Act of special Kindness and Favour in his Majesty, to look to the Preservation of their just Rights, Civil and Ecclesiastical, who did expose all to Hazard, and much real and sad Suffering, in pursuance of their Duty and Loyalty to his Majesty, and who have made it their Study in these trying Times, to give Evidence that their Religion and Reformation doth teach them Loyalty: But we look upon it also as a notable Advantage to his Majesty's own Interests, who shall hereby give Proof, that (notwithstanding the rigid Dealing of some toward his Majesty in some Particulars, which you know we do heartily disapprove) no Afflictions or Temptations have prevailed with his Majesty, to withdraw him from his first voluntary Engagement to his People, and the Oath of the Covenant, and shall also fix unto his Majesty an Interest which, we are persuaded, will cleave fast unto him and his Interests in all Exigents; for you may assure his Majesty (which we intreat may be understood without reflecting on any, without any Desire in us to continue Factions among loyal Subjects) that among the various Tempers of his Subjects, he will find none more fixed for him than Men of the Principles of the Church of Scotland are, and will be.

3. As to the settling of Religion in his Majesty's other Dominions, you may inform his Majesty, that we are very far from intruding our selves upon the Affairs of others, or meddling without our Sphere; and therefore have been very sparing to communicate Counsels with any there, as your self knows; yet there are not a few Considerations (beside our Judgments of the Things themselves) which prevail with us humbly to pour forth our Hearts before his Majesty himself, such as our cordial and sincere Desires (as the Searcher of Hearts knoweth) towards the Prosperity of his Majesty's Throne, and the completing of this so glorious a Work, our Fear to be found unfaithful to his Majesty, who, as he hath been pleased graciously to admit of our Freedom formerly, so, we believe, doth still expect it from us, having by his gracious Letter since the late sad Separation, not only invited, but conjured some of us to it, our Knowledge of the Temper of many People here and elsewhere, whereof possibly his Majesty may not be so fully informed, and our hearty Desire that this blessed Revolution may be completely comfortable to all honest and loyal Subjects who have suffered under the late Tyranny, and have been earnest Dealers with God for the Accomplishment of what they now see with their Eyes: These are some of the Motives which prevail with us, to desire that his Majesty may be informed in these few Particulars.

1. How much it will concern his Majesty to reflect upon the Proceedings at his Majesty's

ly's Coronation here, and seriously consider what is incumbent now to be done thereupon, that being his first publick Transaction with his Subjects.

2. His Majesty would be informed, how suitable it would be for a Prince, so educated by God, and preserved and restored by him, not only to agree to the humble Desires of his Subjects, but to let forth somewhat of his own Inclination toward an acceptable Settlement of Religion. As his Majesty's Practice in *Scotland*, and his Resolution to preserve these Things with us, do assure us of his Majesty's Approbation thereof in his Judgment, and of his Readiness to give his Royal Assent to what shall be proposed agreeable thereunto: So his Majesty's Royal Inclination being known, we doubt not of a more general Concurrence, than while good People are kept in Suspence.

3. You may inform his Majesty, that we humbly propose this Expedient of his Majesty's prudent putting forth himself in this Business, not only upon the account of Conscience as to the Thing it self, but upon Point of Prudence also, for the good of his Majesty's Affairs. We shall not concern our selves to dive into the Temper of *Independents* and other *Sectaries*, and how they may relish Episcopacy and the Liturgy in this recent Settlement of Affairs, nor trouble you with an Account of what Noise is raised upon the very Appearance thereof by others whom you know: But if his Majesty knew what Grief of Heart the Fear of Episcopacy and the *Service-book*, is to many loyal and honest Subjects, who have much and often mourned in secret for him, and do now rejoyce in his wonderful Restitution, and how much it would refresh them to be secured against these Fears, we are confident he would be most ready to satisfy such Subjects who will count nothing temporal too dear to be laid forth as his Majesty's Affairs shall require: And tho' it may be conceived that the Affairs of *England* do nothing concern them; yet they cannot but remember from former Experience, what Influence the State of the Church of *England* hath had upon this Church. Beside this, as we know there is a very considerable Plantation in *Ireland* of loyal and honest Presbyterians, who will be ruined by Episcopacy and the Liturgy, so we apprehend that in *England*, however People, fearing the worst, be content of any Thing that is better than it, yet when they shall see a Settlement of these Things wherewith they are dissatisfied, it cannot but be very grievous to them.

4. His Majesty is to be humbly informed, that at least (if these humble Intimations from us have no Weight) it would be expedient not to conclude and determine in these Things suddenly; but that his Majesty and his Parliament take Time till he know the true Temper of his Subjects, and what will be his real Interest, which will be better known afterward when his Majesty shall have Leisure to understand his People's Inclinations by himself, and his good People shall have Confidence, knowing his Majesty's Disposition, freely to represent the true State of Things.

These Things have lien upon our Hearts, to have them freely imparted to his Majesty, out of no other Design, next unto the Glory of our Lord, but that we may witness our Zeal to his Majesty's Prosperity and Happiness. And we shall not cease to pray that God may guide his Majesty, and make him wise as an Angel of God, to do these Things that shall be well pleasing in his Sight, and which may happily settle these long distracted Kingdoms.

Draught of a Proclamation for an Assembly. No. IX.

CHARLES, by the Grace of GOD, King of *Scotland, England, France, and Ireland*, Defender of the Faith, to Our Lovits, Heralds, Messengers, Our Sheriffs in that Part, conjunctly and severally, specially constitute, Greeting: Forasmuch as, through and upon occasion of the Looseness and Distraction of these late Times, divers Disorders have broken forth in the Church of this Our ancient Kingdom of *Scotland*, which We do hold it Our Duty, in Our Royal Station, to heal and restrain by proper and fit Remedies: And considering that National and General Assemblies are the most proper and effectual Remedies for preventing and curing such Distempers within this Church; and that notwithstanding there are divers Laws and Acts of Parliament of this Kingdom, warranting and securing the National Assemblies within the same, and it hath been the laudable Practice of Our Royal Predecessors to authorize and countenance these Meetings, and We Our selves were graciously pleased to honour the Assembly at *St. Andrews* and *Dundee* with the Presence of Our Commissioner; yet the armed Violence of the late Usurper did not spare to make forcible Interruption to these Meetings, so that the same have been intermitted for a long Time: And seeing it hath pleased GOD graciously and wonderfully to restore Us to Our just and ancient Right and Government, and to hear and satisfy the earnest Prayers and Desires of the good People

of this Nation in that behalf, We are resolved to improve the Power and Authority he has given Us, to his Honour, and for promoting and advancing Religion and Piety, and repressing Error, Profaneness and Disorder within this Kingdom, and, in order to these Ends, to apply and restore these Remedies, which have been so long wanting and withholden upon the Occasion foresaid. Therefore We have thought fit to indict and call a General Assembly, and, by these Presents, We do indict, appoint, and ordain a free General Assembly of this Church, to be kept and holden at *Edinburgh* the Day of next, at which Time We purpose, God willing, that a Commissioner from Us shall be there, to represent Us and Our Authority: And We will and ordain, that Presbyteries, and others concerned, may choose, elect, and send their Commissioners to that Meeting.

OUR WILL is herefore, and We charge you straitly, and command, That, incontinent these Our Letters seen, you pass, and make Publication hereof at the Market-crofs of *Edinburgh*, and other Burghs of this Kingdom, wherethrough none pretend Ignorance; and that you warn thereat all and sundry Presbyteries, and others concerned in the Election of Commissioners to General Assemblies, to the effect aforesaid, and also all Commissioners from Presbyteries, and others having Place and Vote in Assemblies, to repair and address themselves to the said Town of *Edinburgh*, the said Day of and to attend the said Assembly during the Time thereof, and ay and while the same be dissolved; and to do and perform all which, to their Charges, in such Cases appertaineth, as they will answer to the contrary.

Per REGEM.

Letter from Mrs. Calamy, Ash, and Manton, to Mrs. David Dickson, Robert Douglas, James Hamilton, John Smith, and George Hutchison London, August 10. 1660. No. X.

Reverend and beloved Brethren,

WE had sooner returned our Thanks to you, for your brotherly Salutation and Remembrance of us, but that we expected the Conveniency of Mr. *Sharp's* Return, hoping by that Time Things would grow to such a Consistency, that we might be able to give you a satisfactory Account of the State of Religion among us. We do, with you, heartily rejoice in the Return of our Sovereign to the Exercise of Government over those his Kingdoms; and as we cannot but own much of God in the Way of bringing it about, so we look upon the Thing it self as the Fruit of Prayers, and a Mercy not to be forgotten. Hitherto our God hath helped us, in breaking the formidable Power of *Sectaries*, causing them to fall by the Violence of their own Attempts, and in restoring to us our ancient Government after so many Shakings, the only proper Basis to support the Happiness and just Liberties of these Nations, and freeing us from the many Snares and Dangers to which we were exposed by the former Confusions and Usurpations: Therefore we will yet wait upon the Lord, who hath in part heard us, until all those Things, concerning which we have humbly sought to him, be accomplished and brought about. We heartily thank you for your kind and brotherly Encouragements, and shall in our Places endeavour the advancing of the covenanted Reformation, according to the Bonds yet remaining upon our own Consciences, and our renowned Professions before God and Man; and though we cannot but foresee potent Oppositions and sad Discouragements in the Work, yet we hope our God will carry us through all Difficulties and Hazards, at length cause the Foundations now laid to increase into a perfect Building, that the Top-stone may be brought forth with Shoutings, and his People cry, Grace, Grace unto it.

We bless God on your behalf, that your Warfare is in a great Measure accomplished, and the Church of Christ, and the Interests thereof, so far owned in *Scotland*, as to be secured, not only by the uniform Submission of the People, but also by Laws, and those confirmed by the Royal Assent, a Complication of Blessings, which yet the Kingdom of *England* hath not obtained, and (though we promise our selves much from the Wisdom, Piety and Clemency of his Royal Majesty) through our manifold Distractions, Distances and Prejudices, not like suddenly to obtain: Therefore we earnestly beg the Continuance of your Prayers for us, in this Day of our Conflict, Fears and Temptations, as also your Advice and Counsel, that, on the one Side, we may neither by any Forwardness and rigid Counsels of our own, hazard the Peace and Safety of a late sadly distempered, and not yet healed Nation, and on the other Side, by undue Compliances, destroy the Hopes of a begun Reformation. We have to do with Men of different Humours and Principles; the general Stream and Current is for the old

old Prelacy in all its Pomp and Height, and therefore it cannot be hoped for, that the Presbyterian Government should be owned as the publick Establishment of this Nation, while the Tide runneth so strongly that way; and the bare Toleration of it will certainly produce a Mischief, whilst Papists, and Sectaries of all Sorts, will wind in themselves under the Covert of such a Favour: Therefore no Course seemeth likely to us to secure Religion, and the Interests of Christ Jesus our Lord, but by making Presbytery a Part of the Publick Establishment; which will not be effected, but by moderating and reducing Episcopacy to the Form of Synodical Government, and a mutual Condescendency of both Parties in some lesser Things, which fully come within the Latitude of allowable Differences in the Church. This is all we can for the present hope for; and if we could obtain it, we should account it a Mercy, and the best Expedient to ease his Majesty, in his great Difficulties about the Matter of Religion: And, we hope, none that fear God, and seek the Peace of *Sion*, considering the perplexed Posture of our Affairs, will interpret this to be any Tergiversation from our Principles, or Apostacy from the *Covenant*; but if we cannot obtain this, we must be content, with Prayers and Tears, to commend our Cause to God, and, by meek and humble Sufferings, to wait upon him, until he be pleased to prepare the Hearts of the People for his beautiful Work, and to bring his Ways (at which they are now so much scandalized) into Request with them.

Thus we have, with all Plainness and Simplicity of Heart, laid forth our Straits before you, who again beg your Advice and Prayers, and heartily recommend you to the Lord's Grace, in whom we are

Your loving Brethren,
and Fellow-labourers in the Work of the Gospel,

Directed,
To our reverend and highly
esteemed Brethren, Mr.
David Dickson, Mr. Robert
Douglas, Mr. James
Hamilton, Mr. John
Smith, and Mr. George
Hutchison, *these present*,
Edinburgh.

*Edm. Calamy,
Simeon Ash,
Tho. Manton.*



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THE
HISTORY
OF THE
SUFFERINGS
OF THE
Church of SCOTLAND.

BOOK FIRST.

From the Restoration 1660, to Pentland-Engagement 1666.



THE heavy Persecution of Presbyterians in *Scotland*, from the Restoration 1660. to the Revolution 1688. is as amazing in the Springs of it, as surprizing in its Nature and Circumstances: And the following Narrative of it will open a very horrid Scene of Oppression, Hardships, and Cruelty, which, were it not uncontestably true, and well vouched and supported, could not be credited in After-ages.

I am perswaded, the Advocates for the Methods taken during the two Reigns I am to describe, must be put hard to it, to assign any tolerable Reason of so much ungrateful and unparalleled Severity, against a Set of Persons who had, with the greatest Warmth and Firmness, appeared for the King's Interest, when at its lowest, and suffered so much, and so long, for their Loyalty to Him, in the Time of the Usurpation.

The Violences of this Period, and the playing one Part of Protestants against another, in my Opinion can no way be so well accounted for, as when lodged at the Door of Papists, and our *Scots* Prelates; who, generally speaking, were much of a Spirit with them. Indeed so much of the cruel, bloody, and tyrannical Spirit of Antichrist, runs through the Laws and Actings of this Period, as makes this very evident to me. I am not so uncharitable as to charge with Popery all the Prelatists, who held Hand to, and were the Authors of this Persecution; but I am very sure they played the Game of *Rome* very fast, and bewrayed too much of one

1660.

The Severity
of Presbyterians
Sufferings.

Their Spring.

1660. of the worst Branches of Popery, a cruel persecuting Temper, towards such who differed from them for Conscience sake.

It is useless, and, in some Cases, unfair to load Princes with all the Iniquity committed under their Reign: How far King *Charles II.* was chargeable with all the Steps taken by those he made Use of in *Scotland*, is not my Business to determine. It is probable he wished, when it was too late, that he had less followed the Counsels of *France* and his Brother.

Whether the Two Brothers, in their Exile, or almost with their Milk, drunk in the Spirit and Temper of Popery; whether both of them in their Wandrings were present at Mass, and assisted at Processions; whether the eldest died as really in the Communion of the Church of *Rome*, as his Brother gave out, I do not say: But to me it is evident, and ere I end, will be so to the Reader, that under their Reigns, Matters, both in *Scotland* and *England*, were ripening very fast toward Popery and Slavery.

Steps during
this Period to-
wards Popery.

Every Thing pointed this Way, and favoured the *darling Project* of *Rome* and *France*, the *Rooting out the Northern Heresy*. The hasty Dissolution of the Parliament of *England*, which had so cheerfully invited the King Home, most of whom were firm Protestants; the gradual putting of the most important Posts and Trusts in the Hands of such as were indifferent to all Religions, and no Enemies to that of *Rome*; the breaking in upon the Constitution, Liberties, and excellent Laws of *Scotland*; the evident carefing, and shewing Favour to every Person and Course that tended to advance arbitrary Government, and the Enlargement of the Prerogative, and served to abridge the Power of Parliament, and Liberty of the Subject; the open Toleration of Papists; the plain Spite and Hatred which appeared against the *Dutch* and *Holland*, the great Bulwark of the Reformation abroad; the burning of *London*; the *Dover* League; the mighty Efforts made to compass a Popish Succession, and many other Things, put it beyond all Question, that Papists were not only open, but very successful in their Designs, during this Period.

Among all their Projects, they succeeded in none more, than that of playing our *Scots* Bishops, and their Supporters, against the Presbyterians. And nothing could more advance the hellish Design, than the removing out of the Way such zealous Protestants and excellent Patriots, as the noble Marquis of *Argyle*, the good Lord *Wariston*, and the bold and worthy Mr. *James Guthrie*. Nothing could gratify the Papists more, than the banishing such eminent Lights, as the Reverend Mrs. *Mcquaird*, *Livingstone*, *Brown*, *Nevoy*, *Trail*, *Simpson*, and others; together with the illegal imprisoning and confining, without any Crime, Libel, or Cause assigned, such excellent Gentlemen as Sir *George Maxwell* of *Nether-pollock*, Sir *William Cunningham* of *Cunningham-head*, Sir *Hugh Campbell* of *Cesnock*, Sir *William Muir* of *Rowallan*, Sir *James Stuart* Provost of *Edinburgh*, Sir *John Chiesly* of *Carswell*, Major General *Montgomery*, Brother to the Earl of *Eglington*, Major *Holburn*, *George Porterfield* and *John Graham*, Provosts of *Glasgow*, with several others who will come to be noticed in this Book.

By such Steps as those, and others to be mentioned in the Progress of this History, Popery mounted the Throne; and our Holy Religion, and excellent Constitution were brought to the greatest Danger, and the very Brink of Ruin: From which, by a most extraordinary Appearance of Providence, the Lord delivered us at the late happy Revolution, which, under God, we owe to the never to be forgotten King *William* of immortal Memory.

General Method in this History.

In my Accounts of the Barbarities of this unhappy Time, I shall go through the Transactions of each Year, as they lie in Order, as far as my Materials and Vouchers will carry me. This appears to me the plainest and most entertaining Method: And though now and then some Hints at other Affairs, besides the Persecution of Presbyterians, will come in of Course, and I hope will be the rather allowed, that as yet we have no tolerable History of this Period, as to the Church and Kingdom of *Scotland*; yet I shall still keep principally in my View, the Sufferings of *Scots* Presbyterians, in their Religious and Civil Rights.

Its Division.

Agreeably therefore unto the Three most remarkable *Æra's* of the Period I have undertaken, I have divided this History, as in the Title, into Three Books: And for the Reader's easier Access and Recourse to every Particular, and the Help of his Memory, as well as my better ranging the great Variety of Matter come to my Hand; it will not be improper, however unfashionable, to divide every Book into Chapters, and those again into Sections, according as each Year offers more or less Matter. This Book then I begin with

CHAPTER I.

Of the State and Sufferings of Presbyterians, during the Year 1660.

WHEN the King was restored to his Dominions, May 29th, 1660. no Part of his Subjects had a better Title to his Favour, than the Presbyterians. *English* Writers can tell, what Influence the *London* Ministers had upon the *City-petition*, which, by Papers I have seen, appears to have had a very considerable Branch of its Rise from *Scotland*: As also, what Interest the Presbyterian Ministers in the *City*, had with the prime Managers there, and what Return they very quickly had for their Share in the Restoration.

1660.

Presbyterians
Share in the
Restoration
and City-petition.

In *Scotland*, Mr. Robert Douglas was the First, as far as I can find, who ventured to propose the King's Restoration to General Monk, and that very early: He travelled, 'tis said, *incognito* in *England*, and in *Scotland* engaged considerable Numbers of Noblemen and Gentlemen in this Project. From his own original Papers, I find, that when Monk returned from his First projected March into *England*, Mr. Douglas met him, and engaged him again in the Attempt; and when at *London*, the General appeared to him flow in his Measures for the King's Restoration, Mr. Douglas wrote him a very pressing Letter, and plainly told him, "That if he lost Time much longer, without declaring for the King, there were a good Number in *Scotland*, with their Brethren in *Ireland*, ready to bring his Majesty Home without him." Yea, the Ministers in *Scotland* were all of them vigorous Asserters of the King's Right, and early embarked in his Interest.

Mr. Robert
Douglas his
particular Activity.

Yet all this was soon forgot, and Mr. (afterwards Chancellor) Hyde, a violent Zealot for the *English* Hierarchy, is made chief Favourite, and Lord Chancellor of *England*. And Mr. James Sharp, who was the earliest, and most scandalous Complicier with Cromwell, and the only one he had for some Years, not only signed his owning of the Commonwealth, and that neither directly nor indirectly he should ever act for the King; but by taking the Tender he solemnly abjured the whole Family of the *Stuarts*. This infamous and Time-serving Person, by Middleton's Means, is put at the Head of Affairs in the Church of *Scotland*, and managed Matters entirely to Hyde, and the high-flying Party in *England*, their Satisfaction.

All this forgot,
and Hyde and
Sharp at the
Head of Affairs.

Upon the King's Return, great was the Run of our Nobility and Gentry to *London*. It was impossible to satisfy all their Expectations: Such who missed Posts, were entertained with Promises, and for a while behaved to please themselves with Hopes. The chief Offices of State were soon disposed of: The Earl of Middleton was to be Commissioner when the Parliament should meet; the Earl of Glencairn is made Chancellor, the Earl of Lawderdale Secretary, the Earl of Crawford Lord Treasurer, Sir John Gilmore President of the Session, Sir Archibald Primrose Clerk-register, and Mr. (afterwards Sir) John Fletcher King's Advocate.

Officers of
State at the
King's Return
in *Scotland*.

Some View hath been given in the Introduction of the Transactions of the former Part of this Year; yet it may be of some Use to draw down an Abstract of Matters from General Monk's leaving *Scotland*, until the King's putting the Government of Affairs in the Hands of the Committee of Estates, who sat down in August; and next, to consider their Proceedings, and the Hardships they put upon Ministers, Gentlemen, and others, till the Sitting down of the Parliament. Thus this Chapter will fall in Two Halves.

Division of
this Chapter.

SECT. I.

Containing a short Deduction of our Affairs in Scotland, from General Monk's leaving it, to the Sitting down of the Committee of Estates at Edinburgh, August 23^d, 1660.

HAD we any tolerable History of this Church and Kingdom, since the Union of the Two Crowns, I should have come straight to the proper Subject of this History: But I shall, till a larger Account be given, hand my self and the Reader into it, by the following short Hint of Things in *Scotland*.

After

1660.

Confusions after Cromwell's Death.

After the Death of *Oliver Cromwell*, there was nothing in *England* but one Confusion upon the Back of another. *April* 1659. his Son *Richard* dissolved the Parliament; and in a little Time he is forced to demit, and Things fall into a new Shape almost every Month: Several of the Counties in *England* run to Arms, and Matters were in the greatest Disorder imaginable.

Monk manages all in Scotland, and imprisons many Noble men and others.

Mean while General *Monk* manages all in *Scotland*; and, during these Risings in *England*, apprehended and imprisoned the Earls *Marishal*, *Montrose*, *Eglinton*, *Selkirk*, *Glencairn* and *Lowdon*, Lord *Montgomery*, L. General *David Leslie*, Viscount of *Kenmure*, the Lord *Lorn*, Earl of *Seaforth*, Sir *James Lumsden*, Colonel *James Hay*, Earl of *Kelly*, Major *Livingstone*, and the Earl of *Roths*. Such of them as took the *Tender*, and gave Bond for their peaceable Behaviour, were soon liberate.

New Turns in England.

In *October*, *Lambert* threatened to attack the Parliament then sitting at *London*, but was repulsed, and by them divested of his Command, and Seven Persons appointed to govern the Army, whereof *Monk* was one. But in a little Time *Lambert* returned, dismissed the Parliament, and shut the Doors of the Parliament-house. *October* 19. *Monk* called together all the Officers of the Army in *Scotland*, and engaged them by Oath, to submit to, and serve the Parliament, cashiered all he suspected, imprisoned some, and modelled all according to his Mind.

Army secured in Scotland.

Monk refuses to obey the Orders of the English Army, and resolves to march into England.

The Army now prevailing in *England*, chose first a Council of State, consisting of Ten Persons, and next a Council of Twenty four, made up of the Officers of the Army: *Monk* was left out of both; and they sent down Orders for the Meeting of the Session, Exchequer, and other Courts in *Scotland*, which had not met since *Richard Cromwell's* Dimission. General *Monk* refused to put those Orders in Execution, as coming from an incompetent Authority, and resolves to march up with his Army to *London*, and restore the Privileges of Parliament.

His Speech to the Scots Commissioners, Nov. 15, 1659.

Before his Departure, he called together to *Edinburgh* the Commissioners from most Part of the Shires in *Scotland*, the Magistrates of Burghs, and a good many of the Nobility and Barons; who met in the Parliament-house, *November* 15. 1659. The General had a Speech to them to this Purpose, "That it was not unknown to them what Revolutions were happened; that some of the Army had put a Force on the Parliament of *England*, which he was resolved with God's Assistance to re-establish, and for that End was going with his Army to *England*; that with respect to the Nation of *Scotland*, his Regard to them was such, that if he had Success in his Design, he would befriend them in all their just Liberties, and study the Abatement of their Cefs: If the Business went contrary to his Expectation, then his Fall should be alone to himself, and not to their Prejudice, whose Help he was not to take; but desired, as they loved their Country, and their own Standing, that they would live peaceably, and see to the Peace of their several Shires and Burghs, according to their Stations; and if any Rising should fall out during his Absence, that they should suppress the same, let the Pretext be what it would; and that he would leave Orders with the Garisons he left, to assist them in so doing, and give his Mind more fully to them in Writ."

After rejecting the Articles sent him from England, marches to Berwick, Dec. 2.

November 22. *Monk* and his Army marched off to *England*; and when at *Haddingtoun*, he received Articles from the Council in *England*: Which not being satisfying, he returned with his Officers to *Edinburgh*, where, after Consultation, they rejected the Articles, as contrary to their Principles, which were to be governed not by the *Sword*, but a *Parliament* lawfully called, in the Maintenance of which they were engaged by Oath. Accordingly an Answer was returned to *England*, *November* 24. and, *December* 2. he marched with his Army to *Berwick*, where he continued some time; and *December* 12. the Commissioners of the Shires received from him their Commissions for keeping the Peace in his Absence.

English Parliament meet Dec. 25. declare Monk General, who marches to London, Jan. 4, 1660.

The City of *London*, and many other Places, having declared for a Parliament, and against the Army, *Lambert* marches up from the Borders, whither he had come with the Army to oppose *Monk*; the Parliament sit down *December* 25. and *Monk* is declared General over all the Forces of the Three Kingdoms. And *January* 1. 1660. he follows *Lambert*, *Fleetwood*, and their Armies, and marches straight to *London*. The daily Melting away of the Army under *Lambert* and the rest, and the almost general Cry through *England* and *Ireland* for a free Parliament, with *Monk's* successful Arrival at *London*, and his Management till the King's Return, is at full Length to be found in the *English* Historians: And some Hints have been given of what concerns *Scots* Affairs, in the Introduction; so that I may pass over the former Part of this Year very briefly.

A new Parliament called, April 25. Some Things done mean while.

February 21. the secluded Members took their Places in the Parliament, to the Number of about Eighty, and of the *Rump* there were but Twenty one; so the former carried all as they pleased. General *Monk* is made Commander in Chief by Sea and Land. Writs are issued for a free Parliament to meet *April* 25. Mean while they confirmed the Solemn League and Covenant, and ordered it to be set up and read in all the Churches of *England*. Thus, as *Bishop Kennet* remarks, the Solemn League and Covenant did really conduce to the bringing in of the King. They ratified the Assembly's Confession of Faith, with a Reservation of Chap.

30. and 31. to further Consideration. Colonel *Morgan*, whom *Monk* had ordered in January to return to *Scotland* with a Thousand of the Army, when he saw all going so well in *England*, is appointed Commander of the Forces and Garrisons in *Scotland*. March 13. they rescind the Engagement taken by all Ranks, to be faithful to the Commonwealth of *England*, without King and House of Lords; and in Room of this, ordain all in Office to declare the War undertaken by both Houses of Parliament against the late King, just and lawful, and that Magistracy and Ministry were the Ordinances of God.

In *Scotland*, *Edward Moysie*, *Henry Goodyear*, *Crook junior*, *John Howie*, Esquires, and Sir *John Wemyss*, Sir *James Hope*, *James Dalrymple*, *John Scougal* of *Humbie*, *James Robertson*, and *David Falconer*, were appointed to be Civil and Criminal Judges, their Quorum Five, and to go in Circuits. But this Order took no Effect, every Body now expecting the King's Return.

The Parliament at *London* likewise liberate the Earl of *Lawderdale*, the Earl of *Crawford*, and Lord *Sinclair*, whom the Usurper and the Rump had kept Prisoners in the Tower now near Ten Years. A Day of Fasting and Prayer was also appointed to be kept April 6. for Conduct to the Parliament.

April 25. the Parliament sat down, and upon the 1st of May came to several Resolutions, "That the Government of *England* is by King, Lords, and Commons; That the King of *Scotland* is King of *England*," and others, which the Reader will meet with in the printed Accounts of this great Turn of Affairs; and I shall not repeat them. May 8. the King was proclaimed at *London*, and May 14. at *Edinburgh*. Sir *John Granvil* went over to his Majesty with Money; *Lawderdale* and *Crawford* went over with him. And we have seen that Mr. *Sharp* went about the same Time, and there probably concerted the Ruin of this Church, and the Measures very soon now entered upon against Presbyterians. May 29. the King entered *London* with great Solemnity, and published a Proclamation against Profaneness. I shall only take Notice of a few more Hints relative to the State of Affairs in *Scotland*, before the settling the Government in the Committee of Estates.

In April and May, the Synods met, where there appeared a very good Disposition towards healing the Rent 'twixt the Resolutioners and Protesters: And had not Mr. *Sharp*, by his Letters from *London*, diverted this upon the King's Return, and put him, and the Managers about him, upon beginning the Persecution, with attacking the Remonstrators, and the Ministers, who were Antiresolutioners, a little Time would have completed the Union. But Mr. *Sharp* had his own private Resentments against Mr. *Rutherford*, Mr. *James Guthrie*, the Lord *Waristoun*, and others of the Protesters, to gratify; and by that, was to pave the Way to ruine all firm Presbyterians; and therefore he put the Government upon the Measures we shall hear of, in which some of our Noblemen, fretted at the Discipline of the Church, willingly joyn'd him; and we have seen by his Letters, so dunned Mr. *Douglas* and others at *Edinburgh*, with his Accounts of the King's Dislike of the Protesters, and the approaching Evils upon them, all of his own procuring, that those good Men kept off from compromising Matters, and nothing in the Affair of the Union was effectually done, till all were cast to the Furnace together.

May 1. the Synod of *Lothian* met. Mr. *Douglas* opened it with a Sermon from 1 Cor. 4. 1. the Notes whereof are in mine Eye. Therein, after many judicious Remarks against Prelacy, from Ministers being Stewards, he warns his Brethren to keep equally at Distance from Malice and Sectarianism; he compares Profaneness and Malignancy to Rocks at Sea, which appear; and Sectarianism to quick Sands on the Shore, which swallow up People, before they are aware. He notices that Kingly Government in the State, and Presbyterian in the Church, are the greatest Curbs to Profaneness. He explodes the foolish Saying, No Bishop, no King. "Shall, says he, Kings, which are God's Ordinance, not stand, because Bishops, which are not God's Ordinance, cannot stand? The Government by Presbtery is good, but Prelacy is neither good in Christian Policy or Civil. Some say, May we not have a moderate Episcopacy? But 'tis a Plant God never planted, and the Ladder whereby Antichrist mounted his Throne. Bishops got Caveats, and never kept one of them, and will just do the like again. We have abjured Episcopacy, let us not lick it up again. Consider the Times past, how unconstant Men have proven, like Cock-boats tossing up and down; leave them, and come in to the Ship, walk up to the Way of the Covenant; and if this be not the Plank we come ashore upon, I fear a Storm come, and ruine all."

The Presbyterians in *Scotland* were extremely lift up with the King's safe Return, and in a little Time were but ill handled for their hearty Concern in the Restoration. Mr. *Douglas* preaching in *Edinburgh*, upon the Munday after the Parliament of *England* agreed on the above Resolutions, gave his Auditory an Account of the great Turn of Affairs, adding, that "it hath pleased the Lord to roll away all Difficulties which hindred the King from his Crown, and he who sold us for our Iniquities without Price, hath restored us without Money."

A Day of Thanksgiving was kept at *Edinburgh*, June 19. for the King's Restoration. After Sermons were over, the Magistrates came to the Cross, where was a covered Table with

1660.

Judges appointed in Scotland.

Lawderdale, Crawford and Sinclair liberated.

Parliament meet, and restore the King.

Synods in Scotland meet. The Prospect of Healing prevented by Mr. Sharp.

Mr. Douglas his Sermon before the Synod of Lothian.

Presbyterians Joy at the King's Restoration.

They keep a Thanksgiving, June 19.

1660. sweet Meats; the Cross run with Wine, Three hundred Dozen of Glasses were broke, the Bells tolled, Trumpets sounded, and Drums beat. There were Fire-works upon the *Castle-bill*, with the Effigies of *Cromwel*, and the *Devil* pursuing him, till all was blown up in the Air. Great Solemnity, Bonfires, Mulick, and the like, were in other Places upon this Occasion.

But very quickly, a good many who had been Sharers of those publick Rejoycings, found they had Hardships to reap from the Restoration, and perhaps that they had exceeded a little in them.

Sir James
Stuart and Sir
John Chiesly
20th, July 14.

We shall afterwards hear, that upon the 8th of *July*, the Marquis of *Argyle* is seized at *London*: And upon the 14th of *July*, Orders came down to Major-General *Morgan*, to secure Sir *James Stuart* Provost of *Edinburgh*, Sir *Archibald Johnstoun* of *Waristoun*, and Sir *John Chiesly* of *Carswell*, who was knighted in the Isle of *Wight*, and protested against the Death of King *Charles*. The first and last were caught; but *Waristoun* got off for a little: Whereupon he was summoned by Sound of Trumpet to render himself; and a printed Proclamation was published with Tuck of Drum, ditcharging all Persons to reser him, and offering a Reward to such as should apprehend him, as follows.

By the Commander in Chief of His Majesty's Forces in *Scotland*.

Proclamation
for apprehending
the Lord
Waristoun.

WHEREAS I have received an Order from His Majesty, for apprehending the Lord *Waristoun*, and securing his Person in the Castle of *Edinburgh*; and he being withdrawn, and obscuring himself, as also making Refusal to yield Obedience to His Majesty's Commands: These are to authorize and impower any Person or Persons, in His Majesty's Name, to use their utmost Endeavours for apprehending the said Lord *Waristoun*, to keep him in safe Custody, and bring him in to me; for which Service they shall receive One hundred Pounds Scots. And in case any Person or Persons shall harbour and conceal the said Lord *Waristoun*, and not make speedy Discovery of him, they will be deemed guilty of Treason, and will be proceeded against accordingly. Given under my Hand at *Edinburgh*, *July* 16. 1660.

THOMAS MORGAN.

Observes upon
it.

This is the first publick arbitrary Step, and in the Progress of this Work we shall meet with a great many of this Nature. Without Libel or Cause given, by a private Order, not only a worthy Gentleman is attacked, and a Reward offered, tho' a very mean one, to his Apprehenders; but reserting him is declared Treason, and those guilty, to be proceeded against to the Death. No doubt the *English* Commander had Warrant from our *Scots* Managers at Court for so severe a Proclamation, and it is of a Piece with the After-steps we shall see were taken.

Swintoun apprehended at
London.

July 20. Sir *John Swintoun* of that Ilk, one of the Judges under *Cromwel*, and called the Lord *Swintoun*, was taken out of his Bed, in a Quaker's House, in King's Street, *London*, and sent in Fetters to the Gate-house. We shall afterwards hear he was sent down to *Scotland* with the Marquis of *Argyle*. He had been once a zealous Professor of Reformation, and a Covenanter; but falling in with the Usurper and *English* Sectaries, he first turned lax, and of late took on the Mask of *Quakerism*. It is said, the Queen Mother and Papists took a Care of him, and brought him off. And indeed *Quakerism* is but a small Remove from Popery and *Jesuitism*. He was no more a *Presbyterian*, and the present Run was against such, as being chiefly opposite to the Designs in Hand.

William Govan
seized.

Upon the 26th of *July*, one *William Giffen*, or *Govan*, whom we shall find execute the same Day with Mr. *James Guthrie*, was seized, upon a false Information, that he had been present upon the Scaffold, when King *Charles* I. was beheaded, and imprisoned in the Castle of *Edinburgh*; and for what I know, he continued in Prison, till next Year he was brought to a publick Death.

Those are some of the previous Steps, as an Introduction to the Committee of Estates, in whose Hands the King lodged the Government of *Scotland*, by his Proclamation *August* 2^d, till the Parliament should meet, and a Council be named; and their Procedure will take in what is further remarkable this Year. This will be the Subject of the next Section.

S E C T. II.

Of the Proceedings of the Committee of Estates, their Imprisoning Mr. James Guthrie, and other Ministers, August 23. the King's Letter to the Presbytery of Edinburgh, and other Things this Year.

IT was some Time before the Throng of *English* and foreign Affairs allowed the King to consider the Case of *Scotland*; and after several Meetings of those who were now in great Numbers from this Kingdom at Court, his Majesty came to a Resolution to lodge the Government in the Hands of the Committee of Estates, named by the last Parliament we had in *Scotland*. This he signified by the following Proclamation.

1660.

CHARLES R.
Tall Our loving Subjects of the Kingdom of Scotland, or others whom these do or may concern, Greeting. Forasmuch as it hath pleased Almighty God to remove that Force and armed Violence, by which the Administration of Our Royal Government, among Our People there, was interrupted; and We being desirous to witness Our Affection to, and Care of that Our ancient Kingdom, of whose Loyalty We have had many Testimonies, have resolved, that until a Meeting of Parliament, which We are presently to call, the Government shall be administrate by Us, and the Committee of Estates named by Us and Our Parliament 1651. and therefore do hereby call and authorize the said Committee to meet at Edinburgh the 23d of August instant. And We do hereby require Our Herald, Pursevaunts and Messengers at Arms, to make Publication hereof at the Market-cross of Edinburgh, and all other Places, &c. Given at Our Court at Whitehall, August 2, 1660. and of Our Reign the Twelfth Year.

Proclamation calling the Committee of Estates.

The Members of this Committee had all of them appeared hearty in Profession for the Constitution of this Church and our Reformation; they had concurred with the King, in taking the National and Solemn League and Covenant; and some of them had advised the King to make that remarkable Declaration at *Dumfermling*, August, 1650. which since has made such a Noise, as being a Hardship put upon the King, and is so diametrically opposite to the Course now entering on, that I thought it worth the inserting, App. N^o. 1.

Observes upon the former Steps of the Committee of it.

I have seen no exact List of the Members of this Committee; but I little doubt Persons were named upon it 1651. who did not now meet with them. The Earl of *Glencairn* came down, and was received with great Parade, as High Chancellor of *Scotland*, at *Edinburgh*, August 22. And next Day, August 23. the Committee sat down, Nine Noblemen, Ten Barons, and as many Burgesses; and the Chancellor presided. The Members were all of one Kidney, and hearty in prosecuting the Designs now on Foot.

App. N^o. 1.

That same Day, Mr. *James Guthrie* Minister at *Stirling*, Mr. *John Stirling*, and Mr. *Robert Trail* Ministers at *Edinburgh*, Mrs. *Alexander Moncrief* at *Scone*, *John Semple* at *Carsphairn*, Mr. *Thomas Ramsay* at *Mordingtoun*, Mr. *John Scot* at *Oxnam*, Mr. *Gilbert Hall* at *Kirklistoun*, Mr. *John Murray* at *Methven*, Mr. *George Nairn* at *Burntisland*, Ministers, with two Gentlemen, Ruling Elders, Mr. *Andrew Hay* of *Craignethan* near *Lanark*, and *James Kirkco* of *Sundwell*, in the Parish of *Dunscore* in *Niddsdale*, were met and convened in the private House of *Robert Simpson* in *Edinburgh*, to draw up an humble Address and Supplication to the King, "Congratulating his Return, expressing their entire and unfeigned Loyalty, humbly putting him in Mind of his own and the Nations Covenant with the Lord, and earnestly praying that his Reign might be like that of *David*, *Solomon*, *Jehoshaphat*, and *Hezekiah*." As may be seen in the Paper it self, App. N^o. 2.

Meeting of Ministers at Edinburgh, Aug. 23.

The Occasion of this Meeting, upon which so much followed, was this; The Brethren and Ministers, who in their Sentiments could not approve of the publick Resolutions, did very much fear and jealousy Mr. *James Sharp*, now at *London*, by the Allowance, and at the Desire of a good many of the Brethren for the Resolutions. They were apprehensive of Designs hatching just now against the Church, not from the publick Resolutioners, but Mr. *Sharp*, and others, who struck in with them. Whereupon once and again they wrote to the Ministers of *Edinburgh*, of the other Side, that they might joyn with them in a dutiful Address to his Majesty, at such a Juncture.

App. N^o. 2.

Occasion of their Meeting.

We have seen the Occasion of the Coldness and Delays made in this Affair, by the Ministers of *Edinburgh*, in the Introduction. They were excellent Men, but it must be owned, that they trusted too much to Mr. *Sharp*; and by his Suggestions and Letters, every Thing of this Nature was crushed.

Two former Meetings had been concerted at *Edinburgh*, of Ministers from the different Corners of the Church; but the Brethren had not come up to them. Matters seemed still to grow more and more threatening to the Church-establishment, and no other Way appeared to be left them, but to act in this Manner. There were no Assemblies to be expected, there

was

1660.

was no Commission, and Synods were not to meet till *October*. Therefore the abovenamed Persons, a small Part of many who were to have met, found themselves under a Necessity to do somewhat in such a Crisis. So they formed the foresaid Supplication, which they designed to have communicate to a larger Meeting, before it was sent to *Court*.

The Ministers apprehended,

The Chancellor and others coming to the Knowledge of this Meeting, the *Committee of Estates* were acquainted with it; and some Persons were immediately sent, who came upon the Meeting, when the Scrolls and other Papers were before them, which are mentioned in the Act of Confinement, and seized all. I find those Papers were the first Draughts of Letters to some Brethren, desiring another Meeting at *Glasgow* in *September*, about the Supplication, with Instructions to some of their Number, when they went West with a Draught of the Supplication, that it might be considered by the Brethren of the Synod of *Glasgow*; that if they found Cause, they might joyn in it: Such as came from the *Committee*, asked for the *Supplication* it self, which the Ministers gave them a Copy of, without any Difficulty.

and imprisoned.

When the unfinished Scrolls and the Supplication were read in the *Committee of Estates*, they were sent straight to *Court*; and all who had been present at the Meeting, save *Craignethan*, who happily escaped, were committed to close Prison, in the Castle of *Edinburgh*, by the Act of this Day's Date, *App. No. 3.* without ever calling the Ministers before them, or hearing what they had to say in their own Defence.

App. No. 3.

Remarks on this Procedure.

This illegal and unprecedented Step, the first Act of our *Committee of Estates*, was a Preamble to that horrid Scene of arbitrary Proceeding, Oppression and Cruelty, which now began to open. Mr. *James Guthrie* was never liberate, till a glorious Martyrdom, and the Truth made him free; and the rest underwent very great Hardships.

On the Time of it.

It hath been observed, that this was done that very Day, a Hundred Years after, in which the idolatrous, tyrannical, contradictory and cruel Religion of Popery was abolished in *Scotland*, and the Reformation was established. Indeed from this Day, and forward, for Twenty eight Years, we were going very fast back to *Babylon*, and wide Steps were taken to reintroduce Popery and Slavery.

Upon the Act of Imprisonment.

A careful Comparing of the *Supplication* with the *Committee's* Act, will sufficiently expose the last. The Ministers were chiefly attacked, because they were *Protesters*; and yet such as were of that Denomination, most firmly asserted the King's Title under his Exile; and Mr. *James Guthrie*, and others of them, suffered much from the *English* for their Loyalty, when Mr. *Sharp*, who now managed all, took the *Tender*, and fell in with the Usurper.

Ingratitude was but a lesser Aggravation of this violent Procedure; it was plainly *illegal*: Besides the known Privilege of all Subjects to address the Sovereign, there were then Laws unrepealed, to which the Members of the *Committee* themselves had assented, warranting them to meet and supplicate. The *Usurpers*, when *Scotland* was under their Feet, did not hinder Ministers to meet, except in their general Assembly. In short, this Step was very *unequal*, as well as *ungrate* and *illegal*, since that very same Day, the *Committee* liberate several Persons imprisoned for Murder, and other atrocious Crimes. But those were not the Things at present they were in Quest of.

Ministers in Prison supplicate.

Under their Confinement in the Castle, the Ministers agreed upon a *Supplication*, and sent it to the *Committee of Estates*, whereof I have not seen a Copy; but by other Papers of this Time, I find in it, "They promised no more to prosecute the *Remonstrance* 1650. and "expressed their Sorrow for giving their Lordships any Offence, by the Unseasonableness of "their late Meeting, at which they were seized." The *Chancellor* insisted, they should acknowledge their Fault, in meeting upon such a Matter. But the Ministers, apprehending this would be a receding from their designed *Testimony*; and such a Declaration affecting not only the Manner and Time of their Meeting, but the Business and important Matter upon which they met, might have very ill Consequences at this Juncture, refused to go this Length; though the Advocate, who had taken the *Tender*, when many of them were suffering for their Loyalty, and Firmness to the King, threatened to found a Process of Treason upon their *Supplication*.

The Sympathy of their Brethren with them.

The People under the pastoral Charge of the now imprisoned Ministers, were extremely afflicted with their Confinement, and ready to make all proper Applications. I find Mr. *Stirling's* Session at *Edinburgh*, and no doubt Mr. *Trail's* also, acquaint him with their Design to supplicate in his Behalf, which is delayed, till they know the Issue of their own Supplication. All I have of this, is in the following Letter from Mr. *Stirling* to his Session at this Time, which breathes much of a Christian and Ministerial Spirit, and states the Cause of their Sufferings; and therefore I have insert it, *App. No. 4.* as what deserves a Room in this Collection.

App. No. 4.

Motion in their Behalf, in the Synod of 1660.

There was a Motion likewise in the Synod of *Glasgow*, at their Meeting in *October* this Year, for a Supplication in Favour of the imprisoned Ministers; but it was much opposed by some Ministers who turned Bishops, and their Underlings, and some worthy Members who exercised too much Charity for their false Brethren.

Thus they continued a considerable Time in Prison, till at length a good many of them were let out of the Castle, but still confined to their Chambers at *Edinburgh*, till the Sitting down of the

the Parliament; some of them had only their Prison changed: And several other Ministers were seized, as we may hear in the further Accounts of the Procedure of the Committee, 1660. which I come now to hint at.

Mr. Archdeacon *Eachard's* Account of the Imprisonment of those Ministers, Vol. III. p. 39. deserves our Notice. In the Progress of this History, we shall find him once and again giving very indistinct and unfair Representations of our *Scots* Affairs during the Period before me, in the short and lame Hints he hath. Here he speaks of those Ministers as the prime Managers of the Church of *Scotland*; whereas tho' they were excellent Persons, yet at this Juncture they were far from being the prime Actors in the Church. We have seen that they could scarce prevail to have any Meeting among Brethren of their own Sentiments, and how thin the Meeting they had was. But this *Innuendo* must be made, that they were the prime Ministers of the Kirk-party, that the *odium* of the *Remonstrance*, *unlawful Meetings*, and *seditious Papers*, and other hard Names now made use of against the Remonstrators, might ly upon all Presbyterian Ministers. It would seem to be with some such View as this, that he says, *They met and drew up a Remonstrance*. I can scarce think this Author is so absolute a Stranger to the *Scots* History, as to blend the Remonstrance formed Ten Years before, with the Petition drawn up by Mr. *Guthrie*, and the Rest at this Time, tho' we shall meet with as gross Mistakes in the celebrated *English* Writers, when they treat of *Scots* Affairs. But one must think he would have his Reader believe, that all those excellent Ministers were Remonstrants. An Historian ought to give every Thing he speaks of, its own Name, and not talk of a *Supplication* under that of a *Remonstrance*. It was a Piece of greater Justice in Mr. *Eachard*, a few Lines below, to take Notice of the King's Proclamation concerning the Carriage of his Subjects *Nov. 1. 1660.* and candidly to insert the Clause discharging Addressees to his Majesty, except by the Parliament or Committee of Estates, with the Promise of an Indemnity, which for private Ends was long delayed.

Remarks on
Mr. Eachard's
Account of
this Affair.

Next Day after the Ministers were seized, the Committee of Estates go on to somewhat that was more extensive, and discharge all Meetings without the King's Authority, and seditious Petitions. The Proclamation will stand best in its own Light.

Proclamation by the Committee of Estates, against unlawful Meetings, and seditious Papers. At *Edinburgh*, August 24th, 1660.

The Committee of Estates, in Obedience to His Majesty's Proclamation, being met, and taking to their serious Consideration, the Goodness of God, who in his great Mercy hath restored the King's Majesty to the Exercise of his Royal Government; and withal considering His Majesty's great Care of, and Affection to his ancient Kingdom of Scotland, in Calling and Authorizing the said Committee of Estates to meet: And they finding it their Duty to prevent all unlawful Meetings, which may tend to the Prejudice of His Majesty's Service, or may again involve His Majesty's Subjects into new Troubles, have thought fit, in His Majesty's Name and Authority, to prohibit, and by these Presents do prohibit and discharge all unlawful and unwarrantable Meetings and Conventicles, in any Place within His Majesty's Kingdom of Scotland, without His Majesty's special Authority; and likewise all seditious Petitions and Remonstrances, under what Pretext soever, which may tend to the Disturbance of the Peace of this Kingdom, or alienating or diminishing the Affections of His Majesty's Subjects, from their due Obedience to His Majesty's lawful Authority; and that under all highest Pains. And for that Effect appoints all Sheriffs of Shires, and Magistrates of Burghs, to be careful within their respective Bounds, that no such pernicious and dangerous Meetings be permitted; but that they may be prevented, hindered, made known and discovered to the Committee of Estates: And ordains these Presents to be printed and published. Signed in the Name, and by Warrant of the Committee of Estates.

Proclamation.

GLENCAIRN Chancellor.

I. P. D. Conc.

I shall not stay to make any Observes upon this Proclamation. We need not be critical upon the Narrative and Style; this was a great and sudden Change, and that by People who had been acquainted with, yea active in a quite other Method of speaking and doing than this, which puts all into the King's Hand. Our People seem to be cautious at first, *nemo repente fit turpissimus*; and they only discharge unlawful and unwarranted Meetings, which all Sides must own should be discharged: But then the Question is, what are these? and all seditious Petitions and Remonstrances are discharged. Indeed the first seems to be understood of all Meetings not called and authorized by the King; but 'tis not Time yet to speak out, till the great Work and excellent Laws made after the 1640. be rescinded; and there is no doubt this Proclamation was very much against the present Laws, in the Sense in which 'tis designed, tho' the double and extensive Phrases, *unlawful*, and *unwarrantable*, &c. screened the Members from Attacks.

Remarks.

When the King's Letter to the Presbytery of *Edinburgh* came down, September 3^d, of which more just now, it rather heightened than slackned the Committee's Procedure against Gentle-

men

1660.

men and Ministers. The Brethren for the *publick Resolutions*, made too much of it; and all who favoured the *Protest and Remonstrance*, were looked upon almost as Rebels and Enemies to the King, and accordingly dealt with by the Committee, who went on to censure, harass, and imprison them.

Provost Graham
and Clerk
Spreul, with Mr.
Patrick Gillespie
imprisoned.

Upon the 14th of September, by their Order, John Graham Provost of Glasgow, and John Spreul Town-clerk there, were imprisoned in Edinburgh Tolbooth. Both of them had been reckoned Favourers of the *Remonstrance*, and yet they were pious and excellent Persons. The Committee sent an Order to the Magistrates of Glasgow, to oblige Mr. Patrick Gillespie, Principal of the College, to compear before them; which he did: And September 15. was made Prisoner in the Castle of Edinburgh. From thence he was sent to the Castle of Stirling, and continued in Confinement till the Parliament sat. Mr. Gillespie indeed had fallen in very much with the *Usurper*, and was in this very much alone, and few or none of the Ministers followed him.

Mr. R. Row,
and Mr. W.
Wiseheart, and
P. Jaffray
confined.

That same Day, the Committee of Estates confined Mr. Robert Row Minister at Abercorn, and Mr. William Wiseheart Minister at Kinneil, to their Chambers at Edinburgh. Both of them were excellent Persons, but suspected to favour the Brethren who were for the *Protestation*, and had used some Freedom in their Sermons. Upon Thursday, September 20. Mr. Wiseheart, and with him Provost Jaffray Director of Chancellery, were imprisoned in Edinburgh Tolbooth. About the same Time, Mr. James Guthrie was sent from Edinburgh Castle to Stirling, by Order of the Committee; where he continued till the Parliament called for him, in order to his Trial, or near about that Time, when we shall again meet with him.

Mr. J. Guthrie
sent to Stirling.

Proclamation
against Lex Rex,
and the Causes
of God's
Wrath.
App. N^o. 5.

September 19. a Proclamation is published against Two known Books: The first writ, and long before printed, by the reverend and learned Mr. Samuel Rutherford, entitled, *LEX REX*. The other supposed to be drawn up by Mr. James Guthrie, *The Causes of God's Wrath*. I have insert the Committee's Proclamation about them, App. N^o. 5. We shall meet with a good many Papers of this Nature afterwards. The Committee introduce a Phraseology, pretty much out of Doors for some Time in Scotland, but very much followed in the Period I am upon, how properly. I am not to consider, *the King's sacred Greatness* Very liberally they determine the Authors of those Books, and the Printers and Dispersers of them, to be rebellious and seditious Persons, "That they contain many Things injurious to the King, and laying the Foundation and Seeds of Rebellion, that they are full of treasonable Matter," with many other hard Words. They call in the Copies, and order them to be delivered to Mr. Robert Dalgleish His Majesty's Solicitor, in less than a Month's Time; and declare, that all and every one who, after the 15th of October, shall have any Copies of them, shall not only be esteemed Enemies to the King, but punished accordingly in their Persons and Estates.

Remarks upon
it.

Such summar Declarations coming so near the Popish *Index prohibitorius*, and their Inquisition, especially when pointed at Books, which will still be valued, where a Sense of Religion and Liberty prevails, may surprize the Reader; but in a little Time he'll find them turning common. Mr. Sharp now come down, had a particular Quarrel with Mrs. Rutherford and Guthrie, and prosecuted it a little further than this publick Mark upon those two Books. In short, the Principles laid down in the *first*, never yet disproven, and the plain Facts in the *last*, were diametrically opposite to the Course now entering on, and therefore they must be prohibited.

Proclamation
against Remon-
strants.
App. N^o. 6.
Remarks.

The Day following, a more general Thrust is given against all whom the Committee were pleased to name *Remonstrants and their Adherents*, in their Proclamation, September 20. which I have likewise added, App. N^o. 6. The Paper speaks for it self, without any Commentary. A large Enumeration is made of the Laws and Acts against Leasing-making, and particularly Calumnies against His Majesty's Kingdom of England, and His worthy Subjects there. This pointed at such, who in Preaching or Conversation regretted the Establishment of the Hierarchy and Ceremonies there, contrary to the Covenants. The Laws against all Convocations and Meetings without the King's Command, which, if I mistake not, were rescinded expressly by the Parliaments, approved by King Charles I. and all ratified by the present King, are next set down, with the Declaration of the Parliament, July 1651. that the Remonstrance presented to the Committee of Estates, 1650. against Malignants being employed in Offices, was seditious and treasonable.

Then the Committee having Information, "That those Laws are contravened, by Slanders on His Majesty and Government, unlawful Conventions of the Lieges, owning the Remonstrance, meddling in the Affairs of His Majesty, and His Estate, present and bygone, they discharge the same under the Pains contained in the said Laws, and declare that all who hear any such Leasings, Calumnies, or Slanders, and reveal them not, shall incur the same Punishment with the principal Offender. And that the Lieges being most easily ensnared by seditious and treasonable Courses and Practices, by Ministers in their Sermons, Prayers, Declarations, and private Discourses, they declare, that upon Information given, their Stipends shall be sequestered, and their Persons imprisoned;" as the Proclamation more fully bears.

This

This Procedure opened a Door to make many *Offenders for a Word*; and no Body against whom the present Managers had a Design, could elcape. Ministers were attacked for their Sermons, and other Discourses; and many Gentlemen, especially such who favour'd the Remonstrance, were brought to Trouble. No small Advantage was brought about to the Courses now entring upon, by this Proclamation. Two Things will offer to the Reader, almost without my Help; the most zealous of the Ministers were laid open to a Prosecution, and others they hoped to overaw into a sinful Silence, in not giving faithful Warning to their Flocks, of the Encroachments making upon our Civil and Sacred Rights. And tho' the Protesters, as they were termed, had the Storm first falling on them, yet good Numbers of the Resolutioners, tho' silent for a little, under Hopes given them of a General Assembly, to set Matters right, and being deceived by the Letter to the Presbytery of *Edinburgh*, very soon fell under the Pains in this Proclamation: And all, save the Complicers with Prelacy, were sent to the Furnace together. Another View was, to influence and model to the Mind of the Court, the Elections for the ensuing Parliament.

1660.

A great Body of Gentlemen of the best Estates, and greatest Interest in the Nation, who had appeared with the greatest Vigour for the Work of Reformation since the 1637. and had likewise given the greatest Evidences of Concern for the Royal Family, under the Usurpation, several of whom were concerned in the Remonstrance, behoved now to be struck at. Their Interest in Shires was great, they might be troublesome in Parliament, being heartily against arbitrary Power, and from Principle attached to the Constitution of this Church; and now the Managers behoved to be rid of them.

Elections of Parliament-members pre-
limited.

Some were cited before the Committee, others were confined; and thus their Influence upon Elections was prevented. And no doubt, Threatnings, and Fear of Danger, in this unsettled Time, prevailed with several to ly by; so that the Elections went pretty smoothly on, according to the Desire of the Managers.

Not having seen any full Account of the Procedure of the Committee, with relation to Gentlemen, and in Prosecution of this severe Proclamation, I can give but some Hints of what they did; and, no doubt, much of their Work was under Ground.

At *Edinburgh*, as we have heard, Orders came down to seize some of the most active Gentlemen, before the Committee sat down. When the Commission came to seize Sir *Archibald Johnstoun of Waristoun*, Major-general *Morgan* was impowered to seize Sir *James Stuart* Provost of *Edinburgh*, and Sir *John Chiesly* of *Carfwell*. Two Gentlemen of very strict Morals, shining Piety, considerable Influence, and singular for their Loyalty to the King under *Oliver's* Government. By a Trick, Sir *James* was trepan'd to convoy Sir *John* to the Castle of *Edinburgh*, and there the Major left them both the King's Prisoners; and for many Years they continued either under Bond and Bail, or Confinement, as a Reward for their Concern and Sufferings for the King's Interest, when at its lowest.

Gentlemen at-
tacked by the
Committee.

Mr. *John Harper*, afterwards Sir *John*, in *Lanark-shire*, was in September obliged to sign the Bond we shall just now hear of, and to give Bail that he should appear before the Committee or Parliament, to answer what should be charged upon him, under the highest Pains. And September 26th, I find *Ker* of *Greenhead*, and *Pringle* of *Greenknow*, are committed by the Committee of Estates to the Castle of *Edinburgh*, for alledged aiding, assisting, and partaking with the Remonstrators and seditious Persons. About this Time, Mr. *Pringle* of *Torwoodlie*, as we may afterwards hear, and several others, were brought to no small Trouble.

Mr. Harper.

Greenhead and
Greenknow.

Torwoodlie.

Upon the 10th of October, the Committee fugitate Sir *Archibald Johnstoun of Waristoun*, Colonel *Gilbert Ker*, Colonel *David Barclay*, *John Hume*, *Robert Andrew* of *Little-tarbet*, and *William Dundas* late Supervisor. Their Case was indeed peculiar, they had been named Trustees in *Scotland* to *Oliver Cromwel*; and being at *London* with *William Purves*, and Mr. *Robert Hodge*, and pretty much involved in *Cromwel's* Affairs, were all discharged Court, save *Waristoun*, who was before this come to *Scotland*, and ordered to appear before the Parliament, when it sat.

Gentlemen de-
clared fugi-
tives.

Multitudes of other Gentlemen, in many Shires upon the South of *Tay*, were brought before the Committee of Estates. If they had any tolerable Informations against them, as to their Compliances under the *English*, or their warm Side to the Remonstrance and Protestation, then the following Bond was offered them, and to several Ministers also, to sign; bearing the Name and Designation of the principal Person bound, and a Cautioner for each, wherein they were obliged,

Bond offered
to Gentlemen
to subscribe.

‘ That the principal Party, shall not in any Manner of Way, directly or indirectly, plot, contrive, speak, or do any Thing tending, or what may tend to the Hurt, Prejudice, or Derogation of his Majesty's Royal Person, or any of that Royal Family, or of his Highness's Power and Authority; or shall act or do any Thing, directly or indirectly, tending, or that may tend to the Breach or Disturbance of the publick Peace of his Majesty's Dominions; nor shall connive, or concur with whatsoever Person or Persons who shall contrive, or do any such Thing, as is before mentioned: But shall, to the uttermost of their Power, stop and let any such Plot or Doing; and compare personally before the Committee, Subcommittee, or Parliament, upon a lawful Citation. All which he promises to fulfil truly
‘ and

1660.

and really. And in case of Failie, he and his Cautioner, conjunctly and severally, oblige themselves to pay an high Fine, by and attour what other Centure, personal or pecuniai, by Law may be imposed upon the principal Party his Transgression. And considering there was a Remonstrance presented to the Committee of Estates, *October 22^d, 1650.* and thereafter adhered unto by many Gentlemen and others, by a Bill given in to the said Committee in *November* thereafter; which Remonstrance being by his Majesty and Estates of Parliament convened at *Stirling, June 1651.* taken into Consideration, his Majesty and Estates, by their Act, *June 4th, 1651.* declare the said Remonstrance to be scandalous and injurious to his Majesty's Person, prejudicial to his Authority, dishonourable to the Kingdom, and a sowing Division among his Majesty's Subjects. Therefore the said Principal does acknowledge the Justice of the said Act, and obliges himself, that he shall not in any Time coming, directly or indirectly, own, promote, or abet the said Remonstrance, under the highest Pains that may follow upon his Person and Estate.' With a Clause of Registration and Execution, in common Form.

Several take it,
and others are
oppressed.

By Threatnings, Imprisonments, and other harsh Methods, not a few were brought to subscribe this Bond, and renounce the Remonstrance; in which the most Part now harassed had no Hand. But this was a good Handle to bear down and bring to Trouble a great many Gentlemen and others, who had been most zealous and forward in the Work of Reformation, and were looked on as most opposite to the Projects now on Foot: And thus the Parliament was also the better modelled for the Work they had to do.

Ministers at
this Time
brought to
Trouble.
Mr. John Dick-
son.

A good many worthy Ministers were at this Time brought before the Committee of Estates. *October 13th,* Mr. *John Dickson* Minister of the Gospel at *Rutherglen*, appeared before them, and was imprisoned in *Edinburgh* Tolbooth. Information had been given by Sir *James Hamilton* of *Elisfoun*, and some of his Parishioners, of some Expressions he had used in a Sermon, alledged to reflect upon the Government and Committee, and tending to Sedition and Division. This good Man was kept in Prison till the Parliament sat, his Church vacated, and he was brought to much Trouble. We shall afterwards find him Prisoner in the *Bass*, for near Seven Years; and yet he got through his Troubles, returned to his Charge at *Rutherglen*, and for several Years after the Revolution, served his Master there, till his Death in a good old Age: While that Family who pursued him, is a good while ago extinct, and their House, as Mr. *Dickson* very publicly foretold in the Hearing of some yet alive, after it had been a Habitation for Owls, the Foundation-stones of it are digged up. The Inhabitants there cannot but observe, that the Informers, Accusers, and Witnesses against Mr. *Dickson*, some of them then Magistrates of the Town, are brought so low, that they are sustained by the Charity of the Parish.

Mr. James
Nasmyth.

Mr. *James Nasmyth* Minister of the Gospel at *Hamilton*, was likewise sifted before the Committee, for Words alledged to have been spoken by him many Years ago. About the Year 1650. when *Lambert* was in the Church, it was alledged, he pressed his Hearers 'to imploy their Power for God, and not in Opposition to the Gospel, otherwise they might expect to be brought down by the Judgment of God, as those who went before were.' Mr. *Nasmyth* this Year was imprisoned for some Time, and for several Months kept from his Charge. Very soon after his Liberation, he was, with many others, turned from their Flocks. We shall meet with him afterwards.

Mr. James
Simpson.

Mr. *James Simpson* Minister at *Airth* in *Stirling-shire*, when, by an Invitation from *Ireland*, he was going thither, to settle in a Congregation there, was seized at *Port-patrick*, without any Cause shown him. Mr. *Sharp*, I know, had a particular Pique at him; they had been at *London* upon different Views some Years ago: But when once in their Hands, he was sifted before the Committee, and by them cast in Prison, where he continued till the Parliament convened, and they saw Good, without any Trial, to banish this good Man out of the King's Dominions.

Those Prose-
cutions not for
Rebellion.

The Reader cannot but remark, that all those Instances of Severity, as well as many that follow in this Book, before *Pentland*, yea even to *Bothwell-bridge*, can never be palliate with the groundless Pretences, that those excellent Persons were punished for Rebellion and Treason. All of them owned the King's Authority; they had standing Law upon their Side, for much of what they were quarrelled about, yea, Laws made by their very Persecutors: A good many of them had suffered much for His Majesty, when in Exile; and this harsh Treatment was all they and Hundreds more had in Return for their stedfast Loyalty, from a Set of People now in Power, many of whom had been deeply involved in Compliance with the Usurper, and in most of those very Things for which those good Persons were now harassed.

Having thus run through the Procedure of the Committee of Estates, to the Middle of *October*, when they adjourned for some Days, it is high Time to look back a little to the Letter from the King, which Mr. *Sharp* brought with him to the Presbytery of *Edinburgh*; which was produced and timed to soften Peoples Spirits, under the Attacks making by the Committee, upon some of the most zealous Promoters of Religion and Reformation.

In the Introduction, we have had a pretty large View of Mr. *Sharp's* Procedure at *London*, where Matters were laid so in secret, as the Constitution of this Church was to be overturned, and Mr. *Sharp* to be at the Head of the new Frame to be erected. That cunning Apostate hastes down to *Scotland*, and arrived at *Edinburgh* the last Day of *August*, and brought with him the King's Letter, directed to Mr. *Robert Douglas*, to be communicated to the Presbytery of *Edinburgh*.

1660.

Upon *Saturday, September 1.* some of the Brethren of *Edinburgh* being convened, Mr. *Sharp* delivered the Letter to Mr. *Robert Douglas*, and made Report of his Negotiation; for which the Brethren gave him Thanks, and resolved to convene the Presbytery of *Edinburgh*, upon *Munday, September 3.* that from them Copies might be transmitted to other Presbyteries, and a humble Return made to His Majesty.

Accordingly they met, and the Letter was ordered to be communicate to all other Presbyteries, as being of publick Concern; and a Committee was ordered to draw up a Return to the King, and a Letter to the Secretary, both of which I find approved, *September 20.* The King's Letter to Mr. *Douglas* hath been more than once printed, and the Reader will, no doubt, expect it here.

CHARLES R.

TRUSTY and well Beloved, We greet you well. By the Letter you sent to Us with this Bearer, Mr. *James Sharp*, and by the Account he gave of the State of Our Church there, We have received full Information of your Sense of Our Sufferings, and of your constant Affection and Loyalty to Our Person and Authority: And therefore We will detain him here no longer, (of whose good Services We are very sensible) nor will We delay to let you know by him, Our gracious Acceptance of your Address, and how well We are satisfied with your Carriages, and with the Generality of the Ministers of *Scotland*, in this Time of Trial, whilst some, under specious Pretences, swerved from that Duty and Allegiance they owed to Us. And because such, who by the Countenance of Usurpers, have disturbed the Peace of that Our Church, may also labour to create Jealousies in the Minds of well meaning People; We have thought fit by this to assure you, That, by the Grace of God, We resolve to discountenance Profanity, and all Contemners and Opposers of the Ordinances of the Gospel. We do also resolve to protect and preserve the Government of the Church of *Scotland*, as it is settled by Law, without Violation; and to countenance, in the due Exercise of their Functions, all such Ministers who shall behave themselves dutifully and peaceably, as becomes Men of their Calling. We will also take Care, that the Authority and Acts of the General Assembly at *St. Andrews* and *Dundee*, 1651. be owned and stand in Force, until we shall call another General Assembly, (which we purpose to do, as soon as Our Affairs will permit) and We do intend to send for Mr. *Robert Douglas*, and some other Ministers, that we may speak with them, in what may further concern the Affairs of that Church. And as We are very well satisfied with your Resolution, not to meddle without your Sphere, so We do expect that Church-judicatories in *Scotland*, and Ministers there, will keep within the Compass of their Station, meddling only with Matters Ecclesiastick, and promoting Our Authority and Interest with Our Subjects against all Opposers: And that they will take special Notice of such, who, by Preaching, or private Conventicles, or any other Way, transgress the Limits of their Calling, by endeavouring to corrupt the People, or sow Seeds of Disaffection to Us or Our Government. This you shall make known to the several Presbyteries within that Our Kingdom: And as We do give Assurance of Our Favour, and Encouragement to you, and to all honest deserving Ministers there, so We earnestly recommend it to you, that you be earnest in your Prayers, publick and private, to Almighty God, who is Our Rock and Our Deliverer, both for Us, and for Our Government, that We may have fresh and constant Supplies of His Grace, and the right Improvement of all His Mercies and Deliverances, to the Honour of His great Name, and the Peace, Safety, and Benefit of all Our Kingdoms. And so We bid you heartily farewell. Given at Our Court at *Whitehall*, the 10th of *August* 1660. and of Our Reign the 12th Year.

King's Letter to the Presbytery of Edinburgh.

By His Majesty's special Command,

Directed, To Our trusty and well beloved, Mr. *Robert Douglas* Minister of the Gospel in Our City of *Edinburgh*; to be communicated to the Presbytery of *Edinburgh*.

LAWDERDALE.

Reflections upon this Letter are in some Measure needless, the After-management makes the Design of it obvious; and the Letter discovers it self to be of Mr. *Sharp's* Penning: Its Expressions are extremely well calculate to lull all asleep, till Matters were ripe for a thorough Change; a very full Testimony is given to the Loyalty and Affection of the Presbyterian Ministers

Remarks upon it.

1660.

nisters of this Church to the King under his Sufferings, which was so glaring, that it could not be hid, and yet the declaring of it was as severe a Reproach as could be, upon the Authors of their Maltreatment.

The *Innuendo* that follows upon those who swerved from their Duty and Allegiance to the King, is a sensible Proof of the Confidence and Disingenuity of Mr. *Sharp*, who, tho' he designed this against the *Protesters*, knew well enough, that not a Minister of the Church of *Scotland*, as far as I know, no not Mr. *Gillespie*, had swerved so far from their Allegiance, as to take the *Tender*, or offered to come in to any Measures *Cromwel* would lay down; and yet his own Conscience could not but reproach him as guilty of this.

We shall have Occasion afterwards to notice the double-faced Expression, of protesting and preserving the Government of the Church, *as it is settled by Law*. The Promise of calling a General Assembly was what Mr. *Sharp* never designed to be performed; Mr. *Douglas* was never sent for, nor any other Ministers: In short, Mr. *Sharp* took Care, that none of those Things set down here as *Blinds*, should ever be done.

The Earl of
Middleton's Re-
flection upon
it.

So that the Earl of *Middleton's* Reflection upon it, seemeth to have been very just and natural. This Nobleman had not seen the Draught, till the King had agreed to it, and the Matter was over. When he read it, he appeared in some Concern at its Contents, and the Promises in it, as thwarting with what he and Mr. *Sharp* had concerted. And when he was told, that notwithstanding of any Thing in the Letter, when his Lordship went down to *Scotland*, he might rescind the Laws now in Force, and then Episcopacy remained the Church-government *settled by Law*: The Earl replied, "That might be done, but for his Share he did not love that Way, which made His Majesty's first Appearance in *Scotland*, to be in a "Cheat."

Such was the Charity of Mr. *Douglas*, and many other worthy Ministers, that they did not suspect a Trick here; and really it was so harsh a Construction, to suppose a Man of Mr. *Sharp's* Profession to venture upon so publick and gross an Imposition upon the King, as to make his Majesty superscribe such a Letter, and send it down full of such Promises and Expressions, and mean while to be projecting the contrary, that we need scarce wonder the Snare was not observed; and therefore the Letter was extremely hugged, and a Return made to it, agreeable to what might be expected from such, who believed Mr. *Sharp* and the King to have been in Earnest.

The Presbytery of *Edinburgh* caused print and spread the King's Letter through the Nation, and found it convenient it should be kept among the publick Records of the Church; and therefore it was delivered by Mr. *Douglas* to Mr. *Andrew Ker* Clerk to the General Assembly, to be kept by him, as said is; and the Presbytery agreed to, and signed the following Return to it.

Most Gracious Sovereign,

Presbytery of
Edinburgh their
Return.

WE your Majesty's faithful Subjects and humble Servants, the Ministers and Elders of the Presbytery of *Edinburgh*, did receive your Majesty's gracious Letter, upon the 3^d of this Instant, (a Day which we were formerly made to remember with Sorrow) and in Obedience to your royal Command therein contained, have transmitted Copies thereof to all the Presbyteries in this your Majesty's ancient Kingdom, which we hope shall very speedily come to all their Hands. And as we are assured it will be most refreshing to them, so we hold it our Duty, by this our humble Address, to signify to your Majesty, how much it hath revived our Spirits, and excited us to bless the Lord our God, who hath put and continued such a Purpose in your Royal Heart, to preserve and protect the Government of this Church without Violation. We have been made to grone under the Tyranny of Usurpers, who did let loose Swarms of Errors and Confusions, to invade the comely Order of this poor Church, (tho' we bless God, without that Success that was expected and desired by them:) Now we are made to say, *This is our God, we have waited for him*; when we see your Sacred Majesty, by a supreme and stupendious Hand of Providence, settled upon your Throne, and do find the warm Beams of Royal Authority reaching even to us, in countenancing Church-order, whereby any Disturbances that are among us, may, by the Blessing of the Almighty, come to a good Issue. We are unwilling to interrupt your Majesty in your weighty Affairs, seeing by your Majesty's Secretary, we may represent our humble Desires in Reference to this Church, (and we bless the Lord, who hath directed your Majesty to make Choice of such a faithful and able Person for that weighty Employment, and one who is so well acquainted with the Affairs of this Church:) But we trust that your Majesty will pardon, that at this Time we could not forbear this immediate Address, whereby we might express our Loyalty and Fidelity to your Majesty, our Joy in the Lord for your happy Restitution, and how much we, and all good People here, are comforted in the Expressions of your Majesty's Moderation, your Abhorrence of Profanity, and your tender Favour to faithful Ministers, and the Ordinances of the Gospel administered by them, and particularly to the Church-government settled among us, in the Enjoyment whereof this Church hath been so happy. And tho' some may be ready to traduce this Go-

vernment,

vernment, because in the late Times of Confusion and Usurpation, (wherein Men made it their Interest to break us) the Church-judicatories have not been able to prevent all Disorders, (as no Church-government, when so discountenanced and born down, can effectually and universally reach its End in a National Church;) yet now your Majesty proving so tender a nursing Father, we trust it shall appear, that those Judicatories are Ordinances of Jesus Christ, which will most effectually bear down Error, Profanity and Schisms, as formerly they have been blessed for that Effect. And as heretofore they have given Proof of their Loyalty and Fidelity to your Majesty, in a great Trial of Afflictions; it may certainly be expected, that they will still acquit themselves so in their Stations, as may witness that the Ministers of Christ are taught of him, to pay all Duty to Authority; and that the Principles of our Church-government lead them to be loyal. And for our Parts, it is our constant Resolution, by the Grace of God, to behave our selves as becometh Messengers and Servants of the Prince of Peace, and to pray, that the Lord may preserve and bless your Majesty, and lead you forth in his right Hand in the Exercise of your Royal Government, for the Good and Comfort of all your Dominions, and the Lovers of Truth and Peace therein, as is the Duty of

1660.

*Your Sacred Majesty's loyal Subjects
and humble Servants,*

Mrs. J. Reid Moderator,
Robert Douglas,
David Dickson,
James Hamilton,
John Smith,
Robert Lawrie,
George Hutcheson,
Thomas Garven,
Alexander Dickson,
James Nairn,
Alexander Hutcheson,

John Hog,
George Kintore,
John Knox,
Andrew Cant,
Robert Bennet,
John Charters,
John Colvil,
David Reedy,
Robert Hunter,
William Dalgleish,
Peter Blair,

Charles Lumsden,
John Lawder,
John Miln,
George Lauty,
Adam Cunningham,
James Windram,
James Scot,
George Fowlis,
Robert Dalgleish,
Alexander Elies.

Joynntly with this, another Letter was sent to the Earl of Lawderdale then Secretary of State, which deserves its own Room in this History, and so it follows.

Right Honourable,

AMONG other the Lord's great Favours to this long distracted Church and Kingdom, we cannot forbear thankfully to acknowledge his Providence, who hath put it in his Majesty's Heart, to make Choice of your Lordship for that weighty Employment, wherein you may have Opportunity to imploy those Talents, wherewith the supreme Dispenser of all Gifts hath endued you, in his Majesty's and your Country's Service; and may also be in a Condition to see to the Safety and Welfare of our Mother-Church, in the Interests whereof you have been pleased so much to concern your self, as hath been made known to us by your Letters to some of our Number, to our exceeding Satisfaction and Refreshment. This doth encourage us, to put your Lordship to the Trouble of presenting the inclosed Address to his Majesty, wherein we do humbly express our Sense of his Majesty's Gracious Letter direct to us, which we had purposed only to signify to your Lordship, that you might have acquainted his Majesty therewith; but that it lay so much upon our Hearts for this once, to witness by our immediate Address, how much we are refreshed by that Mercy. We will not doubt of your Lordship's Pardon for this Trouble, and do presume to beg for the Continuance of your Favour to this poor Church, that, as Occasion shall offer, you will be pleased to represent to his Majesty, what may be found necessary for the promoting of the Kingdom of Jesus Christ among us. And since your Lordship's Goodness hath prompted you to offer your Assistance in what may concern the Church, and the honest Ministers thereof, we know you will not take it ill, if from Time to Time we presume to acquaint you with our Desires, in Reference to those Concernments, as knowing that the Service is the Lord's, and that your Reward is in Heaven, through Jesus Christ, to whose rich Grace we do heartily recommend your Lordship, and are in him,

*Their Letter
to Lawderdale
Secretary.*

Edinburgh September 20th, 1660.

Directed, To the Right Honourable
the Earl of Lawderdale, Secretary
of Estate to his Majesty, for the
Kingdom of Scotland.

My Lord,

*Your Lordship's very humble Servants,
the Presbytery of Edinburgh, and
in their Name, and at their Com-
mand*

Mr. JAMES REID, Moderator.

1660.

Further Proceedings of the Committee of Estates.

Lex Rex, and the Causes of God's Wrath burnt.

Proclamation for holding a Parliament.

King's Proclamation, concerning Subjects Carriage during the late Troubles.

We shall find afterwards, the Synod of *Lothian* made a Return to the King's Letter in *November*: But before I come to that, let me take in the Rest of the Procedure of the Committee of Estates.

Upon the 16th of *October*, the Committee of Estates published a Proclamation, laying on a Month's Cets, for the paying of the Commissioner's Charges, who was to represent his Majesty in Parliament; another for raising three Months Cets, to pay and disband the Soldiers yet in *Scotland*; and a third, for searching for, and apprehending the Lord *Waristoun*, with a Reward of Five thousand Merks to any who should bring him in. Whatever the Necessity might be to have Money at this Time, not a few questioned the Power of this Committee to impose Taxes upon the Subjects, and to act contrary to several standing Laws unrepealed; and they alledged several Clauses of their Proclamations were direct Infringements of the Laws made since the Reformation.

After they had published those Proclamations, they adjourned till the 1st of *November*. During this Recess, *October* 17th, the Books formerly mentioned, *LEX REX*, and *the Causes of God's Wrath*, were burnt at *Edinburgh*, by the Hand of the Hangman; no doubt, by Order of the Committee, tho' I do not observe any Clause for this, in the Proclamation. It was much easier to burn those Books, than to answer the Reasonings and Facts in them.

November 1st; a Proclamation was published with much Solemnity, for holding a Parliament at *Edinburgh*, upon the 12th of *December*: The Tenor whereof was,

CHARLES by the Grace of God, &c. Greeting. The Confusions and Troubles, by which Our good Subjects of this Our ancient Kingdom of Scotland, have those many Years been deprived of that Peace and Happiness they might justly have expected in the Administration of Our Royal Government among them, being now, by the special Blessing of Almighty God, happily removed; We have thought fit to let you know, that We still retain the same Tenderness, and good Affection towards you: And as We will cheerfully interpose Our Authority in what may be for your Good and Welfare, and for securing the just Privileges and Liberties of Our People; so We do expect from them those dutiful Returns of Obedience, and Subjection to Our Person and Authority, which are suitable to their Obligations, and the Duty of loyal Subjects. And conceiving, that a Parliament, in its right Constitution, will at this Time be a ready Mean for establishing a firm Peace to Our People, and for settling all Religious and Civil, publick and private Interests; We have therefore thought fit to call a Meeting of Our Estates of Parliament, to be kept at *Edinburgh*, *December* 12. next to come. Our Will is heretofore, &c. In common Form usual in those Cases, that Shires and Burghs choose their Members according to Law.

Whitehall, October 10.

LAWDERDALE.

A. Primrose, Clerk-register.

The same Day another Proclamation was published, which deserves a Room here. The Title of it is,

The King's Majesty's Proclamation, concerning the Carriage of His Subjects during the late Troubles.

CHARLES, &c. We being now, by the special Blessing of God Almighty, returned to the Exercise of Our Royal Power, and Government of Our Kingdoms; and being desirous to improve this Mercy to the best Advantage of Our People, have thought fit to call a Meeting of Our Estates of Parliament of this Our ancient Kingdom of Scotland, as a ready Mean, after so long Troubles, for settling a firm and lasting Peace, in confirming the just Liberties of Our Subjects, for vindicating Our Honour, and asserting Our ancient Royal Prerogative, by which alone the Liberties of Our People can be preserved. And as We do therein rely upon the Loyalty, Prudence and Care of Our Parliament; so We do absolutely leave and commit to them, the trying and judging of the Carriage of Our Subjects, during those Troubles: Concerning which, We will from henceforth receive Information and Address only from Our Parliament, or Committee of Estates, to whom in the mean Time We have recommended the preparing and ordering of that Affair, and to whom alone, any of Our People that are interested, may freely, and can only make their Applications: And which We have hereby thought fit to make known to all Our publick Ministers and Subjects, whom it doth concern, and who may thereby find, that We have given an undoubted Evidence of Our Affection to, and Confidence in Our People, by making themselves Judges of what may concern both Our and their own Interests. And hereby We do further assure them, that Our own Honour, and the Honour of that Our ancient Kingdom, being vindicate, and the ancient Prerogative of the Crown being asserted, We will grant such a full and free Pardon, and Act of Indemnity, as shall witness there is nothing We are more desirous of, than that Our People may be blessed with Abundance of Happiness, Peace and Plenty under Our Government. And We do hereby command you Our Heralds, Pursebants, and Messengers at Arms, to pass and make Publication thereof at the Market-cross of *Edinburgh*, and other Places needful, and in Our Name and Authority, to command, charge, and inhibit all and sundry Our Subjects in Scotland, that none of them presume to go out of the Country, without Licence of the Committee of Estates, under Pain of being esteemed and pursued as Contemners of Our Authority. Given at Our Court at *Whitehall*, the 12th, Day of *October*, in the 12th, Year of Our Reign, 1660. By His Majesty's Command,

LAWDERDALE.

This

This Proclamation is most plausibly drawn; and the greatest Concern seems to appear for the Good of the People, and the maintaining their Privileges and Liberty. But then, by the Paper it self, we are put in Mind, that 'tis only such Liberty, as is consistent with the Prerogative; and indeed 'tis the first Time I have observed such an Expression, "The King's Prerogative, by which alone, the Liberties of the People can be preserved." The King's Prerogative under the ancient Restrictions of it in *Scotland*, was helpful to preserve Liberty; but that ever, especially in the illimited Sense here, it was the alone Way to preserve Liberty, is what I cannot persuade my self of. In a Word, we may perceive, that the Managers were willing to have all absolutely in their Hand, and preclude all Access to the King, that they might have the entire Disposal of Persons, and their Estates: In order to which, every Body is prohibite to leave the Kingdom without Permission; and the King's Indemnity was suspended for a long Time, till they had made their Market, by the Act of Fines, which, we shall hear, brought little to the Pocket of the first Projectors of it, tho' afterwards the Fines were severely exacted, to the Oppression of the Country, and the raising the first open Disturbance of the Peace.

1660.
Observes on it.

Little more remarkable offers this Year. *September 13th*, the King's Brother, the Duke of *Glocester*, died; and the *English Parliament*, after they had done every Thing the Court desired, were adjourned; and *December 29th* they were dissolved. In *September*, the *English Forces* left *Scotland*, having been here since *September 1650*. and kept this Kingdom under Subjection for Ten Years. At this Time came on the Election of Magistrates for the Royal Burghs; and such were generally chosen, who fell in with the Measures of the Court. *Robert Murray Merchant* in *Edinburgh*, knighted *November 1st* following, was Provost of *Edinburgh*, *John Campbel* elder, was chosen Provost of *Glasgow*, *John Walkinshaw*, *James Barns*, and *John Ker* Bailies; and generally speaking, all who had been active in the Work of Reformation, during the former Period, were now turned out of all Trust.

Duke of Glocester dies.
English Parliament dissolved.
English Forces removed.

The 5th Day of *November* was kept this Year with great Solemnity; and we shall afterwards find Laws made for the perpetual Observation of it. In the Beginning of *November*, the Synod of *Lothian* met at *Edinburgh*, and sent up an Address to the King by way of Return to his Letter above inserted, a Copy of which I have not seen: But by an original Letter from Mr. *Dickson* and Mr. *Hutcheson* to the Earl of *Lawderdale*, writ *November 10th*, I find them acquainting his Lordship, "That their Synod had convened that Week, and he "was shortly to receive their humble Return to his Majesty from the Moderator, wherein "they have given a full Return to every Part of his Majesty's gracious Letter." They send him a Copy of the Act of the Synod, concerning those in their Bounds who have been engaged in Schismatical Courses; a Copy of which I have not seen. They add, "We indeed "believe, that the Way of Clemency and Moderation towards the Crowd of those who have "been misled, and who shall renounce their Course, (as some in our Synod are already doing) "will in the Issue prove most for the Good of his Majesty's Affairs; and, we doubt not, "will be most acceptable to him." They close their Letter with some Remarks upon a Draught of a Proclamation, for calling a General Assembly, communicate to them privately by Mr. *William Sharp*, and offer "some Alterations fit to be made, to dis- "cover his Majesty's Moderation to such as have made wrong Steps." Whether the King, and the Nobility now at the Helm, really designed to call a General Assembly, or if this was another Blind of Mr. *James Sharp*, to keep off Applications for an Assembly, which would have ruined his ambitious Designs, I know not: But nothing was done effectually in it, and the Alterations craved, are mostly Softnings in relation to the Antirevolutioners, upon whom, it would seem, the Plan of the Proclamation was very hard. They would have the Expression, *turbulent and fanatick Spirits*, changed, and the Phrase, *employing of Power for removing rotten Members*, run thus, *But likewise the Power wherewith God hath trusted him, to prevent the further endangering the Safety, Peace, Union, and Order of the Church*. Instead of the Restrictions mentioned in the Draught, to prevent the Election of some pointed at, they propose this general Clause, *Requiring those, who by the Acts and Constitutions of this Church, are allowed to sit in Assemblies, to convene in an Assembly at the Time appointed*. And they very earnestly desire the prohibitory Clause, of Persons so and so qualified in the Draught, *their not sitting in any Judicatory, till they have renounced, &c.* may be reconsidered: And they observe, "That whatever may be the Case as to General Assemblies, where Members "are elected out of inferior Judicatories, yet in this Church, so long as Ministers are not de- "posed or suspended, they are certainly Members of Sessions, Presbyteries, and Synods, as "being a Privilege flowing immediately from the Office of the Ministry, without any super- "venient Commission."

November 5th kept.
Synod of Lothian meet, and make a Return to the King's Letter.
Mrs. Dickson's and Hutcheson's Letter to the Secretary.

Their Remarks upon a Proclamation for calling a General Assembly.

Another Letter I have before me, written by the same Persons, *November 13*. to the Earl of *Middleton*, which is merely taken up in Expressions of their Concern for his Lordship, and their Expectations of Kindness from him to the Church, and the Interests of the Gospel, and Judicatories of Christ, which his Majesty hath resolved to countenance, protect and preserve without Violation; and containing nothing of publick Concern, I say no more of it.

Their Letter to his Majesty.

This Month, *George Campbel* Sheriff-depute of *Argyle*, was imprisoned, as having been concerned with the Marquis of *Argyle*, in several Matters, for which he was now called in question.

George Campbel

1660.

question. But, upon what Views I shall not say, the Sheriff was pardoned, and got a Remission.

Toward the Beginning of *December*, the Marquis of *Argyle* was brought down to *Edinburgh*, the Account of which will fall in afterwards. *December 10.* our *Scots* Parliament is adjourned till *January 1st*, because Matters were not fully concerted at *London*, as to Church-government and other Heads. The Funerals of King *Charles I.* *January 29.* and the Coronation of the King designed to be *February 12.* and some other important Matters at *London*, took the King so up, that our *Scots* Affairs behoved to be delayed.

Ship with the
Registers of
the Nation lost.

Upon the 18th of *December*, the Ship which had on board the Registers and Records of the Kingdom of *Scotland*, which had been taken up to *London* by *Cromwel*, as a Badge of our Subjection, and were now sent down in a Ship of *Kirkaldy*, unhappily perished at Sea, to the great Loss of the Nation: There Eighty five Hogsheads of Papers, and many original Records were lost; and it was unaccountable such a Treasure should have been sent down by Sea, and an unlucky Thing, not to say *Omen*, to *Scotland*.

Middleton's Ar-
rival Dec. 31.
1661. His
Character.

The Earl of *Middleton* came down to *Holy-rood-house* upon the last Day of this Year, Commissioner to this new Parliament, and was met upon his Way with great Solemnity. The King allowed him Nine hundred Merks *per Day* for his Table. From a Volunteer he was raised to a Major, and for his close Adherence to the King in his Troubles, he made him first Lord *Fettercairn*, and then Earl of *Middleton*, and now High Commissioner to the Parliament. He continued in Favour, till he began to engross the Fines and Places of Trust and Power, to himself and his Friends; and then the Earl of *Lawderdale* got him turned out, and managed all for many Years in *Scotland*.

Preparations
for the meeting
of Parliament.

Before this, Matters had been prepared, and all was in Readiness. The Two Eastmost Kirks of *St. Giles* were turned into one, and the King's Seat put up, and Lofts made for the Conveniency of the Commissioner and Members. The Crown and Sceptre, preserved by the Earl *Marshall* in the late Troubles, were brought to *Edinburgh*, and it was resolved to ride the Parliament upon the First Day of the new Year.

CHAP. II.

Of the State and Sufferings of Presbyterians, during the Year 1661.

1661.



Have not seen any distinct Account of the overturning of our Reformation-establishment by Presbyterian Government in this Church of *Scotland*, and the vast Changes made at this Time in Religious and Civil Affairs: Therefore I have ventured to give the larger Account of this great Turn, and drawn it from a good many original Papers and authentick Accounts, which will let us in to the Springs of it.

General View
of the Subject
Matter of this
Chapter.

The Parliament convened the First Day of this Year, and laid the Foundations for all that afterward follows upon Presbyterians, till the Lord turned back their Captivity as Streams in the South, at the happy and glorious Revolution, 1688. and so I have given the fuller Accounts of what they did. Besides the general Attacks made by them upon our Laws and Constitution, a good many worthy Ministers were brought to very much Trouble and Hazard, as well as some Gentlemen and others.

This remarkable Year will likewise bring me to the Martyrdom of our Three first Worthies in this Church; the truly great and noble Marquis of *Argyle*, the reverend and learned Mr. *James Guthrie*, and the excellent Lord *Waristoun*: The last tho' forfeited this Year, yet his Warfare not being accomplished till some Time after, I shall delay the Accounts of him to their own Place, 1663.

There were some Efforts made by the Ministers of the Church of *Scotland* for the preserving of our valuable Constitution; and tho' one would have wished they had made a greater Stand than they could now in their unhappy Circumstances; yet really more was done by them, than is generally known, tho' without any Success.

When the Parliament was up, the Privy Council is erected, and they had the Execution of the Laws made, put in their Hands; and we shall find them beginning the Work of Persecution upon Noblemen, Ministers and others, this Year, and going on with it for about Twenty four Years, with less or more Severity, as answered the Managers Aims; of which I shall essay as distinct an Account from their Registers and Records, as I can gather up.

By Order from the King, towards the End of the Year, Prelacy is erected, and the Judicatories of the Church, which had met under former Prelacy, are upon the Matter stopped in their Meetings, and our Bishops consecrate in *England*. These, with some other incidental Things, will furnish Matter for Seven or Eight Sections upon this Chapter.

1661.

S E C T. I.

Of the Laws and Actings of the First Session of Parliament, in as far as they concern the Church, with some obvious Remarks.

THIS first Parliament after the Restoration, beginning with this Year, and by their Actings paving the Way for all the Sufferings I am to give the Relation of; it will be proper I begin this Chapter with some Account of their Procedure, from the printed Acts of Parliament, the Registers of that high Court, and other Narratives come to my Hand. We shall find this Parliament making a general Attack upon the Constitution of this National Church; and that deserves our Consideration before the Sufferings of particular Persons, Noblemen, Ministers and others.

Our first Martyrs and Sufferers were attacked for Things done agreeable to standing Law; and therefore the first Step of our Managers was to open a Door for a more justifiable, at least legal Prosecution of honest People, who stood up for Religion, Liberty and Property: So they resolved Piece by Piece to remove the Hedges which were about all those, and bring in a new Set of Laws, which deserve the most serious Reflection of the Reader, who would understand the true State of the Sufferings of the Church of *Scotland*, during this whole Period I am describing.

The Author pretends to no further Knowledge of our Laws, than what the bare Reading of the Acts of Parliament, with a little Reflection upon them, affords him. He wishes that some Person versed in our *Scots* Statutes, and the Laws of other Kingdoms, would bestow some Thoughts upon the Laws of this black Period: However the Reader is like to have this Benefit, that all the Observations and Remarks offered, will be plain and easy, and the native Product of a general View of our Records.

When once I have made some general Remarks upon the Disposition and Circumstances of this first Parliament, I shall go on to offer a few obvious Observations upon the Acts and Procedure of this first Session, in as far as they relate to Religion, and the Sufferings of this Church.

That the Reader may have some Idea of the Temper and Genius of this Parliament, I shall take the Liberty, with all Truth and Freedom, to give a short Account of a few Matters of Fact, abundantly notour in the Time I am writing of, but now perhaps not so much known.

And there is the greater Room for Plainness and Freedom here, since I abstract from Names and Persons, that, as soon as the Yoke of Oppression was off the *Scots* Nation, and they restored to a Liberty of thinking and acting, the whole Acts I shall have Occasion to mention, in as far as they struck at the Constitution of this Presbyterian Church, were most seasonably and unanimously rescinded and annulled, Parl. *William and Mary*, 1690. the very first Act of which Parliament, than which *Scotland* never had a more just Representation, April 25. abrogates the Act of Supremacy in the most extensive Manner; and the Supremacy was one of the great Springs of the iniquitous Procedure of this Period. Again, the 5th Act, June 7. 1690. ratifying the *Confession of Faith*, a Step of Reformation never before attained to in *Scotland*, whereby the Scriptural and pure Doctrine of this Church, is embodied with our Civil Liberties, and settling *Presbyterian Government*, does rescind and calls a great Number of other iniquitous Acts in this Interval. I might add Act 17. of the same Session, rescinding *Fines and Forfeitures*, and Act 27. rescinding the *Laws for Conformity*, with many others.

Wherefore, since our Representatives judged those Acts unworthy of any further Respect, I hope I may be allowed to say, they were *Iniquity established by a Law*; and, in the Entry of this Work, regret that ever such Laws had a Being, especially when they were so rigorously execute, and a Door opened by other Methods, for Stretches far beyond the Letter of those very Laws. And here indeed, as I take it, lies the main Spring and Stress of that absurd and groundless Clamour raised by the Episcopal Party, of their being persecuted since the Revolution, in that those unchristian and wicked Laws, upon which their Establishment stood, were then rescinded; for a Restraint put upon them from persecuting others, is to those Complainers a Persecution.

General Remarks upon this Parliament.

The Acts of it rescinded at the Revolution.

1661.

Character of
the Members,
which vindicates the Act of
Classes in some
Measure.

The greatest Part of the Makers of the Laws I am entering on, were of such a personal Character, as did no Way recommend their Acts; it was blacker than I am willing to transmit to Posterity. If there were any Stretches made in the former Period, to hold out Malig-nants and Anticovenanters, by the *Act of Classes and Levies*, they are in Part vindicated by the Door now opened to the greatest Wickednesses and grossest Immoralities in too many of the Courtiers. Indeed at this Time, a dreadful Deluge of Iniquity, and Sins before unknown in *Scotland* since Popery was turned out, brake forth; and Atheism and Profaneness now growing common, paved the Way for slavish Principles in Civil Things, and Persecution in Matters of Conscience.

Middleton no
unfit Commis-si-oner.

The Commissioner, the Earl of *Middleton*, his fierce and violent Temper, agreeable enough to a Camp, and his Education, made him no improper Instrument to overaw *Scotland*, and bring us down from any Sense of Liberty and Privilege, unto a pliant Submission to arbitrary Designs, absolute Supremacy and Prerogative. And this was the more easily accomplished, that this Nation, now for Ten Years, had been under the Feet of the *English* Army, and very much inured to Subjection.

His Character.

A short Account and Character of this Nobleman, to whom the King entrusted the chief Management of Affairs at this Juncture, mayn't perhaps be unacceptable to the Reader. He was a Gentleman in the North of *Scotland*, who made his first Appearance under the Earl of *Montrose*, against the *Gordons*, who set up against the Covenanters, and he had a considerable Share in defeating them at the Bridge of *Dee*. In the Years 1644 and 1645. he took Service in the Army of the Parliament of *England*, against the King, when *Montrose* changed Hands; and his Men ravaged the Country, and among other Cruelties killed *Middleton's* Father in cold Blood, sitting in his own House. He was called Home from *England*, and was with General *Lesly* when *Montrose* was defeat at *Philiphaugh*.

He was Major General under Duke *Hamilton*, and engaged with a Handful of Country-men at *Mauchlin-muir*, in the Shire of *Air*, where he was in some Hazard. He and his Party came upon a Company of Country People, on a *Munday* after a Communion, who had not the least Thought of fighting, and were unprovided for it. Mr. *Thomas Wylie* Minister of *Mauchlin*, under whose Hand I have an Account of that Action, and some other Ministers travelled 'twixt the People and *Middleton*, and got his Promise to permit the People to dis-miss peaceably: Which when they were doing, his Men fell upon the People, and with some Slaughter scattered them, and kept the Muir. When he came to *Mauchlin*, the Ministers quarrelled his Breach of Promise and Capitulation; and he put it off, with alledging, that some of the People had provoked his Men with harsh Speeches.

We shall afterward hear of his Plot to draw the King from the Committee of Estates to the North; for which he was excommunicate, and Mr. *James Guthrie* pronounced the Sentence. In a little Time he professed his Repentance with many Tears, and was relaxed. With the King he went into *Worcester*, where he was taken and imprisoned in the Tower. When he got out, after many Difficulties in *England*, he went over to the King, and was by him sent to *Scotland* to head the Highlanders, who were on the King's Side. This misgiving, he went back to his Master, and at the Restoration was honoured with the highest Post in *Scotland*.

Our Nobility
and Gentry not
what once they
were.

Our Nobility and Gentry were remarkably changed to the worse: It was but few of such, who had been active in the former Years, were now alive, and those few were marked out for Ruin. A young Generation had sprung up under the *English* Government, educate under Penury and Oppression; their Estates were under Burden, and many of them had little other Prospect of mending their Fortunes, but by the King's Favour, and so were ready to act that Part he was best pleased with.

Many of them
disliked the
Strictness of
Presbytery.

Several of the most leading Managers, and Members of Parliament, had taken up a Dislike at the Strictness of Presbyterian Discipline. *Middleton* had not forgot his Excommunication, or the Pronouncer of it; and others had been disgusted at their being obliged to satisfy for their Lewdness and Scandals, and upon this Turn, they were willing to enjoy a little more Latitude.

The Indemnity
for *Scotland*
delayed.

Add to this, that when the King was pleased to grant a most ample Indemnity to his Subjects in *England* and *Ireland*, for their Failures in the late Times, his Grace did not come so low as his ancient Kingdom. Most Part of *Scotsmen*, save the Ministers, who received a very ungenerous Reward, had been some way or other involved with the *English* under the Usurpation; and now were chargeable with Treason, and their Lives and Estates at the Mercy, I say not of the King, but of his hungry Courtiers, who laid their Measures, so as an Indemnity for *Scotland* was put off, till they got their Schemes of Oppression and Revenge formed. Thus the Hopes of Time-servers, who had their Fortunes to mend, and the Fears of many, who perhaps, if left to their own Choice, would have inclined to preserve our Reformation and Liberty, were improven to carry on the Designs now on Foot.

When the Proclamation, *October 12th*, formerly noticed, was published, calling the Parliament, and devolving upon their Judgment the Behaviour of all under the late Troubles, and discharging all Petitions and Applications to his Majesty; this was soon understood to be no

Act

Act of Indemnity; but the plain Language was, that every one who would not follow Court-measures, quit their Principles, calmly subject to arbitrary Government in Church and State, and vote and act as the Managers would have them, might expect to be treated as Rebels. Indeed it required a greater Measure of the old *Scots* Spirit, and more Fixedness in Principles than many had, to stand out against so heavy an Argument.

1661.

Moreover, great Pains was taken upon the Elections to this Parliament; Matters every where in Shires and Burghs were so carefully managed, that for the most Part, Persons entirely at the Devotion of the Court, were chosen: In some Places where others were chosen, Letters were writ by the Courtiers, under some Pretext or other, for a Second Choice. Thus in the Shire of *Air*, where a Gentleman of one of the First Families of the Shire, but a firm Presbyterian by Principle, was elected; a near Relation of his own, a Courtier, prevailed to get him altered. And some of the most zealous Gentlemen in the former Times, were *viis & modis* brought under Process, and some of them cited before the Parliament, that there might be no Trouble from them as Members. The Act of the Committee of Estates above, App. N^o. 6. pointed this Way; and the double-faced Expressions in the Letter to Mr. *Douglas*, were designed to make all go on as smooth as might be.

Pains taken upon Elections.

After all those previous Steps, to dispose for the great Things in Hand, the Parliament convened *January* 1. 1661. just that Day 12. Months, upon which *Monk* marched up to *London*, and that Day 10. Years, whereupon the King was crowned at *Scone*. The Members rode from the *Abbey* to the House in great State; the Earl of *Crawford* bore the Crown, the Earl of *Sutherland* the Sceptre, and the Earl of *Mar* the Sword. Duke *Hamilton* and the Marquis of *Montrose* rode behind the Commissioner, covered.

Riding of this Parliament, *January* 1.

When they had taken their Seats in the Parliament-house, a very good Sermon was preached to them by Mr. *Robert Douglas*, from 2^d Chron. 19. 6. *Take Heed what you do, for you judge not for Man, but for the Lord, who is with you in the Judgment.* After calling of the Rolls, the Earl of *Glencairn* was chosen *Preses*, and the Commissioner had a Speech, recommending Peace and Unity. When those Forms were over, the Commissioner had most of the Nobility at Dinner with him, where he was served in great State: He sat at a Table by himself, and the Earl of *Athole* gave him the Cup upon his Knee, after he had tasted it, in a Cover, before he delivered it.

Mr. *Douglas* preaches.

January 4th they entred upon Business. I have in mine Eye a very distinct Account of their Procedure every Day, in Manuscript, unto the Middle of *April*, from which I may afterwards give some Hints of their Actings; but here I shall confine my self very much to the known publick Acts made in Opposition to that Work, which had been carried on from the 1638. to the Usurpation, and give the Reader as short a View, as the Variety of Matter will permit, of their Procedure, in the vast Change made by them in this Church and Kingdom.

They enter upon Business.

It is very evident, the Design on Foot, in this Parliament, was to make the King absolute, and the Laws henceforth only a publick Signification of the Sovereign's Pleasure, who after this, is to be above Law, and uncontrollable Lord of his Subjects Property, Purse and Conscience; and to overturn what had been formerly established in Favours of Religion and Liberty.

Their great Design:

This unhappy Project was helped forward, at least not a little encouraged, by the fulsome Sermons preached by too many before them. The Preachers were not now appointed by the Assembly or Commission, who used formerly to sit in Time of Parliament; the Managers must be their own Carvers; the King's Advocate's Letter was the Appointment Ministers had to preach, and he was not wanting in pitching on very fit Tools for their Purpose, who preached smooth Things. Some of their Sermons yet remain in Print, as Blots upon their Reputation: And tho' Mr. *Douglas*, and some few other worthy Men were employed now and then, for Form's sake, and they preached Christ, and plain Duty; yet it was not so with many of their Preachers. Their ordinary Themes were, *the wickedness of Rebellion*; and in their Application, they explained this to be *the late Work of Reformation*, and the *Covenants*, even before the Parliament had declared against those; the *Sinfulness of defensive Arms*, whereby they libelled most Part of their Hearers, and cast a Slur upon the constant Practice of this Nation; *the Extensiveness of the King's Power*; *passive Obedience*, and such like. Those flaming Sermons of theirs, bring upon the Preachers of them a great Share of all the After-guilt of this Period, and paved their own Way to Preferment.

Which was promoted by the fulsome Sermons preached before them.

Those corrupt Ministers, who had sided themselves with the publick Resolutioners, and now were carefully serving the Courtiers, very much heightned the lamentable Breaches betwixt the *Resolutioners* and *Protesters*, who were both against the Defection now entring upon: This miserable Rent, artfully managed by designing Men, so weakned the honest Ministry of the Church, and split the People, who were for our former excellent Constitution, that no such seasonable and regular Application was made for preventing the Change, as was wished for; tho' somewhat was done, as we shall hear.

Those Preachers heightned the Rent in the Church.

Thus every Thing concurred, in the Lord's holy and righteous Providence, for helping forward a dark and black Cloud upon this Church and Kingdom, which began with the Acts I am now to give a particular Detail of, if once I had further observed,

That

1661.

The Parliament acted so, as to make some question the Validity of their Actings.

That this Parliament, when they sat down, so constituted themselves, and acted in such a Manner, as made their Acts and Laws, in the Opinion of severals, questionable as to their Validity and Legality. It is plain they run cross to standing Law, before they gave themselves the Trouble of any Repeal. The Reader will find, that by Act 5th. Parl. 2. Charles I. where his Majesty was present, "Every Member of succeeding Parliaments is to take, and subscribe the National Covenant, and give an Oath of Parliament relative thereunto." This was not now done, as every Body knows.

Yea, it was expressly provided by our last *Scots* Parliament, where his Majesty was present, 1651. "That in all succeeding Parliaments, every Member, before they entered upon Business, should sign and subscribe the Covenant; and without this, the Constitution of the Parliament, and all they do, is declared void and null." The Acts of this Parliament were not printed, and I have not seen a Copy of the Act: But, from Persons yet alive, and Papers written at this Time, I am assured such an Act was made.

Not to say any Thing of the Reasonableness or Necessity of making such Restrictions, 'tis certain, those were now unrepealed Laws, and the last relative to the very Constitution of Parliament, made by the King, and many of themselves; and consequently they sat down, and went on in a Method directly contrary to the uncontroverted Statute Law. And tho' those, with many other excellent Laws, made in the former Period, were rescinded; it remained doubtful with the Persons who objected against the Validity of this Parliament, how far they could do so, unless, by express Instructions from their Constituents, they had begun with altering the Constitution. But this Point I must leave to the Gentlemen of the long Robe, skilled in our Laws and the Nature of Parliamentary Power.

Burdens gradually brought upon the Subjects by them.

Having laid down those general Observations, I come to take a more particular View of the Acts of this Session of Parliament; and by a narrow Consideration of them, and the Order in which they are made, a great Deal of Art and Cunning will appear; in gradually bringing upon Members of Parliament, and Subjects, the heavy Burdens they were under before the 1638. and not a little of the serpentine Subtlety of Mr. *Sharp*, who came lately from *England* with ample Directions concerted with the High-fliers there, to bring this Church back to its deformed State, about 23 Years ago.

App. No. 7.

The first printed Act is concerning the President, and Oath of Parliament. See App. No. 7. The civil Part of it, their making the Chancellor, or any for the Time, nominate by the King, President, I do not meddle with; every Thing now must be done *antipodes* to the Practice of the *Covenanters*, be it never so reasonable in it self: And it does not appear unreasonable, that a Judicatory, such as this, choose their own Mouth. But waving this, let me consider a little the Oath inserted in this Act; the Form of which is,

Oath of Allegiance and Parliament.

I for Testification of my faithful Obedience to my most gracious and redoubted Sovereign Charles King of Great Britain, France and Ireland, Defender of the Faith, do affirm, testify and declare, by this my solemn Oath, that I acknowledge my said Sovereign, only supreme Governor of this Kingdom, over all Persons, and in all Causes; and that no foreign Prince, Power or State, nor Person Civil or Ecclesiastick, hath any Jurisdiction, Power or Superiority over the same: And therefore I utterly renounce and forsake all foreign Jurisdictions, Powers, and Authorities; and shall at my utmost Power defend, assist and maintain his Majesty's Jurisdiction foresaid, against all deadly, and never decline his Majesty's Power or Jurisdiction, as I shall answer to God.

Members of Parliament were to add, And I shall faithfully give my Advice and Vote in every Thing that shall be propounded in Parliament, as I shall answer to God.

Observations upon this Oath.

Many Particulars may be noticed as to this Oath. In the Title of the Act, it is termed an *Oath of Parliament*; in the Body of the Act, 'tis called an Oath of *Allegiance*. There are here two very different Oaths; and it was not without a Cause why it was huddled over in Parliament, under the Notion of an *Oath of Parliament*, that Persons upon whom the first Part was to be imposed, might not too soon spy out the Design upon them. Yet they must have been very heedless, who did not observe, that this Oath, in both its Views, was calculate to shuffle out our former *Establishment*, and the *Covenants*, and in its Nature everfive of them.

This new coined Oath might be compared with the *English* Oath of Supremacy, which no doubt was its Model; every Thing now being to be brought as near the *English* Pattern as possible. It appeared to many to have in it the most choking Clause of the Supremacy; indeed in so many Words, it does not formally assert the King's Power in Ecclesiastical Matters, as the other does; but its general and extensive Clause, *in all Causes and over all Persons*, takes it in, and appears even somewhat wider than the *English* Phrases themselves.

It seems evident, that this *Scots* Oath of Allegiance and Parliament, and really of Supremacy, is ambiguous in its Expressions. The Terms of it are artfully enough formed, so as to bear a double Face. Presbyterians cheerfully allow the Sovereign a civil and sanctional Power in

in Ecclesiastical Matters and Causes, as well as a supreme Power over all Persons. And there was some Shadow of Ground for understanding the Oath in this safe and favourable Sense at this Time, when the Commissioner and Chancellor declared again and again in Face of Parliament, that they intended not to give his Majesty any *Ecclesiastical*, but only a *civil supreme Power*. Yet in a little, when Ministers offered to take the Oath in this Sense, they were not allowed. And it would seem those Declarations were made from the Throne, upon other Views than appeared; for when the Earl of *Cassils*, and Laird of *Kilburny* demanded those Declarations might be insert in the Registers, it was peremptorily refused. This demonstrates the Ambiguity of the Phrases.

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In themselves, and by reason of this Ambiguity, several Phrases in the Oath were at best dark. To say nothing of the others, that Expression, *I renounce all foreign Jurisdictions, and shall maintain his Majesty's Authority foresaid*, without Explication, may reach further than *foreign Prince, Power or Person*, since *foreign*, as it stands here, seems to include *all Jurisdiction and Power*, except the King's as Supreme: And thus it would be an absolute Renunciation of all Ecclesiastick Judicatories. So it proved in the Issue, and the whole Church-power came to be lodged in the Bishop, as deriving it from the King. I know this Clause relates, in its ordinary Sense, to *Popery*, and in so far was safe; but it might, yea actually was further extended, and consequently was dark.

In short, a good many reckoned the last Clause of this Oath simply unlawful. *Supreme Governor*, in the first Part here, seems explained by *the King's Power and Jurisdiction*, and the Swearer obliged *never to decline it*. This they thought a Step beyond the *English Supremacy* it self; by that, the King is allowed a *limited Power* in Ecclesiastical Matters, but by our *Scots Oath*, the Swearer seems bound down to Submission to all the Instances of the Exercise of that Power; so that in no Case the King must be declined, even tho' he should take upon him the Power of Excommunication, for Instance. How far this last Clause was call in to prelimit Members in the Processes to be before them, I do not say; but *the declining the King's Jurisdiction*, was no small Article against Mr. *James Guthrie*.

Several other Remarks might be made upon this Oath, if I had not already said so much on it. By the Act 114. *James VI. Parl. 12. 1592.* now in Force, and unrepealed, the Jurisdiction of the Church is ratified and confirmed, and the Allegiance sworn in this Oath, hath no Respect, yea is contrary to the due Limitation there contained. Again, every Body knew the Design of the Court at present, to establish a *Royal Supremacy*, and put the King in the Place of the Pope, which, by the Way, increased the Darknes and Ambiguity of the Phrases formerly noticed. To be short, this Oath came to be the *Shibboleth* of the State, and in a little it was extended to all Subjects of any Influence. And after the Members of Parliament were involved in it, and by Credit bound to defend and promote it, it became at first Matter of much Dispute and Strife, and afterwards an Occasion of Suffering. In the Year 1669. when Matters were ripe, it came to be explained, cleared, and imposed in its true and extensive Meaning; and its Sense was made plain, large and terrible, and an End put to the Debates about its Meaning.

This Oath, tho' thus involved, as we have heard, was stuck at by very few in the Parliament. The Earls of *Cassils* and *Melvil*, and the Laird of *Kilburny* refused it; whether there were any more, I have not heard: So well disposed were the Members to go in with every Thing that came about.

Having thus inaugurate the King a *supreme civil Pope*, if not some more, by Steps they proceed, in the following Acts, to assert, explain, and extend the Royal Prerogative. At this Time the Parliament's darling Design and beloved Work seems to have been, the Enlargement of his Majesty's Power, without any great Regard to Religion, Liberty, or Property; and they begin with civil Offices.

And, By their 2^d Act, declare it to be *His Majesty's Prerogative, to choose Officers of State, Counsellors, and Lords of Session*, as may be seen in the printed Acts; and they scrow up this Branch of the Prerogative to a *jus divinum*: Perhaps this is the first Time that ever the Nomination of Servants and Counsellors is derived from Heaven. In the rescissory Part of this Act, they run pretty high, and pronounce *the contrary Laws and Practices, and Acts since the 1637. to have been undutiful and disloyal*, tho' the King himself was present at some of them.

Remarks on their 2d Act.

In their 3^d Act, as may be seen in the printed Acts, they assert the King's Prerogative to be, "The calling, holding, proroguing or dissolving all Parliaments, Conventions or Meetings of Estates; and that all Meetings, without his special Warrant, are void and null." In the Preamble, out of their great Loyalty, they declare *the Happiness of the People depends upon the Maintenance of the Prerogative*. The Presbyterians for many Years felt how much their Happiness depended upon this, in the Parliament's Sense, by Bonds, Imprisonments, Hanging, Heading, and Murders in the Field and High-ways, without any Sentence. It is added, They make this Law out of Conscience, and from its Obligations. Upon how good Grounds they assert this, most of them have answered ere this Time at an higher Tribunal. An odd enough Sanction is annexed to this, *That no Subject question or impugn any Thing in this Act,*

Upon their 3d Act.

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or do any Thing contrary thereto, under the Pains of Treason: Which seems to involve all the Members of Parliament in a wretched Necessity, to vote many of the following Acts when proposed, as they would not be guilty of Treason; and 'tis abundantly plain, that Piece by Piece they prelimited themselves, and gave up the Freedom of their Acting in a parliamentary Capacity.

Upon their 4th Act.

By their 4th Act, they go on, and statute, *That no Convocations, Leagues, or Bonds be made without the Sovereign*, and declare against all such, made without his Consent; and tacitely insinuate, that the Work of Reformation since the 1638. confirmed by the King and his Father, *had well nigh ruined both King and Subjects*; and cast a new Tash upon all that was done in that Period by his Majesty and many of themselves, *as being done on Pretext of preserving the King's Person, Religion, and Liberty*. They declare *this Gloss was false and disloyal*, and rescind all done, or to be done, without the King's Consent: By which undoubtedly our glorious Revolution must come in as black Treason.

Upon their 5th Act.

Further, by their 5th Act, they clothe their King with the *sole Power of making Peace and War*, without any great Necessity from the Matter they are upon, or Connection with the Subject. In the Preamble, they assert, *That the King holds his Crown from God alone*; and statute and declare, "That the raising of Subjects in Arms, is and was the Sovereign's undoubted Right; and that it shall be high Treason for any Subjects, upon any Pretext whatsoever, to rise in Arms without the King's Allowance." It was well they made not this Law to look back, as several of their Acts did, else the Commissioner, and the greatest Part of them, had been pronounced Traitors.

Upon their 6th Act.

One would think, by this Time, the Parliament were near to the plucking up the Covenant by the Root, and so they were; but an unnecessary Step must be taken for the better securing their Project, and that is, by Act 6th, to declare the *Convention of Estates 1643.* who entered into the *solemn League and Covenant* with the Parliament of England, void and null. That Convention was not called by a King, and therefore all they did must be a Nullity; and all Acts approving that Meeting, are rescinded, even the *Ratification* by the Parliament, where the King was present. This seems to be a very needless Act, since the Convention was on the Matter rescinded in their 3^d and 4th Acts; but they must make their Game sure, tho' it be by doing the same Things twice or thrice over. Probably the Managers were afraid to attack the Covenant directly, till once they tried the Pulse of the Members, who generally had sworn it, and secured themselves by this Essay; and if this had misgiven, they would have fallen upon it another Way: But all runs smooth, and the Courtiers were in no Hazard.

Their 7th Act.

Having thus made their Approaches, with all Caution and Safety, to the Fortrefs of the Covenants, 'tis sapp'd and overturned by their 7th Act; which, because it was Occasion of great Suffering afterward, and every Body who reads this History, mayn't have our Acts of Parliament by him, I have insert App. N^o. 8. and take the Liberty to make some Observes upon it.

App. N^o. 8th.

Remarks upon it.

That even after all this previous Caution, they do not declare directly that the Covenant was *Treason*, for the Nation was not yet ripe for this; nor totally rescind the Obligation of it; but only, as the Title of the Act bears, make a *Declaration concerning it*, and discharge *the renewing of it*, without the King's Consent, which was not to be looked for. So sacred and beloved were the Covenants in Scotland, that it was not fit as yet to venture further.

And even in this Declaration, the Narrative of the Act, and *ratio legis*, is not drawn from any ill Thing in the Covenant, but the Law is founded upon their own new made Statutes; all which are sufficiently called and overturned, by the King's own Consent to the Covenant, and his swearing of it. They themselves coin the Premises, and then form the Conclusion, as best serves their Purposes.

Indeed, in a very general and dubious Manner, they make an *Innuendo*, "That divers Things occurred in the late Troubles, in making and pursuing of Leagues and Bonds, that may be Occasion of Jealousies between his Majesty's Dominions." How tender do they appear of naming the Covenant! Those Occasions of Jealousie might arise from many other Bonds, and the Pursuance of them, besides the Covenants; and I could instance some of them.

However, upon this Supposition, they declare, "That there is no Obligation, by Covenant or other Treaties, upon Scotland, to endeavour by Arms a Reformation in England." It is not asserted in the Covenant, that in all Cases Scotland was obliged by Arms to reform England; to be sure, at this Juncture, there was no Hazard this Way. There follows a very unjust Reflection upon the Covenanters, "or to meddle with the publick Government, or Administration of that Kingdom." This the Covenanters never took upon them to do, save when pressed thereto by the English themselves.

The Declaration is again repeted, That there is no Obligation upon Scotsmen to meddle with the Religion of England by Arms, which is now termed a *seditionous Way*. It must be owned, that Arms in many Cases are none of the best Ways to propagate a Reformation in Religion and Church-government: But 'tis certain the Scots were invited to England to assist that

that Nation in their own Self-defence against *Popery*, and *Prelates* halting fast back to it; which quite alters the Case, and yet is by many overlooked in this Matter.

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In a Word, by this Act, all the Subjects are "discharged to require the renewing of the Covenant, or any other Oath, or to swear it, without the King's Consent." Whether this Clause precludes Application to the Government in a regular Way, for renewing those solemn Vows against *Popery* and *Prelacy*, I do not know; neither what is included in the other publick Oaths here spoken of; they may relate to the *Oath of Canonical Obedience*, for any Thing I know, since the Prohibition is abundantly wide. Thus far is plain, that the renewing of the Covenant it self is not simply discharged, tho' I must own there was little Prospect of getting the Condition here required to this, *His Majesty's Consent*.

Thus, more softly than one would have expected, the Attempt is made upon the solemn League and Covenant. Their preparatory Acts made it the Deed of an unlawful Convocation; and they would have it believed, that whatever Excellency might be in the Matter of it, yet it was no binding Law obliging *Scotland*, being made *a non habente potestatem*. By those Blinds, they huddled over the Matter, so as some were cheated into the Thoughts they might safely renounce the Covenant as a Law, and stand by it as a *private Oath*. With those Colours and Distinctions, this Act was voted pretty smoothly to the Courtiers Wish: Yet some of all the States dissented; but the most Part, who were against this Act, withdrew, and went out of the House, fearing a publick judicial Vote might render their Compliances under the Usurpation unpardonable. I find there was one plain honest Man, *George Gordon* Bailiff of *Burntisland*, whose Vote in all the preparatory Steps, and this Act, was, *He could do nothing against his lawful Oath and Covenant*. Him the Managers were pleased to overlook.

In the 8th Act, the Parliament give in to the old, and yet continued Method, of covering their Designs against *Presbyterians*, with a pretended Zeal against *Popery*; and under this View, frame a very good Act against Priests and Jesuits: But the Narrative of it was complained of, as injurious to Truth, and every Body's Experience; that *Disobedience to lawful Authority, covered with specious Pretences*, i. e. in their Meaning, *The Work of Reformation, and the Covenants, had been the Occasion of the Increase of Priests and Jesuits*, needs no Refutation. The next Clause, that *Priests and Jesuits abounded more at present, than in the Time of the King's Father or Grandfather*, is what I very much doubt of. They were indeed too numerous at present, but they behaved to be many more in King *James's* Time: And what Sholes of them were in King *Charles I.* his Reign, the Reader will see from the Account of the Popish Government in *Scotland* at that Time, writ by Mr. *John Abernethy* a Popish Priest; which, because it is in the Hands of very few, was never printed, and deserves the Consideration of all true Protestants, I have added App. N^o. 9.

Their 8th Act

App. N^o. 9.

Their 9th Act, approving the Engagement 1648. and rescinding the Actings of Parliaments and Committees which ensued thereupon, contains many Perversions of Matters of Fact, and Reflections upon the Marquis of *Argyle*, and the Ministers who were opposite to the Engagement. Those last are represented as *a few seditious Ministers*, when 'tis notour that the far greatest Number of the Ministers of this Church, were heartily against the Engagement, as it was then stated by the Party who set up for it. I shall not here enter upon any Detail of this Affair, any Body who writes the History of that Period, will find Matter enough from the very publick Papers and Records, the Acts of General Assemblies, Committees of Estates, Commissions of Assemblies, and not a little in the Defences of the Marquis of *Argyle*, to set the Matters of Fact here, and in other Acts of this Parliament so much misrepresented, in a just and quite other Light. The rescissory Part of this Act was already made upon the Matter, in the preceeding Acts, and the Ratification of what they now make void by the King himself in full Parliament, is no Hindrance to our Levellers in this razing Work.

Their 9th Act

I shall likewise leave their 10th Act, against the Declaration of the Kingdom of *Scotland*, *January 16. 1647.* to the Remarks of such who shall give the History of the former Period; and I am perswaded they will be easily able to take off the Aspersions cast upon such, whom the Managers are pleased to term *a few seditious Persons, who had then screwed themselves into the Government*.

Their 10th Act

When by the preceeding Steps they have paved their Road, they come by the 11th Act to require what turned about to be Matter of sore Suffering afterwards, the *Oath of Allegiance*, and the subscribing an Instrument assertory of the Royal Prerogative. Such was their Spite at the Covenant, that tho' more than once they had already declared, it had no Authority as a Law; yet by this Act they must cut off the dead Man's Head, and, in as far as lay in their Power, enervate the Obligation of the Matter of it. By another Act, in a following Session of this Parliament, the Matter of it is declared unlawful, and they order it to be renounced; at length, in *Queensberry's* Parliament, 24 Years after this, it is declared to be high Treason for any to adhere to it.

Their 11th Act

This 11th Act being remarkable, and a Sort of Abbreviate of all they had done, I have inserted it, App. N^o. 10. The Oath of *Allegiance*, or rather *Supremacy*, I have considered, upon the first Act, and only now add, that when this present Act was a framing, some Ministers in *Edinburgh* offered to some of the Managers, an Amendment only of one Word, instead of

App. N^o. 10

supreme

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supreme Governor, that it should run *supreme civil Governor*, which would have gone far to have removed the Scruples of many: But no Alteration would be heard; the Members of Parliament had taken the Oath, and every Body who would not follow their Example, was reckoned dissatisfied.

The Oath was now imposed upon all in civil Offices; they knew what they had in View shortly to do as to Ministers: But lest they should presume upon an Exemption, a general Clause is added, requiring this Oath from *all upon whom the privy Council, or any having Orders from them, should impose it*; and so it reached most Part of the Subjects in a little Time. The Acknowledgment of the King's Prerogative, required as a Test of Loyalty, and Condition of enjoying of any publick Trust, is so remarkable, as it deserves a Room in the Body of this History, and follows.

Instrument
assertory of
the Royal Pre-
rogative,

‘FORASMUCH as the Estates of Parliament of this Kingdom, by their several Acts of the 11th and 21st of *January* last, have, from the Sense of their humble Duty, and in Recognizance of his Majesty's just Right, declared, That it is an inherent Privilege of the Crown, and an undoubted Part of the Royal Prerogative of the Kings of this Kingdom, to have the sole Choice and Appointment of the Officers of Estate, privy Counsellors, and Lords of Session; That the Power of calling, holding, and dissolving of Parliaments, and all Conventions and Meetings of the Estates, doth solely reside in the King's Majesty, his Heirs and Successors; and that, as no Parliament can be lawfully kept, without the special Warrant or Presence of the King's Majesty, or his Commissioner, so no Acts nor Statutes to be passed in any Parliament, can be binding on the People, or have the Authority and Force of Laws, without the special Approbation of his Majesty, or his Commissioner, interponed thereto, at the making thereof: That the Power of Arms, making of Peace and War, and making of Treaties with foreign Princes and States, or at Home by Subjects among themselves, doth properly reside in the King's Majesty, his Heirs and Successors, and is their undoubted Right, and theirs alone; and that it is high Treason in the Subjects of this Kingdom, or any Number of them, upon whatsoever Ground, to rise or continue in Arms, to maintain any Forts, Garrisons, or Strengths, to make Peace or War, or to make any Treaties or Leagues with Foreigners, or among themselves, without his Majesty's Authority first interponed thereto: That it is unlawful for Subjects of whatsoever Quality or Function, to convocate, convene, or assemble themselves, to treat, consult, or determine in any Matters of State, Civil or Ecclesiastick, (except in the ordinary Judgments) or to make Leagues or Bonds upon whatsoever Colour or Pretence, without his Majesty's special Consent and Approbation had thereto: That the *League and Covenant*, and all Treaties following thereupon, and Acts or Deeds that do or may relate thereunto, are not obligatory, nor do infer any Obligation upon this Kingdom, or the Subjects thereof, to meddle or interpose by Arms, or any seditious Way, in any Thing, concerning the Religion and Government of the Churches in *England and Ireland*, or in what may concern his Majesty's Government there: And that none of his Majesty's Subjects should presume upon any Pretext of any Authority whatsoever, to require the renewing or swearing of the said *League and Covenant*, or of any other Covenants, or publick Oaths concerning the Government of the Church or Kingdom; and that none offer to renew or swear the same, without his Majesty's special Warrant and Approbation, &c.

‘I do, conform to the Acts of Parliament aforesaid, declare, That I do with all humble Duty, acknowledge his Majesty's Royal Prerogative, Right and Power, in all the Particulars, and in the Manner aforesaid; and that I do heartily give my Consent thereto, by those Presents, subscribed by me at —

Remarks upon
the

This Instrument, assertory of the King's Prerogative, which all Persons, as above, were to subscribe, comprehends all they had declared in their foregoing Acts; and by it, the Signers consented to the King's absolute Power, owned the Unlawfulness of resisting the vilest Tyrant, and materially renounced that Work of Reformation in *Scotland*, begun at our Secession from Popery, and revived and carried on in the Year 1638. approved once and again by the King and Parliament; and, which is more, signally owned of God. This *Declaration* with the *Oath of Allegiance*, became the trying Badges of Loyalty; and whenever any suspect Person was sited before the Council, or other Courts, or Magistrates, those Two were offered him: If he swallowed them, he was dismissed; if he refused, this was turned to a Libel, and no Mercy for him.

In considering the former Acts, Remarks have been made upon most Part of the Clauses of this *Declaration*, and I shall not repete them. In short, by the general imposing of it, the Courtiers endeavoured to make the Prince absolute, cramp Religion, and alter both the Frame and Principles of the Civil and Ecclesiastick Government here. This *Declaration* must be subscribed, which, as to Truth and Perswasion, is much the same with its being sworn,

under

under the Penalty of being *reputed disloyal and disaffected*; and the Refusal of it made a Person incapable of all publick Trust.

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And yet not a few Assertions are in it, far above the Capacities of many upon whom it was imposed; so that they could not make this *Declaration* with Knowledge, and in Truth: Thus it became a plain Stumbling-block, an Occasion of sinning, and a Snare to the Consciences of many; and the Sufferings to be narrated, which followed upon the Refusal of this *Declaration*, and the former Oath, are purely upon *Conscience and Principle*, and can never be alledged to be for Rebellion; unless every Thing that runs cross to the Methods of a corrupt and imposing Time, must be so named. I hope the Reader will remark it, that till the Rising at *Pentland*, which was the native Consequent of this and other Impositions, little other Reason was pretended or given for the Cruelties exercised upon Multitudes, save their refusing this involved, ambiguous, complex, and unreasonable Oath and Subscription.

The three following Acts are purely Civil, and about the granting of Money to the King. But in the 15th Act, they come at one Dalh, to rid themselves of all the Parliaments since the Year 1633. At first they talked only of rescinding the Parliament 1649. because the *Engagement* had then been disapproved: But quickly their Design took Air, to raze all; and after by their former Acts, the King had got in his Hands all that was lately called *the Liberties of the Kingdom, and Privileges of Parliament*, it is now boldly enough resolved upon, to rescind all done in Parliament since the Year 1633. and to remove the civil Sanction given to the General Assembly at *Glasgow*, and those which followed; and to abolish all Laws made in Favour of our Church-government and Covenants.

Their 15th Act
rescission.

When this Motion was first made, it appeared so choking, that it was laid aside, or rather delayed for some Months; but when all the former Acts had gone glibly through, the Managers hoping nothing would be stuck at, come briskly to overturn all that had been a building since the Year 1638. and they cast and rescind all that was done in former Times by King and Parliament, with the greatest Solemnity and Unanimity; and at one Stroke, to take away the greatest human Securities which could be given to a Church or Nation. From their former Success, the Compilers of those Acts grow in Boldness.

In the Narrative of the Act, they call all done these Twenty three Years, "Troubles upon the specious, but common Pretext of REFORMATION, the common Cloke of all "Rebellions," and declare his Majesty holds the Crown *immediately from God Almighty alone*; a Proposition which will not hold of any Monarch ever upon the Earth, unless it be *Moses* King in *Jesurun*, and a few more under the Old Testament. Tho' in this Act they grant, the Acts now rescinding were agreed to by King and Parliament, yet, in order to bury the Covenants under Reproach, they add, That the Covenanters did most unworthily engage to *subvert his Majesty's Government, and the publick Peace of the Kingdom of England*; which is notoriously contrary to the very Letter of the Covenants. Many other Things are asserted here as Matters of Fact, which might easily be disproved; but this would lead me too far into the History of former Times.

Remarks upon
it.

Upon those Perversions of Matter of Fact, and wrong Reasonings, they rescind all the Parliaments from the 1640. to 1648. *inclusive*: A Friend may go with a Foe, and therefore in this good Company, they rescind the Act 1648. approving the *Engagement*, which by their own 9th Act they had just now ratified; at least, that favourite Act is not excepted, and therefore, it would seem, is included in the strong and general rescissory Terms. To smooth a little so harsh a Treatment of our Constitution, attained with so great Pains, and so much valued lately, an *Indemnity* is promised; and yet much more was to be done, before that Favour was granted to *Scotland*, and it was a long Time before it was published. It had not been unusual to rescind particular Acts of former Parliaments; but I find few Instances before this, of voiding and casting Parliaments by the Lump and Whole-sale: None must now be spared, the Parliament 1641. wherein King *Charles I.* was personally present, nor that 1648. where their beloved *Engagement* was approved; neither does that at *Perth*, 1651. where his Majesty himself was present, escape by this Procedure.

When thus the Guards, Outworks and Bulwarks of the Church are demolished, they come next to blow up her Government it self by their 16th Act, *concerning Religion and Church-government*. This being one chief Foundation of Twenty seven Years melancholy Work in *Scotland*, I have added it App. N^o. 11. In it, as in the Whole of the present Procedure, the Reader cannot but observe their singular Ingratitude, and ungenerous Treatment of Ministers, and other Presbyterians, to whom the King owed his Restoration so much, and who had so firmly stood by his Interests under the Usurpation.

Their 16th Act
concerning Religion
and Church-gov-
ernment.
App. N^o. 11.

What the Miracles in this, and other Acts, so much talked of in the King's Restoration, were, I am yet to learn. A gracious Promise follows, *to maintain the Doctrine and Worship established in the King's Father and Grandfather's Time*; which is a glorious Commentary upon the King's Letter to the Presbytery of *Edinburgh*. By this a Door is opened to bring in Books and Bishops, at least *the Articles* of *Perth*. How well the Exercises of Reli-

Remarks upon
it.

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gion, publick and private, were encouraged, will appear by the subsequent Acts of Parliament and Council, and their rigorous Execution.

The Government of the Church is promised to be *secured, as the King finds most consistent with Scripture, Monarchy and Peace*; and in the mean Time, Synods, Presbyteries and Sessions are allowed for a few Weeks; and yet, as we shall find, Synods are violently abridged in their Liberty, and interrupted. Thus in as dark and insensible a Manner as might be, Presbytery is abolished, Prelacy brought in, and the Government of the Church is left ambulatory, and to be settled, as the King sees good, without an Act of Parliament; and dying Presbyterian Government was scarce permitted to live out this Year.

The Commissioner's Reason for publishing this Act.

I have it from one who lived at this Time, and was no Stranger to Court-measures, that before the passing of this Act, the Commissioner advised the Matter with a few of his close Friends, the Register, Sir *John Fletcher*, Sir *George Mackenzie of Tarbet*, and *Urquhart of Cromarty*, a Cousin of Sir *George's*, who had lately counterfeited the Protester, and sometime after this, ended miserably; whether he should pass this Act, which he knew to be the King's darling Design, or delay it a while, and go to *London* first to acquaint the King, how much he had done for his Service, and receive the Beginnings of his Reward. Sir *Archibald Primrose* advised him to bring in Bishops *surely, but slowly*; for if he were soon through his Work, he might come the sooner to lose his Power. The Commissioner answered, "The Parliament was now at his Beck, and he loved to serve his Matter genteelly, and do his Business at one Stroke." This Resolution was applauded, as noble and generous, by the rest of his Confidants: So the Matter was agreed on in private, and carried stitch-through in publick, as it stands in the Act. However afterwards, the first appeared to be the best Advice; for in a little Time *Middleton* and his Confidants were out of all Office in *Scotland*, the planting of Bishops here, being like the building *Jericho* of old.

Act 17th for keeping May 29th.

App. N^o. 12.

Remarks upon it.

Since by the former Act Prelates are materially brought in, and Bishops could never stand alone in *Scotland*; the Parliament's next Work is to support them, when the King shall please to name them, with *Holy-days* and *Patrons*. Accordingly their 17th Act is for *keeping the 29th Day of May, as a religious Anniversary*; it follows, App. N^o. 12. It was evidently framed to be a Snare unto Ministers; and their refusing Obedience to it, was one of the first Grounds of their Sufferings, in a little Time.

Upon reading the Narrative, one will be ready to think the Parliament have forgot their Design, and are framing the *Causes of a Fast*, instead of an Act for a Thanksgiving; and it was much that any, who retained any Respect for the former Work of Reformation, had Freedom to keep the Day upon such an Introduction. The statutory Part will be yet more surprising: They ordain, "the 29th Day of *May* to be for ever set apart as an holy Day unto the Lord, and to be employed in Prayer, Preaching, Thanksgiving and Praises to God. All servile Work is discharged, and the remaining Part of the Day is to be spent in lawful Divertisements, suitable to so solemn an Occasion." What a Pity was it, that a *Book of Sports* was not framed for *Scotland* upon this Occasion, as was in *England* in the King's Father and Grandfather's Time, a Period set up now so much for a Rule?

It was certainly unreasonable to set this, or any other Day apart for ever as a holy Day to the Lord, according to their own Principles; and even the Favourers of Holy-days must own it. One may suppose it possible, that upon a 29th Day of *May*, a Prince, fully as good and pious as King *Charles I.* might come to be beheaded by another *Cromwel*, and a *sectarian Faction*; and then ask those Gentlemen, Whether it could be for ever kept as a holy Day of Praise and Thanksgiving to the Lord? And as the Institution of this, or any other Day, to be a holy Day for ever, is what is really beyond the Power of Creatures, who know not what may fall out, so the following Clause is a Banter upon what is sacred with themselves. First, The Day is set apart for ever to be kept holy to the Lord, and then Divertisements are appointed for the spending the Day, after publick Worship is over: And if their own Practices, who were Managers, may be allowed to be a just Commentar upon their *lawful Divertisements*, we shall soon see what they were, *horrid Impieties, Revelling, Drinking, and Excess of Riot*; and I doubt not but this prostituting of what they professed to believe as sacred, and holy Time, was an Inlet to that fearful Wickedness, Debauching of Consciences, and Corruption in Morals, which became so common at this Time.

The Reader must guess, whether there were any Fears in the House, that by those preceding Acts, a Door might be opened to Profaneness. But as if there had been a Connection 'twixt keeping the 29th of *May*, and prostituting the Sabbath of the Lord, their 18th Act is for the due Observation of the Sabbath, and the 19th against Swearing, and excessive Drinking; both of them very good Acts, and not unnecessary after the 17th, and those which went before: But the Practice of many of the Law-givers, in Cursing, Swearing, and Sabbath-breaking, was a lamentable Directory to the Lièges, how to keep their Laws, and the grossest and most shameless Contempt that ever Law-makers put on their own *Infant Laws*.

Their 36th Act about Patrons.

Further, to secure their design'd Model of Church-government now coming in, they reintroduce the unreasonable and antichristian Burden of *Patrons and Presentations*, upon this Church. That heavy Grievance had been happily removed by an Act of Parliament,

March

March 9th, 1649. This reasonable Statute not being in every Body's Hands, I have added it, App. N^o. 13. It did not satisfy our Managers to have this Act rescinded in the general, with many other excellent Statutes made in that Period; and therefore by their 36th Act, App. N^o. 14. they particularly take it away, and directly establish Patrons, and Presentation of Ministers by them, as what they knew had been still a dead Weight upon, and really inconsistent with the Presbyterian Establishment. And that in time coming they might have a Ministry every Way obsequious to their Impositions, made and to be made, the Act ordains all who shall be presented, to take the Oath of Allegiance, or Supremacy, before set down, and that under very severe Penalties, both upon the Presenter, and Person presented, in case this be neglected: So very soon they got not only the Civil Government, but the Ministry modelled to their Wish.

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App. N^o. 13.
App. N^o. 14.

A great many other Acts were made by this Parliament, which I pass, as not immediately relating to the History I am writing, and some of them very good ones, as that against Cursing, and beating of Parents, that against Blasphemy, and one against clandestine Marriages. Their 52^d Act is a pretty singular one, appointing all vacant Stipends at present, and for Seven Years to come, to be given to Ministers and others, their Wives and Bairns, who had been Loyal in the late Times, i. e. against Presbytery, and the Work of Reformation, and had suffered for their Adherence to the King's Interests. By this Clause, a good many of the Protesters might have pleaded a Share. Their last Act was by some termed, an Act for paying their own Debts without Money, and alledged to be neither just nor generous; but by others it was reckoned both equitable and good Policy, after so general and great Calamities. Thus the Reader hath some View of the Acts of this Parliament, as far as they concern the Constitution of this Church, and our Civil Liberty.

Some other Acts made this Session.

Before I leave this Parliament, I shall, from the Minutes I spoke of before, give some further Account of their Procedure, in a few Hints, which could not offer themselves from the Acts, as they stand in Print. What concerns the Processes against the Marquis of Argyll, Lord Waristoun, Mr. Guthrie, Mr. Gillespie, and some others, will come in upon the following Sections, where I am to give Accounts of them by themselves.

Some further Account of their Procedure.

January 4th, when they entered upon Business, the Oath of Allegiance was taken by all Members present, save the Earl of Cassils, who had Time given him to advise. If the former Account hold, that the Earl of Melvil, and Laird of Kilburny did not qualify, as I have said from Papers writ at this Time, it seems they have not been present; and I find that the Earl of Cassils is overlooked, till January 11th, where the Manuscript, from which I am giving those Accounts, takes Notice, 'That the Earl deserted the House, not being satisfied to take the Oath agreed to by the Parliament.' And April 11th, the Earl of Cassils being called to the House this Day, was desired to take the Oath of Allegiance. He moved by himself, and several of his Friends, that he might be remitted to the King, to satisfy his Majesty thereanent. But in regard this Desire was contrary to an Order of Parliament, and that he had got many Delays formerly for advising the said Oath, his Desire was refused, and the Certification of the Parliament passed against him, declaring him incapable of the publick Trust intended by the King upon him. The Earl was a stiff Royalist under the Usurpation, and the King was very sensible of his Services, and he had considerable Offers made, and yet quit all, to keep a good Conscience towards God; and all the Favour he sought, in return to the Hardships he had undergone for his Loyalty, was a Permission to keep a Presbyterian Minister as his Chaplain in his Family, after they were turned out of their Churches. This the Bishops grudged him, yet he was overlooked in it.

Oath of Allegiance refused by the Earl of Cassils.

I find this Parliament had different Ministers every Day almost, who prayed in the House with them; and unless it be some of the Ministers of Edinburgh, there is scarce another employed to pray, but such who conformed to Prelacy; so well did the Employers know the Characters of the corrupt Part of the Ministry. A good many, who were afterwards Bishops, were employed to preach before them, and we heard the Nature of their Sermons.

Ministers employed to pray and preach.

By those written Minutes of Parliament, I observe, that most Part of their Meetings were in the Afternoon, tho' the Day was but short: Whether several Members were better in Case for Business, by that Time of the Day, I determine not; but I knew a Peer of the first Rank, who had been present in most of the Parliaments during this Period, when Commissioner to one of the Sessions after the Revolution, used to declare himself with some Warmth against Afternoon Sederunts of Parliament, from what he had observed in this, and the next Reign.

Their Meetings frequently in the Afternoon.

All of the Acts of a publick Nature, were formed by the Lords of Articles, and presented from them to the Parliament, where many of them passed without any great Reasoning; sometimes Five or Six Acts of very great Consequence would be voted in an Afternoon's Sederunt. Whether they were debated before the Lords of the Articles, I know not: But I suppose any little Struggle that was made, was there; for the Parliament met but very seldom, once or twice in a Week, or so. This Manner of Parliamentary Procedure was declared against at the Revolution, and no more used.

The Lords of Articles.

Upon the 8th of January, the Commissioner proposed this Matter to the House, and moved that the Parliament might fall to their Business, in the ancient Road, by the Lords of the Articles, without devolving their whole Power upon them, which he declared was not his Meaning.

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Meaning. The Matter was not a little agitate in the House; at length, "It was resolved, that 12 Noblemen, 12 Barons, and 12 Burgeses, with the Officers of State, shall be in the Place of the Lords of Articles; and that other 12 of each of those Estates, should be a Committee for Trade and hearing of Bills. Those were authorized in their several Meetings, to hear all Matters presented to them, to receive Probation of what they found relevant, and report to the Parliament twice a Week: But the full Power is declared to be reserved to the Parliament, to debate and determine all Matters, notwithstanding of those Meetings, which are declared to be preparatory.

The several Estates having withdrawn themselves, brought in the following List for the Lords of the Articles, which was agreed to.

Nobility.
Duke Hamilton,
Montrose,
Errol,
Marshall,
Mar,
Roths,
Athole,
Hume,
Haddington,
Dumfries,
Callendar,
Hartfield.

Barons.
Sir John Gilmor,
Sir Peter Wedderburn,
Prestoun,
Lie,
Polmais,
Carden,
Dury,
Tarbet,
Collingtoun,
Garff,
Ardross,
Balmain.

Burghs.
Provost of Edinburgh,
Provost of Perth,
Dundee, Alexander Wedderburn,
Aberdeen, William Gray,
Stirling, Duncan Nairn,
Linlithgow, Andrew Glame,
Glasgow, John Bell,
Air, William Cunningham,
Haddington, John Beaton,
Dumfries, John Irvine,
Aberbrothock, John Auchterbos,
Hugh Sinclair.

To those, with the Officers of State, the Nation owes the forming and framing of the Acts formerly mentioned. The Committee for Trade and Bills, I need not insert, since it was mostly private Business came before them: The Processes indeed against the Marquis of Argyll and others, began at them; and the Lord Cochran was their President.

January 16th, The Act discharging all Meetings, Convocations, Leagues and Bonds, without the Concurrence of the King, was, after much Debate, carried, with a Declaration that it looked only forward.

Proclamation
ordaining
many to leave
Edinburgh.

A Proclamation by the Commissioner and Parliament, was this Day agreed to, Ordaining all Persons, who have not actual Residence in Edinburgh, and are not obliged to attend the Parliament, who had any Hand in the Remonstrance, or in contriving of, or assenting to the Ends thereof, or in that wicked Book called The Causes of God's Wrath, to depart the Town in 48 hours, and not to return, or remain within ten Miles thereof, under Pain of Treason; except those who are already cited to appear for the Crimes abovementioned. This was proclaimed at the Cross.

Commissioner's
Declaration about the
National Coven-
ant.

January 22^d, The Act agreed upon by the Lords of the Articles, disannulling the Convention of Estates 1643. was passed, after very much Debate. The Commissioner declared, "He had no Order from his Master to encroach upon our National Covenant, or upon the Consciences of the People: But as to Leagues with other Nations, he conceived they could not now subsist with the Laws of this Kingdom." About Ten Members dissented.

Great Debates
on the Act
Rescissory.

When the Act Rescissory was brought in by the Lords of the Articles to the House, February 7th, very long Reasonings ensued, and it could not be got through that Night. To Morrow, it was again tossed. The Earl of Lowdon had a long and elegant Speech, vindicating himself from the Aspersions in the Narrative of that Act, and setting the Affairs in that Period in a just Light; but it had no Weight: That Act behoved to be passed, and at length, with a great Struggle, it was carried.

Commission
for visiting the
Colleges of
Aberdeen.

Upon the 22^d of February, the Parliament grant a Commission to visit the Colleges of Aberdeen, and for removing of such of the Masters, as had intruded themselves unwarrantably, and reponing those who, without just Cause, were put from their Offices.

Act discharg-
ing Persons to
come from
Ireland without
Passes.

That same Day, an Act was agreed upon, for discharging the frequent coming of Persons of all Sorts from Ireland to this Kingdom, to the Disturbance of the Peace of the State and Church; and appointing, that none be admitted who bring not Passes, bearing their peaceable Deportment to the Government there established, from the Lord Chief Justices, Privy Council, or Mayors of Towns where they reside, under the Pain of Imprisonment of their Persons: And that until they procure such Passes, they are to appear before the Privy Council at Edinburgh, and give Surety for their peaceable Deportment. This Act is ordered to be published at Glasgow, Air, Wigtoun, and Kirkcudbright. I know no Reason of this extraordinary Prohibition, unless it was to prevent the retiring of the Scots Presbyterians in the North of Ireland, to their native Country, now when they are beginning to feel the Fury of the Prelates there.

February 27th, the Commissioner presented a Letter directed from his Majesty to the Parliament, approving all their former Proceedings, and declaring that he is ready to give a general Remission to all *Scotsmen*, (except such as the Parliament shall except) for their bygone Actings, against his Royal Father, or him. Which was read with great Joy, and ordered to be recorded as a glorious Testimony of the King's Favour; and the Commissioner is desired to return the humble Acknowledgments and Thanks of the House.

The Reader may have some View of the Procedure of this First Session of Parliament, from those Hints; and for as arbitrary as a good many of the Acts now passed will evidently appear, yet much heavier are a coming in the After-parliaments. However, by those, one of the best formed Civil Establishments, and a most glorious Ecclesiastical Settlement, according to the Rules of *Christ* in his Word, were overturned; and a Foundation laid for the bringing in of Prelacy into the Church, and arbitrary Government to the State: This vast Change in *Scotland*, was not brought about without some Testimony given against it; which may be the Subject of

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Letter from the King, approving what is done, and promising an Indemnity.

S E C T. II.

Of the Efforts made by Presbyterian Ministers, for the Preservation of the Church, during the Sitting of the Parliament; with some Account of the violent Treatment of Synods, April and May, this Year 1661.

ALTHOUGH the miserable Rents in the Church, the Caution and Cunning of the Parliament's Procedure, the fair Professions made of a deep Concern for those they called the *honest Ministers*, and at length open Force and Violence upon the Judicatories of the Church, with some other Causes, hindered what ought to have been done at such a critical Juncture; yet several Essays were made by Ministers, to give such a Testimony as their present ill Circumstances would permit: And because what was then done, is very little known, I shall give the larger Account of it from well vouched Narratives, and some original Papers in my Hands.

Hindrances of such a Testimony as might have been now expected.

We have already heard, that Mr. *Robert Douglas*, in his Sermon before the Parliament, dealt fairly with the Members at the opening of the Session. He was among the eldest Ministers of the Church, and of the greatest Gravity and Account; and having plainly warned them to do nothing against the Work of *Reformation* in this Church, his Freedom was not pleasing to the Court, and neither he, nor almost any hearty Presbyterians, were ever afterwards employed, especially after Mr. *Wood* and Mr. *John Smith*, had, in a little Time there-after, laid their Duty freely before them. Time-servers and Sycophants were afterwards employed, such as Mr. *Hugh Blair* at *Glasgow*, Mr. *Paterfon*, and others, whose Sermons were carefully printed, and speak for them to this Day.

Some plainly preach against the Change in this Church, before the Parliament.

Up and down the Country, many Ministers warned their People fully and faithfully of the Evils coming in, and the Dangers the Church of *Scotland* was in Hazard of, notwithstanding of the severe Act, we have seen, was published against Ministers Freedom in Preaching, by the Committee of Estates. Mr. *M^r Ward* at *Glasgow*, used very much Plainness this Way, and was staged before the Parliament therefore, as we shall hear.

Up and down the Country.

Mr. M^r Ward.

Mr. *William Guthrie*, Minister at *Finnick*, in the Shire of *Air*, used the greatest of Freedom and Sincerity in his Sermons at this Time. I am too nearly concerned in this great Man, to say much about him, and therefore choose to give this in the Words of a worthy Minister, his Contemporary, in his Character of him. 'In his Doctrine Mr. *William Guthrie* was as full and free, as any Man in *Scotland* had ever been; which together with the Excellency of his Preaching-gift, did so recommend him to the Affections of People, that they turned the Corn-field of his Glebe to a little Town, every one building a House for his Family upon it, that they might live under the Drop of his Ordinances and Ministry.' Indeed the Lord gave him an Opportunity to bear a longer Testimony against the Defections of this Time, than most of his Brethren; till at length the Malice of the Archbishop of *Glasgow* turned him out in the 1664. as we may hear.

Mr. William Guthrie.

A good many Ministers kept Congregational Fasts; and that was all almost they could do, since now there was scarce any Opportunities of Presbyterial or Synodical Appointments of this Nature: And in some Places where there were disaffected Persons to delate them, Ministers suffered not a little for this Practice, and the Plainness of their Doctrine.

Congregational Fasts kept.

Somewhat likewise was endeavoured in Judicatories. The Ministers in and about *Edinburgh*, had the greatest Opportunities of observing, and the earliest Views of what was a doing, tho' the Managers in Parliament did their Business as secretly and speedily, as might be; and really, much of the razing Work was over, before the Ministers at any Distance from

What was done in Judicatories.

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from the Parliament, had distinct Accounts: Therefore I choose to insert here the Copy of an original Paper, I have under Mr. *Andrew Ker* Clerk to the Church, his Attestation, formed at this Time, as a Narrative of the Essays of the Ministers who lay nearest the Parliament, and might be supposed to have the greatest Weight with the Members at this Juncture, for the Benefit of the Church. The Title is,

Proceedings of some Brethren, 1661.

Proceedings of
the Ministers
of *Edinburgh*,
during this
Parliament.

AFTER the Parliament was convened, *January 1661.* some Acts having passed, which occasioned great Fears of some Purposes to overturn, or weaken our Discipline, and the Work of Reformation; therefore Brethren of divers of the next Presbyteries, finding it inconvenient to appear in any publick Way, contented themselves to correspond by some few, with some of the Brethren of *Edinburgh*, who were using all fair Means for preventing the Evils feared.

After frequent Conference of those Brethren of *Edinburgh*, with the Earl of *Middleton*, his Majesty's Commissioner, and the Earl of *Glencairn* Chancellor, about Matters then in Agitation, they being surprized with the passing of some Acts, did present the Lord Commissioner's Grace with the following Overtures; humbly also desiring, that for Security as to the future, there might pass a general Ratification of the former Acts for Religion in Doctrine and Government.

A few Overtures humbly offered for the Good of His Majesty's Affairs, and settling the Minds of good People, whose only Aim and Desire is, that under the Shadow of His Majesty's Government, they may enjoy the Ordinances of Christ, as they are established in Purity and Power.

Overtures presented to the
Commissioner.

I. AS to the Oath tendred to all the Members of Parliament, it is humbly offered, that seeing those of the Lieges who were in Use to take that Oath before, and may have it again tendred to them, will want that Opportunity of his Majesty's High Commissioner, and a Parliament sitting, to give the Interpretation thereof, as was done to the Members of Parliament; therefore an Interpretation thereof may be passed by Act of Parliament. There is no honest Man, but will acknowledge the King's Majesty *Supreme Governor*, not only in Matters Civil, but even in Ecclesiastical, as to that Power *formally Civil*, competent to the Christian Magistrate about Ecclesiastical Affairs; and if it be declared by Act of Parliament, that the Sense thereof is none other than what is asserted in the Parliament 1592. explaining the Act 1584. or in the late Confession of Faith, Chap. 23. (which is believed to be the Parliament's Sense) it will remove Fears and Stumblings as to that Particular.

Declaration sought about
the Sense of
the Oath.

That the solemn
Covenants be not
made void.

II. Whereas Acts have passed relative to the Constitution and Legality of some Meetings in this Kingdom, in the Time of the late Troubles, wherein private Subjects do not find themselves concerned to pry into the Grounds and Reasons of those Proceedings; yet seeing the People may readily apprehend, that thereby the *solemn League and Covenant* (entred into at that Time) is annulled, which cannot but be a Cause of great Perplexity unto them, considering how they stand engaged in an Oath of God, concerning a lawful Thing, to which they were drawn by the Representatives of the Kingdom: Therefore it is humbly offered, whether it will not much refresh the Minds of People, and revive their perplexed Spirits, if the Parliament be pleased to declare their Mind, that they intend not to annul or make void the Obligation of the Oath of God, under which the People ly?

An ratifying
the Confession
of Faith
sought.

III. It is humbly conceived, that an Act of Parliament approving and ratifying the *Confession of Faith*, and *Catechisms*, and the *Directory for Worship*, approved by the Assemblies of this Kirk, and the Discipline, Government, and Liberties of this Kirk, and Acts for suppressing Popery and Profanity, would remove the Fears of sober and honest People, and (it is trusted) will be acceptable to his Majesty, and exceedingly satisfy all his good Subjects.

Those Overtures his Grace and the Lord Chancellor promised to communicate to his Majesty, and thereafter to give an Answer to them; and for further Security, desired the Brethren to draw an Act of Ratification, as they would have it; and it should be considered: Which was accordingly done, and given to the Lord Commissioner, the Tenor whereof follows.

Ratifi-

Ratification of former Acts of Parliament, concerning Religion, Doctrine, Worship, Discipline, and Government. 1661.

SEEING it is a Mercy never to be forgotten, that the Lord God, in his infinite Goodness, hath been pleased wonderfully and unexpectedly, to bring about the Restitution of his Majesty to his Throne, and the Deliverance of this distressed Kingdom from all that Bondage and Misery it was lately under, both as to Spirituals and Temporals, by the Violence and prevailing of Usurpers, and to make so universal a Restauration, as is to be seen this Day: And His Majesty, in Thankfulness to God for so great Mercies, being desirous to employ that Royal Power and Authority, which by Divine Providence he now enjoyeth, for the Service and Glory of God, and for countenancing, maintaining, and promoting the Gospel of his Son *Jesus Christ*; Therefore His Majesty, with Consent of the Estates of Parliament now convened, doth confirm and ratify the true Religion, professed, received, and practised within this Kingdom, in Doctrine, Worship, Discipline, and Government, established by General Assemblies, approved and ratified by Acts of Parliaments, particularly those following, viz. Act 3. Parl. 1. *James VI. Anno 1567.* and Act 99. Parl. 7. *James VI. in 1581.* and Act 114. Parl. 12. *James VI. in 1592.* and Acts 4, 5, 6. Parl. 2. of His Majesty's Royal Father of glorious Memory, 1640. ratified in Act 6. of the Parliament held by His Majesty's said Royal Father, in his own Person, 1641. Which Acts, together with all other Acts of Parliaments made for establishing, maintaining, protecting and preserving the said true Religion, in Doctrine, Worship, Discipline, and Government, professed, received, approved and practised in this Church; and for restraining and suppressing in this Church and Kingdom, all Impiety, Vice, Profaneness, and whatsoever is contrary to Truth and Godliness; His Majesty, with Consent foresaid, doth approve, ratify and renew, in all the Heads and Articles thereof: Ordaining the said Acts to be in full Force, Strength and Ob- servance, according to the whole Tenor thereof; and declares that no Acts of this present Parliament, are or shall be held prejudicial to the Liberty, Profession, Exercise, Establish- ment and entire Preservation of the said true Religion, Doctrine, Worship, Discipline and Government within this Church and Kingdom, or any ways derogatory to the Authority and Strength of the abovesaid Acts of Parliament, approving and ratifying the same.

Act of Ratifi- cation of for- mer Acts, in favour of the Church, for- med by the Ministers at the Commis- sioner's Desire.

To this was added this brief Memorial. 'If the Parliament 1649. be abrogate, and the Acts thereof made void and null, it is humbly desired, that those Acts following, which were passed in that Year, may be renewed in this Parliament, and by their Authority en- acted.'

Acts of Parlia- ment desired to be renewed.

SESSION II.

11 Act, against *Consulters with Devils, and familiar Spirits and Witches, and Consulters with them.*

12 Act, against *Fornication.*

16 Act, anent the *Confession of Faith, and Catechisms, and Ratification thereof.*

19 Act, anent several Degrees of casual *Homicide.*

20 Act, against *Swearing, Drinking, filthy Speaking, &c.*

22 Act, against *clandestine Marriages.*

24 Act, against *going of Mills, Kilns, Salt-pans, and Fishing on the Lord's Day.*

28 Act, against *Blasphemy.*

32 Act, against *Worshippers of false Gods.*

33 Act, against *Beaters and Cursers of their Parents.*

45 Act, concerning *Manse and Glebes.*

Renovation of Commission for *Plantation of Kirks.*

SESSION III.

19 Act, for punishing *Incest.*

It hath been remarked, that the Parliament, after they had overturned our Constitution by their principal Acts above narrated, came in to Two or Three of these Acts desired; but the Act of *Ratification* drawn at the Commissioner's Desire, and Renovation of the rest, were neglected; and the Ministers were kept in Hopes, and got fair Words, till Matters were past Hope. Indeed Things were very cunningly managed, and the *Act Rescissory* was cast into several Shapes, and given out to be a quite other Thing, than afterwards it appeared to be, that Ministers Appearances against it might be prevented: And by those Blinds, and Promi-

Some of those renewed, but the Act of Ra- tification ne- glected.

In its Room the Act Rescis- sory tabled.

1661. ses to advise with his Majesty about the above mentioned reasonable Proposals, Matters were kept very smooth, until the Day the *Rescissory Act* was tabled in Parliament.

Ministers Efforts against it, with their Supplication to the Parliament.

App. N^o. 14. B.

By a Narrative under a Minister's Hand, at that Time in *Edinburgh*, I find, that as soon as the Nature of the *Act Rescissory* came to be known, the Presbytery of *Edinburgh* met, and framed a Supplication to the Commissioner and Parliament, 'craving that a new Act might be made, for establishing of Religion and Church-government, since they were informed the Parliament were about to rescind the Civil Sanction and Statutes in Force, for the Exercise thereof.' The Ministers were kept so much in the dark, as to the Nature of the Rescission projected, that they were necessitate thus to hold in Generals, and to desire new Laws to be made, when the *old Hedge* was to be removed. I have insert App. N^o. 14. B. a Copy of a Supplication from the Presbytery of *Edinburgh* to the Parliament at this Time, which I take to be that spoken of above.

This Supplication was sent to the Commissioner, by Three of their Number they reckoned might be most acceptable, Mrs. *John Smith*, *Robert Lawrie* and *Peter Blair*. Partly by Promises, and by Threatnings, the Commissioner prevailed with them, not to give in their Supplication that Day; and presently the Parliament met, and in Haste enough passed the *Rescissory Act*, from which a good many Members dissented.

When the Ministers found themselves thus circumvened, to Morrow Mr. *David Dickson* and some others were sent by the Presbytery to the Commissioner, to insist in this Affair. They were received very roughly, and *Middleton* told them, They were mistaken if they thought to terrify him with Papers, he was now Coward. Mr. *Dickson* replied, He well knew his Grace was no Coward, since the Bridge of *Dee*. This was an Engagement, June 19. 1638. when *Middleton* appeared very gallantly against the King's Forces, for the Covenanters. To this no Answer was given, but Frowns.

The Ministers knowing there had been so many Dissenters in Parliament, from Yesterday's Vote, insisted much to have their Supplication tabled, and read in publick, and put the Commissioner in Mind of the Resolutions he had come under, when he was under the Prospect of Death, and some sharp Exercise of Mind, at St. *Andrews*, 1645. to serve the Lord and his Interests. It seems he was then in Danger from an *iliack Passion*. At this he turned petted, and said, What do you talk to me of a *Fit of the Cholick*? and would by no Means allow their Supplication, and Draught of an *Act for Ratification*, to come in, and be read in Parliament. After this, the Presbytery sent their Supplication to the King, but it was not regarded. This Account leads me back again, to insert what follows in the Paper I am inserting; *The Proceedings of some Brethren*, 1661.

'After the *Act Rescissory* was passed, there was given in to the Clerk-register a List of some Acts of general and publick Concernment to the Church, of new to be enacted; but few of them were taken Notice of.

Ministers send the State of their Affairs to the King.

'Thereafter the Brethren hearing more of Purposes to alter the Government established in this Kirk, and that there had been some Motion among the *Lords of the Articles*, for repealing the Act of Parliament 1640. ratifying the same, and for calling for the Kirk-registers; it was thought convenient, that, if it were possible, the whole State of the Business were humbly represented to his Majesty. To which Effect, there was first sent to his Secretary the Earl of *Lawderdale* the Letter following, and thereafter by another Occasion in *March*, an Information.' Follows

LETTER to the Earl of Lawderdale.

My Lord,

Their Letter to the Earl of Lawderdale.

'IT hath been the Study of honest Men here, to carry so peaceably and modestly, as might avoid all Offence, and therefore they have not at all appeared publickly in Matters of their very near Concernment, but have contented themselves with some Overtures, given in to some in private, which we find have come to your Lordship's Hands; yet they are not without Fears that Religion may suffer very much Prejudice at this Time, there being already some Motions for repealing the Act 1640. establishing Presbyterian Government, and abolishing Episcopacy: The publick Registers of the Church being called for to be perused by the Clerk of Register, or his Majesty's Advocate, (before an Assembly be called, to redress by themselves what Disorders have been during the Heat of Troubles) of purpose, as would appear, to render the Government hateful, upon the Account of some Actings in Times of Distraction and Animosity; if not also to render the Body of honest Men (who have been in those Judicatories) obnoxious; so that there will be no Difference betwixt those who have stood in the Gap, for many Years of sore Trouble, and others.'

'Those Things lying so sad upon the Spirits, not of a few only, but of all honest Men, who have Occasion to know of them, as they cannot see how that Course contributes to the Good of his Majesty's Affairs, more than to their particular Satisfaction in Conscience, and in Pursuance thereof are using all prudent and fit Means to prevent those feared Dan-

gers,

gers, by dealing with those who have Power; so we could not omit to acquaint your Lordship also with it, that by your prudent and effectual Moving, somewhat may come from thence, to stop that Course; lest otherwise it overspread, and not only involve them in Hazard, who expected no such Thing, (yea, are perswaded of his Majesty's Royal Inclination to the contrary) but will bring Prejudice to that which is more dear to them than any their particular and personal Concernments, and provoke *Him* to Displeasure, who is a dreadful *Party*.

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As to what concerns his Majesty's honest Mens Sufferings, and their serious Endeavours, by all Duties proper to them in their Stations, for his Restitution, and their cordial Rejoycing in the bringing about of so long desired a Mercy, and their Care to walk modestly when they are under so many Fears, may, we hope, speak their Loyalty. And as your Lordship may perceive, by the Overture given in, they are most clear in asserting his Majesty's *supreme Power* in all Civil Causes, and that the *Power formally Civil about Ecclesiastical Affairs*, which is competent to any Christian Magistrate, doth duly belong to him, and shall be cheerfully submitted unto, and acknowledged by every one of them. And what hath passed in the Times of Trouble, which hath been offensive, if a General Assembly be called, and allowed Freedom, (which is humbly and earnestly desired that it may be done with the first) they will be careful so to recognise those Proceedings (the Religion established being always preserved) as may satisfy his Majesty, and take away all Cause of Offence. And we think it will be more for his Majesty's Honour, that an Assembly do it by themselves, (which is the real Purpose of all honest Men) than that others do it for them in a more violent Way. Tho' probably the Appearing of some few Ministers now, of whom little hath been heard before, and the Silence and Modesty of others, may give Ground to apprehend, that the Change of our established Government may be brought about, without Difficulty or Stop; yet your Lordship may be assured, that honest Men, fixed in their Principles concerning Religion, and sensible of the Obligations that are upon their Consciences, cannot but bear Testimony against such a Current of Defection, as would involve us in the Hazard of the Divine Displeasure. And tho' they have studied to walk modestly (and their resting upon his Majesty's gracious Letter, assuring them of no Violation of the Government, did much satisfy and secure them) yet to our Knowledge, many Presbyteries are ready to bear Witness by Supplication against the Change of Government, if it be attempted.

Your Lordship's Zeal for the Good of his Majesty's Affairs, your Love to your Mother-Church, and the Ordinances of *Christ* in her, and your tender Respects to many honest Men who will suffer much, if not prevented, do perswade us, that you will interpose with his Majesty for some speedy Prevention of feared Evils, by preventing any Prejudice to the established Government, and making effectual the Desires propounded in the *Overtures*, and the Draught of an Act sent afterward; by calling a *General Assembly*, according to the Animadversions humbly offered to your Lordship upon the Declaration concerning it; by causing forbear to meddle with the Registers of the Kirk, till the *General Assembly* in the first Instance take some Course to set Things in Order, and by preserving honest Men from Inconveniencies, who mind no other Thing, but to get Liberty to serve God according to his Will, and their Engagements, under his Majesty's Authority. Our Confidence that your Lordship doth seriously mind this so needful a Work, makes us spare to use any Motives. The little Advantage it will afford to any lawful Interest, (and we are sure the Grief it will be to your Lordship) to see honest and peaceable Men, and a Work of God in their Hands, crushed, will be of Weight to perswade you to endeavour to prevent it. And we not only hope, but are confident, that when it shall be considered, how much it will advance his Majesty's Affairs, that Things be thus settled, to the Satisfaction and Comfort of all good Men; it will be accounted special good Service to his Majesty, to promote so good a Design. We are, &c.

Overtures and Act of Ratification above set down, sent up to London.

INFORMATION, March 1661.

AFTER our manifold Distractions, and grievous Afflictions under the heavy Yoke of usurping Oppressors, it pleased the Lord in his free and undeserved Goodness, to look upon our low Condition, and to visit us with a gracious Deliverance, by the wonderful and unexampled Restitution of our dear and dread Sovereign, *the King's Majesty*, unto the Throne of his Three Kingdoms, which was to us a Resurrection from the dead, and a commanding of dry Bones to return unto Life again. This Miracle of Mercy the Lord accompanied with a refreshing Shower upon his Inheritance here, by moving the Royal Heart of his gracious Majesty, to make known to the Presbyteries of this National Kirk, his fixed Purpose to preserve inviolable the Government of the Kirk here settled by Law; whereby the Hearts of all honest Ministers were exceedingly encouraged to lay out themselves, unto the utmost of their Power, in their Stations, for advancing his Majesty's Interest in the

Information sent up March this Year, to Court.

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‘ Affections of his People, which they were careful in the darkeſt Times to hold up in their Peoples Hearts.’

‘ This Assurance from ſo Royal a Hand, whoſe Heart was inured to Conſtancy through all his unheard of Hardſhips, made all the Lovers of the eſtabliſhed Order of this Kirk rejoyce in the Lord, and magnify his Name for ſo rich a Mercy, and promiſe unto themſelves Security from any Trouble that might flow from the Change of our *Kirk-constitution*, which is dearer to them than all their other Enjoyments: And tho’ they be ſomewhat ſtartled by the rumoured Noiſe of a deſigned Change, and yet more by ſome Hints at the Removal of the Law of the Land, that eſtabliſheth the ſame; yet they cannot ſuffer it to enter into their Hearts, that his Maſteſty hath any Knowledge of, or giveth any Allowance to any Change at all in the Matters of our Doctrines, Worſhip, Diſcipline and Government.’

‘ Our ſingle-hearted Confidence upon that his Maſteſty’s gracious Declaration, and our Tenderneſs to do any Thing that might favour of the leaſt Degree of diſtruſting the ſame, hath prevailed with honeſt Miniſters to keep Silence, and not to make a Noiſe by publick Addreſſes and Supplications unto the high and honourable Court of Parliament, and to content our ſelves with preſenting private Informations to my Lord Commiſſioner his Grace: Yet we would not have this to be interpreted as any Diffidence of the Cauſe, or as tho’ we were willing to recede from the eſtabliſhed Government of this Kirk, or were afraid to own the ſame in an orderly Way.’

‘ It is the earneſt Deſire of all honeſt Miniſters, that after the Parliament, there may be a General Aſſembly called, according to the ſettled Order of this Kirk, wherein, they are confident, there will be an effectual Courſe taken for remedying all the Evils, and removing all the unſound Principles, and irregular Practices, which they know, and do acknowledge to have crept in during the late Troubles and Diſtractions. They are no leſs confident, that his Maſteſty ſhall receive thereby all Satisfaction in their hearty and cheerful attributing to his Maſteſty all that any Chriſtian Prince can require in Reaſon of dutiful Subjects, referring only to them the eſtabliſhed Doctrines, Worſhip, Diſcipline and Government.’

‘ If there happen to be a Change made in the ſettled Government, (which the God of Heaven forbid, and we are loth to allow our ſelves the Apprehenſion thereof, upon the Account before mentioned) there is none likelier to taſte ſo ſoon of Trouble and Vexation thereby, as ſome faithful Miniſters, who have been Sufferers upon the King’s Intereſt, and have been active Inſtruments in keeping it up in the Hearts of People, in the darkeſt Time of its Eclipse, and were the main, if not the only Men, that moſt withſtood the Practices and Principles of ſuch as oppoſed the ſame: Therefore ’tis confidently expected, that his Maſteſty will be graciously pleaſed, ſpeedily to interpoſe himſelf, and forbid any Change of Kirk-government, ſince he hath been well pleaſed to give Hopes of a free *General Aſſembly*, wherein all Diſorders may be redreſſed, and his Maſteſty may receive all deſirable Satisfaction of this Kirk’s hearty Affection to his Royal Intereſt and Authority.’

‘ It hath been the Lot of faithful Miniſters in all Times, to be miſrepreſented unto Authority, and to be wronged by Miſinformation, under which we our ſelves have laboured ere now, and therefore may fear that we are not now altogether free of the ſame, ſo long as we abide conſtant for the Government of this Kirk, which is our firm Reſolution in the Strength of the Lord: But it is our Comfort againſt this, that his Maſteſty’s Princely Diſpoſition will not permit any ſuch Informations to take Impreſſion upon his Royal Heart, before he take due Trial what Truth is in them, and acquaint thoſe that are concerned, that they may clear themſelves.’

‘ It is poſſible, Reports may be going there, as if the Plurality of Miniſters here, were hankering after Episcopacy, and looking towards it: But we cannot imagine that ſuch Surmiſes will be believed by underſtanding Men, who have any Acquaintance with the State of this Kirk, to which that Corruption of Government, and other Corruptions in Worſhip, whereto it made Way, have been a Burden, whereof they were moſt deſirous to be freed, and which they will never willingly take on again, being now free from it, and engaged to the contrary, by the Oath of God: Yet leſt it ſhould take with any, we know and hear but of a very few, who have appeared to have a Look towards that Side, and thoſe ſuch as were not of great Reputation in this Kirk; and whatever they had, it is much diminished in the Opinion of all that look indifferently on Things, upon the very Account of their warping off toward that Way; and they are looked upon as Men ready to ſhift their Sails, that they may be before the Wind, whatſoever Way they conceive it is likely to blow. And we can further aſſuredly affirm, that the Generality of the Presbyteries of this Land, have returned their hearty Satisfaction with his Maſteſty’s Letter, either to his Maſteſty’s Secretary, or to the Presbytery of *Edinburgh*; and we doubt not but the reſt would have done the like, if their Diſtance had not denied them the Opportunity.’

‘ It may be ſuppoſed by ſome, that it is good Service to his Maſteſty to overturn the Government of this Kirk, from the very Foundations; but we humbly conceive that his Maſteſty will have far other Thoughts of the Matter, not only on the Account of his gracious Declaration to the Presbyteries of this Kirk, but alſo becauſe he doth undoubtedly eſteem that

that to be the best Service can be done to him, which doth most engage the Affections of his Subjects unto him, and endear his Government unto them: For which there can be no more efficacious Mean, than that they still enjoy the Gospel of the Son of God, the Purity of Worship, and the Simplicity of Kirk-government, which they do enjoy under the refreshing Shadow of their lawful Sovereign, and secured to them by his Laws.

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There want not strenuous Endeavours of some, to rake into all the Proceedings of our Kirk, in the Times of Heat and Animositities, thereby to render the Government hateful, notwithstanding that the Judicatories of the Kirk, have by their Practices, those Ten Years bygone, witnessed, that whatever was done or declared in Times of Confusion, yet they were so far from judging those to be their Principles, that upon a right Understanding betwixt his Majesty and his People, they were careful to rectify those Things, and so to act for his Majesty, and their Country's Service, as might witness their honest Intentions and Desires, even in the Heat of Debates. And when for this their Fidelity and Honesty, they have been all this While traduced by some among our selves, as making Defection from their Principles, and they by their Apologies and Vindications have cleared their own Integrity; it is hoped his Majesty will not allow those Things to be back-traced, at least till he hear them speak for themselves, and their Mother-kirk: And they are hopeful to wipe off all Aspersions and Calumnies that are frequently and unjustly cast upon the Kirk and honest Men.

I am apt to think this Information, and the Papers I have been inserting, are of the Reverend Mr. Douglas's drawing; and they favour much of his Prudence and Solidity. The Reader will perceive those Proposals are made, and such Considerations and Arguments used, as probably would have Weight at this Juncture, and with the Persons he is dealing with; and this is all the Length they could go in their immediate Applications to the Government, considering present Circumstances. And had not the Managers been resolved to please the High-fliers in England, to follow Mr. Sharp's ambitious Designs, and carry through their Project over all Reason, Gratitude and Justice, they could not have stood out against such plain and home Dealing. Thus the Reader hath some View of the Efforts of the Ministers of Edinburgh at this Juncture, with Persons mostly engaged.

By the Time the Synods met in April and May, the Parliament were far through their Work; now the Keys were changed, and every reflecting Person began to suspect the House was to be rifled; and so in all the Corners of the Church, Ministers endeavoured to do somewhat, and great was the Opposition they met with; which brings me to give some Account of what was done by Synods at this Juncture, and their violent Treatment, as far as Narratives have come to my Hand.

Procedure of
Synods, April
and May.

The Synod of Glasgow and Air convened April 2^d, and when they came to consider the present State of the Church, they generally agreed, it was their Duty, in this Time of the Churches Danger, to supplicate the Parliament; and accordingly a Committee was named to form an Address and Supplication for a new Security to Religion and this Church, when the old Fences were fast removing. And Mr. William Guthrie read from the Committee, a Draught of an Address, which was generally satisfying to the Members; but the Generality were over-ruled: Some worthy Men of the Resolutioners, but especially such as were gaping after a Bishoprick, vehemently opposed the Supplication, and threatened to dissent; such as Mr. James Hamilton Minister at Cambusnethan, afterward Bishop of Galloway, Mr. Robert Wallace at Barnwell, afterward Bishop of the Isles, and the Correspondent from the Synod of Lothian, Mr. James Ramsay, first Dean of Hamilton, and afterward Bishop of Dumblain. These Gentlemen did not so much oppose the Draught read, or Petitioning in the general, as the Seasonableness of supplicating in the present Circumstances; and urged the Synod's Adjourning to a short and new Diet. They alledged the West of Scotland was jealous, and ill looked on by many in Power; that they did not as yet know the Practice of other Synods, and so it would be much better to delay for a short Time, till they saw what other Synods did. Such as were for supplicating, could have easily outvoted them; yet considering that without Harmony and Unanimity, their Address would lose much of its Weight, they yielded to the Adjournment of the Synod for a Month.

Glasgow and
Air.

Their Suppli-
cation to the
Parliament de-
layed.

Mean while, as a present Exoneration of their Consciences, they agreed unanimously upon the following Declaration, and none were more forward in it, than the Members just now named, who in a few Months became Prelates.

Their present
Declaration,
April 4th.

Declaration of the Synod of Glasgow concerning the present Government of the Church of Scotland, April 4th, 1661.

WHEREAS there is a Scandal, as if some Ministers in this Church, had made, or were intending to make Defection from the Government of the Church of Scotland, to Prelatical Episcopacy; Therefore the whole Synod, and every Member thereof, do willingly declare, that they are fixed in the Doctrine, Discipline, Worship, and Church-government, by Sessions, Presbyteries, Synods, and General Assemblies, as it is now professed and practi-

1661.

fed within this Church; and that they are resolved, by the Grace of God, so to remain. And because divers of the Members are absent, therefore the Synod recommends it to the several Presbyteries to require the same of them.

To this all the Members present personally assented. The Distinction of Prelatical Episcopacy, and the omitting of the Obligation of the Covenants, grieved many; and when this last was urged, Mr. *James Hamilton* threatened not to concur. Thus the Desire of Unanimity among themselves, made it pass *pro tanto*, and the Synod adjourned unto the Second *Tuesday* of *May*.

They meet again in *May*, and are raised by the Commissioner.

At which Time the Ministers came to *Glasgow*. But when they were about to convene in the Synod-house, they were discharged, in a Proclamation from the Cross, by Orders from his Majesty's Commissioner, to meet, as being an adjourned Meeting, and not warranted by Law. Providence is just and righteous, in depriving of Opportunities of doing Good, when Duty is not fallen into in its Season. However the Ministers in Town convened in Mr. *Ralph Roger's* House there, to consider what was fit now to be done; and after some Deliberation they drew up, and commissioned Three of their Number to go to *Edinburgh*, with the following Supplication and Representation,

To his Grace His Majesty's High Commissioner,

Humbly Sheweth,

Supplication of the Members to the Commissioner.

THAT whereas your Grace, for Reasons best known to your self, hath been pleased to interdict this adjourned Meeting of our Synod of *Glasgow* and *Air*, as illegal and unwarrantable by the Laws of this Kingdom; we judged it our Duty, to testify the due Respect we ow to the supreme Magistrate, whom the Lord in his good Providence hath set over us, to forbear, in Obedience to your Grace His Majesty's High Commissioner, your Inhibition, the constituting our selves into a Synod; yet lest we should be found wanting in the Discharge of the Duty we ow to our Lord and Master, *Jesus Christ*, who hath given Power to the Ministers of the Gospel, to meet in their respective Judicatories, as the Edification of the Congregations committed to their Oversight, doth necessarily require and call for; we also find it incumbent upon us, a considerable Number of us, the Members of this Synod of *Glasgow* and *Air*, having come to meet in a Synod, and being now occasionally in Providence cast together, to signify to your Grace, that as we are hopeful, whatever may be your Grace's Apprehensions of the Inconveniency of our meeting at this Time, it is not the Intent of your Grace's Proclamation, to declare that our Synod can at no Time warrantably meet, whatever be the Necessity of the Church within our Bounds, but twice in the Year: So we do humbly, and with all due Respect and Reverence to our Sovereign, the King's Majesty, and your Grace his high Commissioner, seriously testify, that our forbearing to meet in a Synod at this Time, in Obedience to your Grace's Prohibition, doth not import our yielding that the provincial Assemblies of this Church have no provincial Power to meet, when the Edification of the Church doth call for it, even oftner than twice a Year. All which, we have desired our Reverend Brethren, Mr. *Patrik Colvil*, Moderator in our Synod at the last Meeting thereof, Mr. *Hugh Blair* Minister at *Glasgow*, and Mr. *James Stirling* Minister at *Paisly*, humbly to represent to your Grace; which we persuade our selves will not only not be offensive to your Grace, but will be constructed a Piece of necessarily called for Exoneration of Ministers of the Gospel, who desire to be found faithful.

Accordingly those Three Persons went to *Edinburgh*, and presented the Ministers Petition and Representation to the Commissioner; but had no Return. And there were no more Synods of Presbyterian Ministers in *Glasgow*, till *September* 1687.

Synod of Fife.

The provincial Synod of *Fife* met likewise, in the Beginning of *April*, at *St. Andrews*; and the Hazard of the Church being very evident, they unanimously resolved to petition the Parliament for a new Act, ratifying Religion, and the Privileges of the Church. The Draught agreed upon follows.

To his Grace His Majesty's High Commissioner, and the High and Honourable Court of Parliament, the humble Petition of the Synod of Fife, convened at *St. Andrews*, *April*, 1661.

Their Supplication to the Parliament in *April*.

THAT whereas the honourable Court of Parliament hath judged the Parliaments, (thought to have been such) held in the Years 1639 and 1640. to be null, and of no Authority in themselves, and by this Means, all Acts ratifying the reformed Religion, as it is now received, professed and practised in this Kirk and Kingdom, in all the Parts and Heads thereof, *viz.* Doctrine, Worship, Church-government, and Discipline, and rescinding all Acts of preceeding Parliaments, contrary to some Parts of the Reformed Religion, particularly some Matters of the Worship of God, and Government of the Church, as all other Acts therein

therein made, are become void, and of no Force; so those Acts of former Parliaments, by those Acts now made void, are *ipso facto* revived and restored to the Authority of standing Laws. And albeit it be not competent to us, and is very far from our Thoughts to judge of the Validity, or Invalidity of any Parliament, or Acts of Parliament, this being a Thing properly belonging to His Majesty, and the high Court of Parliament; yet being, by clear convincing Light, perswaded in our Consciences, that the Reformed Religion, in all the Parts of it, Doctrine, Worship, Government, and Discipline, received, professed, and practised at present within this Kirk and Kingdom, is grounded upon, and warranted by the Word of God revealed in the holy Scripture; and knowing how great a Mercy and Blessing it is to the Church of Christ, that true Religion, in the Profession and Practice thereof, be ratified, confirmed and established by the Authority and Laws of the Magistrate, who is the nursing Father of the Church, and Protector of Religion; and that there be no Laws of his standing against the true Religion, in any Part thereof: Wherefore we find ourselves bound, as the Servants of Christ, with all loyal and humble Submission of Heart to his sacred Majesty's Authority, and his High and Honourable Court of Parliament, to supplicate and beg, for the Lord's sake, that your Grace his Majesty's high Commissioner, and this high Court of Parliament, may be pleased to enact now a Law, ratifying, confirming, and establishing the Reformed Religion, at present received, professed, and practised in this Kirk and Kingdom, in Doctrine, Worship, Government, and Discipline, which will not be unacceptable to our dread Sovereign, the King's Majesty, as we are hopeful, having had by his Majesty's Letter to the Presbytery of *Edinburgh*, a Declaration of his gracious Resolution concerning this Matter. It will be a refreshing Mercy to the People of God in this Kingdom, and procure from them abundant Praises unto God, and Prayers for Blessings from Heaven upon your Lordship, and will exceedingly enlarge the Hearts of us who are Ministers of Christ, to teach, instruct, and exhort the People of God within our Charge, to all Loyalty and Obedience to his Majesty, all Submissiveness and Subjection to his Government, and Obedience to all having Authority from him; which also we are resolved to exhort them to, and to practise our selves, by the Lord's Grace, however it shall be with us, and whatsoever Exercise it shall please the Lord to put us to.

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Joynly with this Supplication, the Synod designed a Warning and Admonition to the People under their Charge; wherein, after a full Declaration of their Loyalty to the King, and their Abhorrence of the *English* Usurpation, they shew their Resolution of standing by the Doctrine, Worship, Government and Discipline of the Church, declare against Prelacy, and admonish their People to be constant in God's Way, and to be much in Repentance. They were not permitted fully to finish this Paper; but the Draught of it, as it came from the Committee, to which, no doubt, the Synod would have agreed, with very little Alteration, I have insert *App. No. 15.* because it is pretty long.

Their designed Warning:

Before the Synod had formally voted the Supplication, and finished the Warning, they were interrupted by the Earl of *Rothes*, in the King's Name. Him the Commissioner had appointed Inspector, Visitor, or Commissioner, I do not know what Name to give to this new and *Erastian* Usurpation, to watch over the Actings of that Synod; and he came in, while they were in the Midst of their Business, and commanded Silence in the King's Name, and required them to insist no more upon what was before them, and immediately to depart. Obedience was given, and they dismissed themselves presently. The Case was new, they were perfectly surprized, and in Confusion; but it was Matter of Regret to many of them afterwards, that they had not protested against so plain an Invasion of the Liberties of Christ's House.

App. No. 15.

But are raised by the Earl of *Rothes*.

The Synod being thus violently raised, the Presbyteries at their first Meeting did approve of what they got not finished in Synod; and all of them, in a very solemn Manner, did record, and declare their Adherence to the Principles of this Church, in their several Presbytery-books. I have only seen an Extract of the Declaration to this Purpose, by the Presbytery of *Cowpar*; probably they were all much of a Piece, and so I insert it here.

All their Presbyteries approve of the Supplication and Warning.

At Cowpar, April 18. 1661.

THE Brethren of this Presbytery, after serious Consideration of a grievous Scandal, raised upon the Ministers of *Scotland*, as if they were falling from their Stedfastness in the reformed Religion, and inclinable to desire, endeavour, or embrace the Introducing again of the renounced, abjured Prelatical Government, with its unwarrantable Attendants, have thought it our Duty to express our Sense and Judgment thereof, in Sincerity of Heart, as becomes the Servants of God, and in his Presence: And accordingly all and every one of the Brethren, severally, and with one Consent, profess, as in the Sight of God, that we are thoroughly perswaded, and fully satisfied in our Consciences, by the clear Light of the Scriptures of God, touching the Divine Truth of the Reformed Religion, as it is at present, and hath been for divers Years, received, professed, and practised in the Church of *Scotland*,

Declaration of the Presbytery of *Cowpar*.

1661. *land, in Doctrine, Worship, Government, and Discipline; and that we are convinced in our Consciences, that Prelacy of any one, with Majority of Power and Jurisdiction over Presbyteries and Churches, under the Name of constant Moderator, or any other Name or Notion whatsoever, hath no Warrant from Jesus Christ in his written Word, to be received in his Church: And we do from our Hearts the more abhor and detest any Motion or Purpose of apostatizing to that Way; not only because of many sinful Errors in Doctrine, and corrupt Practices in Worship, which formerly did, with and by the foresaid Prelacy, creep into this Church; but also because of the sacred and indispensable Ties of the Oath of God thereunto, under which we are before the Lord. And further, we all declare, that we are not a little encouraged and strengthened in this our Duty, and comfortably born up against the Fear of sinister Designs, in Prejudice of the present Government of the Church, by that refreshing Declaration of our Sovereign, the King's Majesty, in his Letter directed to the Presbytery of *Edinburgh*, and by them to be communicate to the rest of the Presbyteries of this Church, dated at *Whitehall*, August 10. 1660. of his Royal Resolution, "to protect and preserve the Government of the Church of *Scotland*, as it was then established by Law, without Violation, and to countenance, in the due Exercise of their Functions, all such Ministers who shall behave themselves dutifully and peaceably;" which also we purpose, in the Lord's Strength, carefully to endeavour. All which the Brethren presented unanimously consented unto, and ordained to be recorded in the Presbytry-register, *ad futuram rei memoriam.**

Remarks upon
the Inspectors,
at this Time
sent to raise
Synods.

In other Parts of the Church Ministers were not idle, when their *All* was at the *Stake*; but generally they were interrupted by those whom the Managers named for Commissioners and Inspectors; and it would seem some such were directed to every suspected Synod; an Office never before used, and I hope shall never more be tried. Upon the North Side of *Tay*, they had no great Fears of publick Appearances against their Procedure; but on the South of it, they had their Spies in most Synods, clothed with, I don't know, whose or what Authority. I can find no Act of Parliament constituting them, nor any Commission from the King; yea, from the forecited Account of the Proceedings of Parliament, I find, *March 28.* 'There was likewise presented and agreed unto, a Paper, bearing, that Ministers shall have Power to exerce their Ministerial Functions in Provincial Assemblies, Presbyteries and Sessions, during the King's Pleasure.' And I cannot guess how they came to be set up, unless it was by the paramount Power of the Commissioner, exerting his Privilege in his Commission, by Mr. *Sharp's* Importunity, to do whatever the King might do, if present.

Synod of *Dumfries* raised.

At *Dumfries*, the Synod was upon the same Design with that of *Fife*, and had agreed to an Act, censuring all Ministers who complied with Prelacy, by Deposition; but they were interrupted, and summarily dissolved by *Queensberry* and *Hartfield*, pretending Orders from the Commissioner. I find it remarked, that they were both miserably drunk, when they came in to their Work.

Synod of *Galloway*.

App. N^o. 15.
N^o. 2.

The Synod of *Galloway* met this same Month, and were drawing up a Petition to the Parliament, against Episcopacy, and for the Preservation of the Liberties of this Church; and under all regular Governments, Subjects are allowed humbly to supplicate; the Copy of which is added, App. N^o. 15. N^o. 2. But when at this, the Earl of *Galloway* came in, and in the King's Name dissolved their Meeting. The Moderator of the Synod, Mr. *John Park*, Author of the excellent Essay upon Patronages, modestly and yet very pointedly protested against the Encroachment made upon the Judicatory, and took Instruments in the Hand of their Clerk, to which all the Members adhered. Mr. *Park* protested against what was done, as an Injury to a Court of *Jesus Christ*, and incompetent to the Civil Magistrate. And the Ministers would not remove till he had prayed, and regularly concluded their Meeting.

Synod of *Lothian* hardly
used.

In the Synod of *Lothian*, Things were carried with a very high Hand by our Statesmen; they were immediately under their Eye, and were treated most insolently. They were not suffered so much as to speak of any Testimony, yea, were forced to do what was very much contrary to the Inclinations of many. Some Members of the Synod, fully ripe for a Change, and ready to fall in with the Managers Designs, proposed that the Synod should begin at censuring and sentencing the Brethren who had been for the Protestation, even tho' it had been agreed among the Resolutioners and Protesters in the Year 1658. that none of either Side should be questioned in their Judicatories for their different Practices.

Proposal to
censure Pro-
testers.

Opposed by
Mr. *Douglas*,
Dickson, and
others.

This unaccountable Proposal, Mr. *Robert Douglas*, Mr. *David Dickson*, and many others of the best Note in the Synod, endeavoured to wave, and probably would soon have warded off, had not the Two Commissioners appointed for this Synod, the Earl of *Callendar*, and Sir *Archibald Stirling* of *Carden*, come in, no doubt by Concert with the corrupted Members, just when they were reasoning this Matter, and required the Moderator to purge the Synod of Rebels, meaning Ministers of the protesting Judgment: Yea, they threatened plainly, that if this was not presently fallen in with, they would dissolve them, and stage them be-
fore

fore other Judges. The Synod were so far forced in with the Proposal, that they suspended Mr. *Alexander Livingstone* Minister at *Biggar*, Mr. *John Greg* Minister at *Skirling*, Mr. *Archibald Porteous* and Mr. *James Donaldson*, Ministers in *Biggar* Presbytery, and Mr. *Gilbert Hall* Minister at *Kirklistoun*; all of them Ministers of great Piety, and some of them Persons of great Ability in the Church. I find that at this Synod, Mr. *William Weir* Minister at *Linlithgow*, and Mr. *William Creighton* Minister at *Bathgate*, were likewise removed from their Charges, upon Application of some malignant and dissatisfied Persons in their Parishes. After this sad Work, the Commissioners proposed some Overtures in Favour of Prelacy, which the Plurality of the Synod very briskly opposed, and thereupon were dissolved in the King's Name, and obliged to dismiss without Prayer.

1661.
The Synod forced to proceed against their Brethren,

And yet are raised.

There seems to have been at this Time a formed Design to bear down such Ministers as had not been for the publick Resolutions: And therefore in the Northern Synods I find some harsh Dealing with the few there of those Sentiments. One Instance may suffice, and 'tis of that extraordinary Person we shall meet with frequently afterward, Mr. *Thomas Hog* Minister at *Kiltearn* in the Synod of *Ross*. The Date is not sent me by the Reverend Minister who gives me the Information which he hath from Mr. *Hog* himself and Mr. *Frazer* after mentioned; but the Fact it self leads us to this Synod in the Beginning of this Year.

Mr. Thomas Hog of Kiltearn proteſteth before the Synod of Ross, and deposed.

Mr. *Murdoch Mackenzie* was Moderator of this Synod of *Ross*, and now gaping after the Bishoprick of *Murray*, though he had shown a particular Liking to the Covenants, and sworn them, some say Ten, others Fourteen Times. Mr. *Hog* was one from whom the greatest Opposition to Prelacy was expected, and therefore a Talk must be put on him at this Synod; and he, not being to be reached in any Point of Practice, must be staged for his Opinion, and that upon the Protestation.

When Mr. *Hog* appeared before the Synod, the Moderator interrogate him what he thought of the Protestation, and the Assemblies of St. *Andrews*, *Dundee*, &c? He modestly replied, That living at a great Distance from the Places where those Things were agitate, he never meddled much in that Matter. And being further asked, if he thought the Protestation a just and reasonable Deed? Mr. *Hog* declined to give an Answer, knowing what Improvement was designed to be made of it, and therefore he would neither own nor disown it judicially.

Mr. *Hog* being removed, the Moderator had a Discourse to the Synod, to this Effect, That the Brother they had before them, was known to be a great Man: Notwithstanding, the King having espoused the Defence of those Assemblies against which the Protestation was given in, it behoved them to go on in their Work. Therefore Mr. *Hog* was called in, and required judicially to disown and disclaim the Protestation.

This he refused to do, and thereupon the Synod passed a Sentence deposing him from the Ministry. Mr. *Hog*, in giving Account of this my Informer tells me, observed, the Sentence was pronounced with a peculiar Air of Veneration, and looked rather like their consecrating him to an higher Office, than a Deposition; and that the Moderator, in a Kind of consolatory Discourse after the Sentence, spoke very near Nonsense. Among other Things he was pleased to remind Mr. *Hog*, that our Lord Jesus Christ had suffered great Wrong from the *Scribes* and *Pharisees*.

At that same Synodical Meeting, a Motion was made for deposing Mr. *James Frazer* of *Liny* from his Office as Ruling Elder, for the very same Reasons on which they proceeded against Mr. *Hog*: But the Moderator opposed the Proposal, and expressed his Regard to him, as a honourable Gentleman, and not so far engaged in that Way as some others; therefore he moved that they might suspend Mr. *Frazer* from officiating for some Time, and appoint some Brethren to confer with him, for reclaiming him from his Mistakes. A Brother rose up and professed himself against that Proposal, for this Reason, That he was more afraid the Gentleman would draw to his Side those who should converse with him, than he would entertain Hopes of their prevailing on him. What the Issue was, my Informer does not remember.

A Motion at that Time to depose the Laird of Liny, a ruling Elder.

This is but a short Swatch of the unprecedented Force, Violence, and heavy Oppression of Ministers, in their Ministerial and Judicative Capacity; the Parallel of which, I doubt, if it can be given, as to any of the Reformed Churches, or in any well ordered Government; especially when Laws authorizing their Meeting, were yet standing, and they had the King's promised Protection. I might name many other Aggravations of this surprising Procedure, but the naked Narrative of Facts sufficiently exposeth it.

From these the Reader will have some View of the Oppression, I might say, Overturning of our Church-establishment, the Essays used, and Testimonies given against this melancholy Change, and the Attacks made upon Church-judicatories, while the Parliament sat. Those I thought good to give some Account of, before the Sufferings of particular Persons, which I now come to.

1661.

S E C T. III.

Of the Sufferings and Martyrdom of the Noble Marquis of Argyle, May 27. 1661.

M. of Argyle
deserves the
first Room a-
mong the Suf-
ferers this
Year.

IN giving the Narrative of the Hardships particular Persons underwent this Year, we shall find many attacked in their Name and Reputation, others in their Liberty, and others in their Estates and Lives. I shall begin with the last: And the excellent Marquis of *Argyle* deserves the first Room, and after him, the Reverend Mr. *James Guthrie*; each of whose Sufferings will fill a Section by themselves.

His Case prin-
ted.

The Case of the Marquis of *Argyle*, containing his Indictment for high Treason, with his large Answers, having been several Times printed, the less needs be said here concerning this great Man. 'Tis Pity the Whole of this eminent Person's Management, Speeches, and Petitions to the Lords of Articles, and the Parliament, cannot now be recovered; some of them I have before me, under his Lordship's own Hand, and Copies of others. From those, and other Memoirs of this Period, I shall essay as short and distinct an Account of this noble Peer, his Treatment and Trial, with what followed upon it, as I can.

He goes to
Court, where
he arrived July
8. 1660.

When the King came Home last Year, the Marquis was very much solicited to go to Court, and some say, he had Assurances of Welcome. No doubt he was inclinable to wait upon a Prince, upon whose Head he had set the Crown. Indeed several of his best Friends were against his going up to Court, till Matters were come to some Settlement; and particularly Mr. *Robert Douglas* used many Arguments to dissuade him: He was forewarned of a Change in his Majesty's Affections towards him, and acquainted, that he wanted not Enemies at *London*, who had taken Pains to raise Calumnies upon his Person and Conduct. All those prevailed with him to delay his Journey for some Time: At length, he resolved to vindicate himself; and knowing he was able, upon his Access to the King, soon to remove whatever Dull, a Set of People, for their own base Ends, had raised against him, he took Journey, and arrived at *London*, July 8. and with a Confidence flowing from the Testimony of a good Conscience, entred *Whitehall*, to salute his Majesty.

That same Day
sent to the
Tower.

I am told that his Enemies had so prepossessed the King against him, that even while upon his Road to *London*, Orders were given to seize him, and carry him back Prisoner to *Scotland*: If so, he escaped the Messengers, and got safe to Court. But as soon as the King was told he was come to *Whitehall*, he ordered Sir *William Fleming* to go and carry him straight to the Tower of *London*. The Marquis urged much to be allowed to see the King, but our *Scots* Managers took Care to prevent that; and he was hurried away in the greatest Haste possible.

Causes of his
Confinement.

In the Tower he continued under close Confinement, until he was sent down to *Scotland*. The Springs of such surprising Treatment of this great Man, are either a Secret, or not very fit to be propaled. This much may be said, He was the Head of the Covenanters in *Scotland*, and had been singularly active in the Work of Reformation there; and of any almost who had engaged in that Work, he stuck fastest by it, when most of the Nation quit it very much. He had kept his Power and Influence in *Scotland* under the various Turns of Affairs, and stood when many of his Rivals fell: And this Attack upon him was a Stroke at the Root of all that had been done in *Scotland* from the 1638. to the Usurpation.

It is not improbable, besides the Emulation of our *Scots* Noblemen about Court, and the peculiar Spite of the High-fliers in *England*, against the Marquis, for his known Principles in Church-government, and eminent Appearances for Civil Liberty, that General *Monk*, and others about the King, knowing his great Abilities and Experience, and how much the King once valued him, might be afraid of his soon coming to have such Interest with his Majesty, and making such Discoveries of Affairs, as were not agreeable to their present Circumstances and Projects.

What holy Freedom the Marquis had used in reproving some Vices, and what Promises had been made him, which were not now to be performed, I shall not say: But some of those, if not all, concurred to begin and help forward this violent Storm now come upon him.

Very unjustly
treated, there.

While in the Tower, he made Application for Liberty to have the Affidavits and Declarations of several Persons in *England*, taken upon some Matters of Fact, when he was concerned in the publick Administration, before the Usurpation; but this Piece of Justice was flatly refused him.

Sent down to
Scots 3. and
arrives at *Leith*
Dec. 20.

From the Tower he was, toward the Beginning of *December*, sent down to *Scotland* in a *Man of War*, to abide his Trial before the Parliament. Sir *John Swintoun* came down Prisoner with him, and they had a severe Storm in their Passage, in which the Ship before mentioned, with the Records of the Kingdom, was lost. *December* 20. they landed at *Leith*, and next Day, *Swintoun* being a Quaker, and excommunicate, was carried up the Street of *Edinburgh*,

burgh discovered, and guarded by the Town-officers; and the Marquis walked up the Street covered, 'twixt two of the Bailies of *Edinburgh*, to the Castle, where he continued till his Trial came on. 1661.

By the Minutes of Parliament formerly mentioned, I find, *January* 18. the Lord *Cochran* President of the Committee for Bills, reported to the Parliament, that a Supplication was presented to them by the Laird of *Lawmont*, craving Warrant to a Messenger to cite the Marquis of *Argyle*, and some others, to appear before the Parliament, to answer to the Crimes contained in the Bill. Some Opposition was made to this; but it was carried, by a vast Plurality, to grant Warrant. This Gentleman was hounded out by the Managers, to bring in this Charge of Severities against the Marquis; from which he vindicates himself in his printed Defences.

When thus cited, upon the first of *February* he gives in Two Petitions to the Parliament, the one craving Advocates to be allowed him, and the other that the Day of his Appearance might be delayed. After much Debate in the House, both were referred to the Lords of Articles, where the Managers were sure to carry their Point, as they pleased. What their Answer was I have not seen: But *February* 5th, I find it represented to the House, that the Lawyers given in List by the Marquis being heard before the Articles, did prevail to be excused; and a new Petition, with a new List, being presented, the Parliament granted the Desire of it, leaving Room for the Advocates to plead their Excuses before the Articles.

All this looks like a Trick, to deprive him of the Benefit of Advocates, in a Cause which so nearly concerned him; or at least, so to protract the Time, that there should be very little Room for drawing of Answers. The Names of his Advocates were, Judge *Ker*, Mr. *Andrew Birnie*, Mr. *Robert Birnie*, Mr. afterward Sir *George Mackenzie* of *Rosehaugh*, Mr. afterward Sir *John Cunningham*, and Mr. *George Norvel*. The Day of his Appearance was ordered to be *February* 13th; and till then, terrible Stories were buzzed about of the Marquis's horrid Barbarities used against the Gentlemen of the Name of *Lawmont*, *McCoul* of *Lorn*, the Laird of *Appine*, the Gentlemen of *Clandonald*, and others, from which there lies a full Vindication, in his printed Defences. But this was necessary, to prepare Members of Parliament, and the Nation, for the barbarous Tragedy that was now shortly to be acted.

Upon the 13th of *February*, the Marquis was brought down from the Castle in a Coach, with Three of the Magistrates of *Edinburgh*, attended with the Town-guards, and presented at the Bar, where Sir *John Fletcher* the King's Advocate accused him, in common Form, of high Treason, and presenting an Indictment, craved it might be read. The Marquis humbly craved, that he might have Liberty to speak before the reading of his Dittay, promising that he should not say any Thing to the Matter therein contained. When the Advocate opposed this with Violence, the Marquis was removed, and after some Debate, the House refused his reasonable Desire, and ordered his Dittay to be read.

When my Lord was called in, and this intimate to him, he moved that a Bill he had by his Advocates given in to the Lords of the Articles, might be now read in the Parliament; the Desire of it was, a Precognition, with many Reasons why this ought to be granted. The Lords of Articles would not transmit this Bill to the Parliament, and the Marquis had no other Method left him, but to move the Reading of the Petition in the House; this was likewise peremptorily refused. This Petition, not being printed in the common Copies of his Case, and giving considerable Light to this Trial, I have added *App. No. 16*.

Being over-ruled thus in every Thing, the Indictment was read. The Reader hath it in his printed Case, and I would most willingly insert it in the Appendix, were it not very large, and the Answers to it necessarily much larger, so that this Volume would swell exceedingly, were they added. I shall only then point at the Heads thereof, as briefly as I can, that the Reader may have some View of the unaccountable Injustice of this Procedure. In the general, it may be noticed, that this Libel was more Months in forming, than the Marquis had Days allowed him to frame his Answers to it.

Besides ordinary Form, the Indictment consisted of 14 Articles, wherein a Heap of Slander, Perversion of Matters of Fact, and Misrepresentations are gathered up against this good and great Man; all which he abundantly takes off in his Answers. He is indicted,

That he rose in Arms in Opposition to the King's good Subjects, the Anticovenanters, and said to Mr. *John Stuart*, "That it was the Opinion of many Divines, that Kings in some Cases might be deposed." That he marched with armed Men against the House of *Airlie*, and burned the same. That in the Year 1640. he laid Siege to his Majesty's Castle of *Dumbarton*, and forced it to render to him. That he called, or caused to be called the Convention of Estates 1643. and entered into the Solemn League and Covenant with England, levied Subsidies from the Subjects, raised an Army, and fought against his Majesty's Forces. That in the Year 1645. he burned the House of *Menstrie*. That in 1646. he or those under his Command, besieged and took in the House of *Towart* and *Escoge*, and killed a great many Gentlemen. That he marched to *Kintire*, and killed 300 Men of the Name of *McDonald* and *McCoul*, in cold Blood, and transported 200 Men to the uninhabited Isle of *Jura*, where they perished by Famine. That he went up to *London*, and agreed with a Committee there,

1661. to deliver up the King to the *English* Army at *Newcastle*, upon the Payment of 200000 *lib.* pretended to be due for the Arrears of the Army, treasonably raised 1643. That 1648. he protested in Parliament against the *Engagement* for relieving His Majesty, and convoked an Army to oppose the *Engagers*, met with *Oliver Cromwel* Commander of the *English* Army, and consented to a Letter writ to him *October* 6. 1648. and to the Instructions given to Sir *John Chiesly* to the Parliament of *England*, and in *May* following signed a Warrant for a Proclamation, declaring the Lords *Ogilvie* and *Rae*, the Marquis of *Huntley*, *John* now Earl of *Middleton*, their Wives and Families, to be out of the Protection of the Kingdom. That he clogged his Majesty's Invitation to his Kingdom of *Scotland* 1649. with many unjust Limitations, and consented to the Murder of the Marquis of *Montrose*, to obstruct his Majesty's Resolution of coming to his Kingdom; that he corresponded with *Cromwel*, without His Majesty's Knowledge; that he contrived and consented to the Act of the *West-kirk*, *August* 13. 1650. and the Declaration following thereupon. That in the Years 1653 and 1654. he abetted and joyned with, or furnished Arms to the Usurper's Forces in the *Highlands*, against the Earls of *Glencairn* and *Middleton*, and gave Remissions to such as had been in the King's Service. That he received a Precept from the Usurper of 12000 Pounds *Sterling*, and did consent to the Proclamation of *Richard Cromwel*; accepted a Commission from the Shire of *Aberdeen*, and sat and voiced in his pretended Parliament. That he rebuked the Ministers in *Argyle*, for praying for the King. That he positively gave his Advice to *Cromwel* and *Ireton* in a Conference 1648. that they could not be safe till the King's Life were taken away, at least did know and conceal that horrible Design.

His Speech
after reading of
his Indictment.

After reading the Indictment, the Marquis was allowed to speak, and discoursed at considerable Length to the Parliament. This extemporary Speech was taken from his Mouth in short Hand, and is insert in his printed Case; and the Reader will find it full of close Reasoning, and strong Sense. 'After he had declared his Joy at the Restoration, and his Trust in the King's Goodness, and the Justice of his Judges, he says, with *Paul* in another Case, The Things alledged against him cannot be proven: But this he confesses, that in the Way allowed by solemn Oaths and Covenants, he served his God, his King and Country. He complains he had neither a Hearing, nor Pen, Ink, or Paper allowed him, until this heavy Charge was given. He notices in Sir *Walter Rawleigh's* Words, that Dogs bark at such as they know not, and accompany one another in those Clamours: And tho' he owns he wanted not Failings common to all engaged in publick Business in such a Time, yet he blesses God, he is able to make the Falshood of every Article of his Charge appear. That he had done nothing with a wicked Mind; but with many others had the Misfortune to do several Things, the unforeseen Events of which proved bad.'

After this he comes to obviate the principal Calumnies in his Indictment. 'As to the King's Murder, he declares, that if he had been accessory to the Counsel or Knowledge of it, he deserved no Favour; but he was the first Mover of the Oath in Parliament 1649. to vindicate the Members, and discover the Villany. And in a Latter-will made 1656. he entirely made it appear he was free of that execrable Crime, the original Copy whereof was ready to be produced. That he never saw, or had the least Correspondence with *Cromwel*, till sent by the Committee of Estates, 1648. to stop his March to *Scotland*; and that he declined corresponding with the *Sectarian Army*, which he offers instantly to make appear.'

'He next asserts his Regard to the late Duke of *Hamilton*, and owns that he declined to compliment *Cromwel* in his Behalf; which if he had done, would have been an Article of his Indictment. He declares he used his utmost Endeavours to preserve the Marquis of *Huntley*, and that he never had any Thing out of his Estate, but what was absolutely necessary for his own Relief, and that he was of very great Use to that Family. As to the Marquis of *Montrose's* Death, he appeals to many of the Members Knowledge, that he positively refused to meddle, either in the Matter or Manner of it; and declares that in the 1645. the Marquis and himself had agreed upon a Treaty, which would have prevented much Hurt afterwards, and it was none of their Faults Matters were not then compromised.'

'As to his Dealings with the *English* after *Worcester*, he offers to prove he laid out himself with his Vassals to oppose the *English*; and a strong Force being sent into *Argyle* Shire, and he under Sickness, he was made Prisoner, and at all Hazards refused in the least to joyn with them. This he shews would have been contrary to his Interest, as well as Duty; and evidences, That all along he did oppose a Common-wealth. He complains that the Advocate had dealt very ungenerously and unfairly, in forming his Libel; and as to other Things, refers to his Defences.'

When the Marquis had ended, the Advocate subdolously endeavoured to bring him to speak upon some Heads, which he declined, and referred to his Defences; and yet when he came in, after he had been removed, while the House were fixing the Time of his next Appearance, he spoke to what the Advocate had cast up, as to his Opposition to the *Engagers* at *Stirling* 1648. and made it appear, that he was attacked by Sir *George Monro*, several of his Friends killed, and he himself hardly escaped.

The Lawyers for the Marquis took a Protest, ' That what should escape them in Pleading, either by Word or Writ, for the Life, Honour, and Estate of their Client, might not there- after be obtruded to them as treasonable; ' and took Instruments. When the Pannel and his Advocates were removed, the King's Advocate, in order to intimidate and frighten the Marquis's Lawyers, got the Parliament to refuse to record their Instrument: Yet common Rules obliged the House to permit them to speak as freely as is usual in such Cases.

The Parliament fixed the 26th of February, for the Day of the Defender his giving in Defences in Writ. A very short Diet indeed, for replying to a Charge which contained so many Particulars, and related to Persons and Times at such a Distance, and an Indictment contrived in so general and captious Terms; all which is better represented in the printed Defences, than I can pretend to do. When this was signified upon the Party's being called in, the Marquis with his Advocates craved again, that his Bill for a Precognition might be read, and granted by the House. To which the Chancellor replied, ' That it had been formerly refused at the Articles, and that it would not be granted.' Thus we see, whatever the Commissioner pretended, in pressing the Nomination of the Lords of Articles, they were an illegal and unreasonable Bar to the Affairs of the Kingdom, their coming under the Cognizance of the Parliament, and so most justly complained of in our Claim of Right, and happily taken away at the Revolution.

His Defences ordered to be given in at a very short Day.

By a Petition the Marquis applied the Parliament, February 26th, That he might have a further Time to form his Defences, because his Advocates were Strangers to the Process, till put into their Hands; and the Matter of his Indictment was of such Extent: And they granted him until the 5th of March; which Day, I find him before the Lords of Articles, desiring the Continuation of his Affair, till the Meeting of Parliament to Morrow. This short Delay was not allowed him; but by two or three Votes he was peremptorily appointed to produce his Defences; whereupon he had a most pathetic Speech, and when he ended it, gave in a very moving Supplication, remitting himself to the King's Mercy, and beseeching the Parliament may intercede for him.

His Speech before the Lords of Articles, March 5th.

This Speech is printed in his Case, and he acquaints them, ' That this Trial nearly concerns him, and is a Preparative to the whole Nation, themselves, and Posterity; and wishes them to take Heed what they do; for they judge not for Men, but the Lord, who is with them in Judgment. He observes, there are many of them young Men, who, except by Report, know not what was done since the 1638. and are ignorant of the Grounds of the Procedure of this Church and Kingdom, in that Time: Therefore he desires their Charity, till the Circumstances be heard and weighed, and proposes several important Maxims to their Consideration.

Abstract of it.

' That Circumstances changing sometimes, make what is lawful appear unlawful. That when an invading Usurper is in Possession, making former Laws Crimes, the Safety of the People is certainly the supreme Law. That *Necessity has no Law*. That *inter arma silent leges*. That of two Evils, the least is to be chosen. That no Man's Intention must be judged by the Event of the Action, there being a vast Difference 'twixt the Condition of a Work, and the Intention of the Worker. That it cannot be esteemed Virtue, to abstain from Vice, but where 'tis in our Power to commit the Vice, and we have a Temptation.'

Unto those Maxims he subjoins the following Considerations. ' That Subjects Actions are to be differently considered, when their lawful Prince is in the Exercise of his Authority, and when there is no King in *Israel*; yea, even when the Sovereign is in the Nation, and when forced to leave his People under the Power of a foreign Sword. That Subjects Actions are likewise mightily altered, when an Usurper is submitted unto by the Representatives of a Nation, and for some Years in Possession of the Government. That Submission to an usurping Invader, in this Case, when after assisting the lawful Magistrate to their Power, they are made Prisoners, and can do no better, softens the Case yet more, especially when they continue Prisoners upon Demand, and are particularly noticed and persecuted for their Affection to their Sovereign. That a great Difference is to be made between a Thing done *ad lucrum captandum*, and that done only *ad damnum evitandum*. That all Princes have favourably considered such, as in such Circumstances voluntarily cast themselves upon their Clemency. That his Majesty's natural Clemency, evidenced to all his *English* Subjects, cannot but be displayed to his Subjects in *Scotland*, who suffered, even by them whom he pardons, for their Affection to his Majesty.'

' Upon the whole, knowing his Majesty's good Nature, and his declared Inclinations in his Speech to the *English* Parliament, " conjuring them to abolish all Notes of Discord, Separations and Differences of Parties, and to lay aside all Animosities, and past Provocations; " he hopes their Lordships will concur in following so worthy a Pattern; and for this end he humbly presents his Submission to them.'

Accordingly the Marquis gave in a signed Supplication and Submission, which I have insert here.

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To my Lord Commissioner his Grace, and High Court of Parliament.

His Supplication presented that same Day.

FORASMUCH as I *Archibald* Marquis of *Argyle*, am accused of Treason, at the Instance of his Majesty's Advocate, before the high Court of Parliament; and being altogether unwilling to appear any way in Opposition to his Sacred Majesty, considering also that this is the first Parliament called by his Majesty, after his happy Return to his Kingdoms and Government, for healing and repairing the Distempers and Breaches made by the late long Troubles; I have therefore resolved that their Consultations and Debates about the great Affairs and Concernments of his Majesty and this Kingdom, shall have no Interruption upon Occasion of a Process against me.

I will not represent the Fatality and Contagion of those Times, wherein I, with many others in those three Kingdoms, have been involved, which have produced many sad Effects and Consequences, far contrary to our Intentions: Nor will I insist upon the Defence of our Actings in this Kingdom, before the prevailing of the late Usurpers; which (if examined according to the strictest Interpretation, and severest Censure of Law) may be esteemed a Trepass of his Majesty's Royal Commands, and a Transgression of the Law: But notwithstanding thereof, are by his Majesty's Clemency covered with the Vail of Oblivion, by divers Acts of Parliament, and others to that Purpose, for the Safety and Security of his Majesty's Subjects: And that my Actings since, and my Compliance with so prevalent a Power (which had wholly subdued this, and all his Majesty's other Dominions, and was universally acknowledged) may be looked upon as Acts of mere Necessity, which hath no Law. And 'tis known, that during that Time, I had no Favour from those Usurpers; it was inconsistent with, and repugnant to my Interest, and cannot be thought (unless I had been demented and void of Reason) that I should have had Freedom or Affection to be for them, who being conspired Enemies to Monarchy, could never be expected to tolerate Nobility.

And whereas that most horrid and abominable Crime of taking away the precious Life of the late King, of ever glorious Memory, is most maliciously and falsely charged upon me; if I had the least Accession to that most vile and hainous Crime, I would esteem my self most unworthy to live, and that all highest Punishments should be inflicted upon me: *But my Witness is in Heaven, and my Record on High*, that no wicked Thing, or disloyal Thought, ever entered into my Heart.

But choosing to shun all Debates, rather than to use any Words or Arguments to reason with his Majesty, *Whom, tho' I were righteous, yet I would not answer, but make Supplication*; And therefore (without any Excuse or Vindication) I do in all Humility throw my self down at his Majesty's Feet, and (before his Majesty's Commissioner, and the Honourable Estates of Parliament) do submit, and betake my self to his Majesty's Mercy. And tho' it be the great Unhappiness of these Times (the Distempers and Failings of these Kingdoms being so epidemick and universal) that his Majesty should have so much Occasion and Subject of his Royal Clemency; yet 'tis our great Happiness, and his Majesty's high Honour, that he hath expressed and given so ample Testimony thereof, even to those who did invade his Majesty, and this Nation, for no other Cause, than their faithful and loyal Adherence to his Majesty, and his just Royal Interests; which rendreth his Majesty's Goodness incomparable, and without Parallel; and giveth me Confidence, that his Grace, His Majesty's Commissioner, and the honourable Parliament, of their own Goodness, and in Imitation of so great and excellent a Pattern, will compassionate my Condition.

And seeing it is a special Part of his Majesty's Sovereignty and Royal Prerogative, to dispense with the Severity of the Laws; and that 'tis a Part of the just Liberty of the Subjects, that (in Cases of great Extremity and Danger) they may have Recourse to his Majesty, as to a Sanctuary and Refuge; it is in all Humility supplicated, that the Lord Commissioner's Grace, and the honourable Parliament, would be pleased favourably to represent my Case to his Majesty; and that the Door of the Royal Mercy and Bounty, which is so large and patent to many, may not be shut upon one, whose Ancestors for many Ages (without the least Stain) have had the Honour (by many signal Proofs of their Loyalty) to be reputed serviceable to his Majesty's Royal Progenitors, in Defence of the Crown, and this his ancient Kingdom. And if his Majesty shall deign to hold out the golden Sceptre of his Clemency, as an indelible Character of his Majesty's Royal Favour, it will lay a perpetual Obligation of all possible Gratitude upon me, and my Posterity, and will ever engage and devote us entirely to his Majesty's Service: And the Intercession of this honourable Parliament in my Behalf to his gracious Majesty, will be a real Evidence of their Moderation, and they shall certainly be called a *healing Parliament*; and God, whose Mercy is above all his Works, shall have the Honour and Glory which is due to his great Name, when Mercy triumphs over Justice.

Next Day, *March 6th*, the Marquis being brought before the Parliament, it was reported from the Articles, that he had been before them, and offered a Submission to his Majesty, with a Desire the Parliament might transmit it to the King. Whereupon, after long Reasoning, and much

* Condescend.

The Parliament declare this Submission not fit to be taken, *March 6.*

much Debate, the Question was put, *If the Submission was satisfactory, or not?* It carried in the Negative. When the Marquis was called in, he spoke as follows.

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His Speech in Parliament thereupon.

‘ May it please your Grace and Lordships, My Lord Chancellor, and this honourable Assembly, to consider his Majesty’s Proclamation to *Scotland*, *October* 12th 1660. compared with his gracious Declarations and Speeches in *England*, manifesting to his People his Inclination to Clemency, and commanding, requiring and conjuring them, to put away all Notes of Discord and Separation, and to lay aside all former Animosities, and the Memory of by-past Provocations, and to return to Unity among themselves under his Majesty’s Government; for he never intended to except any from the Benefit of his Bounty and Clemency, but the immediate Murderers of his Royal Father.’

‘ I desire therefore your Lordships to observe, as all other Subjects do, the two Conditions only in his Majesty’s Declaration. 1st, The Vindication of his Majesty’s Honour, and that of his ancient Kingdom. And 2^{dly}, The asserting of his ancient Royal Prerogative. Those Two being done, he promiseth a full and free Pardon, and Act of Indemnity to all his Subjects in *Scotland*.’

‘ I confess, my Lords, it is all Subjects Duty to concur in those; and this Offer of my Submission is all I can contribute to it at this Time. It is his Majesty’s Royal Honour, not to question what himself and his Royal Father hath done to his Subjects by their former Acts, especially such Persons who have done and suffered so much for him; and it cannot be misconstrued in me, not to desire to dispute the same, but to fly to that Privilege of the Subjects in their Distress, his Majesty’s Clemency and Mercy, whereby I may have Share of the Benefit of his Majesty’s Prerogative, which, as his Royal Father saith, ‘ is best known and exercised, rather by remitting, than exercising the Rigour of the Laws; than which there is nothing worse: And *Solomon*, the wisest of Kings, saith, *Mercy and Truth preserve the King, and his Throne is upholden by Mercy.*’ The same Way the Two most righteous Kings (being of God’s own choosing) practised, to wit, *David* and *Saul*: *David*, after a most horrid and unnatural Rebellion; and *Saul*, towards the Sons of *Belial*, (which is, wicked Men) who refused to admit him for their King.’

‘ So I humbly desire a larger Time to consider what I can do more to give your Lordships Satisfaction; that I may have your Lordships Concurrence, that the Door of his Majesty’s Mercy may not be shut upon me alone, of all the Subjects in his Majesty’s Dominions; for a dead Flie will spoil a Box of precious Ointment.’

This affecting Discourse had no Influence at all; and the Chancellor, without so much as removing my Lord, and before he had fully ended what he had to say, gave him for Answer, That the Parliament commanded him next Day to give in his Defences to the Lords of Articles.

The Parliament order him to give in his Defences.

Accordingly, *March* 7th, being called before the Articles, to give in his Defences, he told them, ‘ He had seen their Lordships Order, That he might forbear his coming, if he would produce his Defences: Therefore he acquainted their Lordships, That if he had them in Readiness, he would neither have troubled them, nor himself; but having a Petition ready to desire a Delay, he thought it his Duty to come and propose it himself, hoping their Lordships would consider, that his presenting his Defences, either wanting somewhat, or blotted, so as they could not be well read, was a very great Prejudice to him, and a Delay of a few Days was no Prejudice at all to any Thing my Lord Advocate could say: And therefore he hoped their Lordships would not refuse him some competent Time to get them ready.’

His Speech to the Lords of Articles, *March* 7th.

When my Lord was removed, and, after some Debate, called in again, the Chancellor told him, in Name of the Committee, That he was ordained to give in his Defences before *Munday, April* 9. at Ten of the Clock, to my Lord Advocate; otherwise the Lords would take the whole Business before them, without any Regard to what he had to say.

The Advocate added, That the Marquis must give in his whole Defences. To which his Lordship answered, That was a new Form, to give in *peremptory Defences* before the *discussing of Relevancies*. Sir *John Gilmore* rose up, and said, He was commanded to inform his Lordship, That there was a Difference twixt a Process in Writ, and the ordinary Way before the Session or Justiciary. The Marquis answered, He was very ill yoked with so able Men; but he behoved to tell them, he had once the Honour to sit as Chief Justice in this City, and he knew the Process before them was in Writ, and yet the *Relevancies* were always first answered, before any *peremptory Defences* were proposed, since *Relevancies* are most to be considered in Criminals. Both of them urged, that it was his Lordship’s Interest to give in his Defences as strongly as he could, otherwise the Advocate might refer the whole Business to the Judge, and make no other Answer. My Lord replied, He would follow the Advice of his Lawyers, and hoped any Order of their Lordships at present, was without Prejudice to his offering more Defences afterwards, since he was so narrowed in Time, and commanded to give what was ready.

He

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He added, That if their Lordships and the Parliament had been pleased to grant his Desire of a *Precognition*, which, as he humbly conceived, was agreeable both to Law and Practice, and his Majesty's Proclamation, which he acquiesced in, it could not but have been the readiest Way for trying his Carriage during the late Troubles; whereas now he must of Necessity in the Process (which he hopeth will not be refused) crave a Way for an Exculpation in many Particulars; for he both was, and is resolved to deal very ingenuously as to Matters of Fact. And if that had been first tried, which he was most desirous of, both from the Committee and the Parliament, he is hopeful there would not remain so much Prejudice against him, in most Part of Things of greatest Concernment in the Libel. For his own Particular, he desired nothing but the Truth to have Place. They might do with his Person as they pleased, for by the Course of Nature he could not expect a long Time to live, and he should not think his Life ill bestowed, to be sacrificed for all that had been done in those Nations, if that were all.

The Lords, in nothing moved by any Thing of this Nature, told him, If his Defences came not in against *Munday*, they would take the whole Business before them, without any Regard to what he should afterwards say.

The Marquis gives in his Defences.

His Defences, for any Thing I can learn, were given in the Day named. They are printed in his Case, and in them, at great Length, the Marquis's Management is vindicated from all the Fallhoods, Calumnies, and Misrepresentations maliciously cast upon him; and they contain one of the best Accounts of the Transactions of those Times pointed at in his Libel, that I know of. Being Thirteen Sheets of small Print, I cannot take upon me to give an Abstract of them: But the most considerable Perversions of Fact in the Indictment being already taken off, by what I have above inserted from the Marquis's Discourses, little more needs be added; yet, for the setting this Affair in its due Light, and as the best Abstract I can give of the large Defences, I shall here insert a Paper, drawn up by a very sufficient Person at this Time, which contains the Substance of what is more fully cleared in the Defences, which I must still refer the Reader to.

INFORMATION for my Lord Argyle, against the Dittay given in against him by the King's Advocate.

Information for my Lord Argyle, against his Dittay.

THE Deeds alledged done, either before his Majesty left *Scotland*, 1651. or since, are either Deeds of publick Concernment, or private, relating to private Persons.

As for the Publick, he never acted without the Approbation of Parliament, and General Assemblies, which were ratified by his Majesty's Royal Father, and his Majesty who now reigns. And as for Things relating to particular Persons, he never had any Accession to any Thing, but what is warranted by Acts of Parliament, approved by his Majesty, and his Royal Predecessors.

As for Actings, after his Majesty left *Scotland*, 1651. the Marquis was still a Prisoner upon Demand, and did never capitulate till *August* 1652. being surpris'd in his House, lying sick, and that long after the Deputies had taken the *Tender*, and gone to *London*, and others in Arms had capitulated, and the whole Kingdom were living peaceably, under the Power and Government of the Usurper.

The first Deed is a Speech 1640. at the Ford of *Lyon*, in *Athole*, where 'tis affirmed, that he said, It was the Opinion both of Divines and Lawyers, that a King might be deposed for Desertion, Vendition, or Invasion; and said to Mr. *John Stuart*, That he understood *Latin*; from whence, Treason against the King, and the Murder of the said Mr. *John* is inferred. This is plainly against Law, for Speeches against the King, by *Scots* Law, go not above the Pain of Death. 2^{do}, 'Tis not relevant to infer any Crime, tho' those Words had been spoken in the abstract Terms related, no more than any should speak the Tenet of the *Sorbonne* or *Canon Law*, upon the Pope's Power. 3^{do}, To infer the Murder of the said Mr. *John* is absurd, seeing the said Mr. *John* was, upon his own Confession and Witnesses Depositions, condemned, having slandered not only my Lord *Argyle*, but the whole Committee of Estates. 4^{to}, This Deed is 1640. and the Act of Oblivion 1641.

The 2^d Deed is the * slighting the House of *Airlie*, and burning of *Forthbar* in *Glenyla*. 'Tis answered, those Houses were kept out in Opposition to the Committee of Estates, and so might be slighted and destroyed; which is clear by Acts of Parliament yet in Force, Act 4th, Parl. 3^d. King *Charles*, June 24th, 1644. and 35th Act, 2^d Parl. King *Charles*. By which 'tis expressly acknowledged, that holding out of Houses against the Estates, is a Crime. And by Act 35th, Parl. Anno 1640. the same is made a Crime. 2^{do}, Oppones the Act of Oblivion, 1641. 3^{do}, The said Service is ratified and approved in Parliament, 1641. *Rege presente*, unprinted Acts, Numb. 70. bearing Ratification, Exoneration, and Approbation, in favours of the Marquis of *Argyle*.

The 3^d Deed is, the taking the Castle of *Dumbarton*. It is answered, this was done by Order of the Committee of Estates; and the Act of Oblivion was after this. As to the

* taking

‘taking of Cannon; there were only two of them gifted to the Marquis by the late Duke of *Lennox*, then lying there.’ 1661.

‘As to the Calling of a Convention of Estates, and going into *England* with an Army. It is answered, This was done by the Conservators of the Peace, secret Council, and Commissioners of common Burdens, appointed by the King’s Majesty for governing the Country, and ratified in Parliament since; and the General Assembly went along in all the Steps. 2^{do}, It was allowed by the King, in his Agreement at *Breda*, and by his Act of Oblivion 1651. at *St. Johnstoun* and *Stirling*.’

‘As to the Burning of *Menstrie* by his Command. It is answered, 1^{mo}, He denies any Command. 2^{do}, Whereas it bears by Men under his Command, there is no Law to make that Treason, nor is it relevant or reasonable, for *noxa caput sequitur, & delicta suos tenent authores*. 3^{mo}, ’Tis remitted by the Act of Oblivion 1651. 4th, General *Bailie* had the Command, whose Service in that Expedition, is approven in the Parliament 1646. and tho’ he had done this, he had Commission from the Parliament 1644.’

‘As to the taking of *Towart* and *Escoje*, and murdering a Number of Men after Capitulation. ’Tis answered, The Marquis was not in the Country, but in *England* in the Time of the said Deeds. To the murdering of 200 Men, after the taking of *Dunavertie*, ’tis answered, That *David Lesly* had the Command there, and what was done, was by a Council of War, and *Lesly*’s Service was approven by the Parliament 1648. And whereas the said Article bears, That my Lord *Argyle* caused take 200 Persons from *Ila* to *Jura*, where they perished: This is false against him; for he knew nothing of it, nor ever heard of it, till he received his Dittay. But the Truth is, That *David Lesly* was with his Army in *Ila*, against old *Coil McGillespick*, who held out a Fort there, called *Dunivaige*; and by the continuing of his Army there, the Isle was spoiled of Meat: But *Coil* being taken, and the Fort surrendered, *David Lesly* came home with his Army, and the Army left the Pestilence in the Country. And shortly after the Removal of the Army, the Captain of *Clauronald*, with *Angus McDonald*, Son to old *Coil*, came and destroyed all that was left in the Isle, whereupon the Sickness being among the Inhabitants, and all their Food destroyed, it was a joynt Resolution of the Gentlemen in that Isle, belonging to the Laird of *Caddel*, that those People should go, some to *Ireland*, some to *Argyle*, some to *Jura*, for their Safety, and Meat, of which there was Abundance in *Jura*, and if they wanted, it might be had in *Lorn* and *Argyle*. But this is a most false and base Aspersion on the Marquis, who was neither there at that Time, or had the least Accession to it. The Gentlemen of *Ila* can clear this.’

‘To the giving up of the King at *Newcastle*. ’Tis answered, It was a Parliament Deed, which cannot come upon him; for by Law divine and human, a Voice in Parliament is still free, and cannot be censured. Likeas by Act of Parliament 1641. *Rege presente*, Members of Parliament are sworn to give a true Judgment to their Light: But the Truth in Fact is, that my Lord *Argyle* was not in *Scotland*, when the King’s Majesty came to the *Scots* Army at *Newark*; and the King’s Majesty had emitted his Declaration to both Houses of Parliament in *England*, declaring his Resolution to settle Matters, by Advice of his Parliaments. Neither ever did the Marquis meddle in that Business, but in the Parliament 1647.’

‘As to the Protest in Parliament 1648. calling in the *Settarian Army*, writing to *Cromwel*, that none of those who engaged should be put in Places of Trust, and emitting a Proclamation against certain Families. ’Tis answered, That there was no Protestation, but a Declaration before the Vote, that the General Assembly ought to be consulted anent the Engagement, and that the Articles of the large Treaty might be kept by previous Dealing by all fair Means for Peace; and that if all fair Dealing were refused, that there might be a due Warning. As for the Letter, no Answer can be given, till the Letter be seen; and tho’ there were a Letter in the Terms libelled, yet it is an Act of the Committee; and as Matters went, the Army being lost at *Preston*, and the Enemy lying on the Border, if they had demanded the Strengths of the Kingdom, and Pledges, or any Thing harder, it would scarce have been refused, the *Scots* Army being lost, and a strong one lying on the Border. Besides, he never saw *Cromwel* till 1648. and he was called in by the Committee; and the Marquis did what he could to stop his Career. As to the alledged Proclamations, nothing can be said till they be produced, and indeed they were neither proclaimed, neither did any Thing follow upon them.’

‘To the clogging of his Majesty’s Proclamation, murdering *Montrose*, corresponding with *Cromwel*, and his Accession to the Act of the *West-kirk*, and Declaration. It is answered, That it was the Act of the Parliament then sitting, by which the first Allegation was done, and the King acknowledged any Thing of that Kind done, good Service, by admitting the Marquis to Places of Trust afterwards, accepting the Crown from him, and granting a general Oblivion. As to *Montrose*; he had no Accession to his Death, or the Manner of it, but endeavoured to have him brought off, to prevent Effusion of Blood 1645. as Colonel *James Hay* can yet witness. His corresponding with *Cromwel* is scandalously false, and one *Hamilton*, who was hang’d at *Stirling*, and had said this, declared at his Death, that Report to be a false Calumny. As to the Act of the *West-kirk*; the Marquis was at no Committee of

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' the Kirk, after his Majesty's happy Arrival, until they came to *Perth*, nor did he know of the same: But when the Word came to *Dumfermling*, where the King was, his Advice was, to obviate the same, that the King should draw a Declaration, and go as great a length as he might safely do; but for all the World would not advise the King to sign the said Declaration against his Mind, seeing it did reflect, as his Majesty thought, against his Majesty's Father, and was against his Majesty's Conscience, and desires the Duke of *Buckingham* and the Earl of *Dumfermling's* Depositions may be taken herein, and his sacred Majesty consulted anent the Verity hereof.

11.

' To the Opposition to *Glencairn* and *Middleton*, when appearing for the King, and his joyning with the *English*, at least giving them Counsel. It is answered, That their Commission was never intimate to him, either by Letter or Message; that he sent an Express to *Middleton* to have a Conference with him, but received no Answer; that indeed the Defender did express his Dislike with their Enterprize, as a Business which could not frame, and that it had been Wisdom to have stayed all Moving till the Event of the *Dutch* War had been seen, or that the Kings of *Spain* and *France* should agree, or the *English* Army divide among themselves: But the rising in the Hills made the *English* stick faster together. As to joyning the *English* in their Expedition to the Hills; he denies any joyning with them, to oppose the *Scots* Forces: But he being a Prisoner, and required to be with them, durst not refuse; and denies any Kind of Acting, either by Counsel or Deed. The selling of the Cannon out of the Castle of *Dumbarton* to *Dean*; 'tis false that they were taken out of *Dumbarton*: But *Dean* being informed of the Cannon, told he would either have them at a Price, or take them. As for taking Pay from the Usurper for a Foot-company; the Practice of all the *Highlands* in *Scotland* is, in Troubles for Safety of their Country-goods from Robbers and * Limmers, to keep a Watch, which the Sheriffdom of *Argyle* could not do, by Reason of the Payment of their Cesses, and other great Burdens and Vastations sustained of late by them; and therefore General *Monk* allowed Payment for 100 Soldiers to keep the Country, as said is; and because they did not oppose the Forces in the Hills, the General discharged Payment. The keeping of Watch was the Practice of all the *Highlands* during the last Troubles, and was practised during the Usurper's Power, in *Perth*, *Inverness*, *Merns*, *Aberdeen*, *Stirling*, and *Dumbarton*; and all got Allowance, less or more.

* Succeed.

* Villains.

12.

' As to the assisting at *Richard Cromwel's* Proclamation, his receiving a Precept of 12000 *lib. Sterling*, and sitting in the Parliament of *England*. 'Tis answered, He was not at all at *Richard's* Proclamation, but by Command indeed he was at *Oliver's*, but not at *Dumbarton*. Being in *Edinburgh* *Monk's* Prisoner, he was commanded to come to the *English* Council, and assist at the Proclamation, and could not refuse, without being made a Prey in Life and Fortune. No Law can make this a Crime, far less Treason; and it cannot be instructed from any History, that a People overcome by an Enemy, and commanded to do outward Deeds of Subjection, were questioned by their lawful Prince, when he hath pardoned the Invader, or that the Subject should be prosecuted, for doing what he, being a Prisoner, could not refuse, without hazarding Life and Fortune. The 12000 Pounds is falsely adduced. The Parliament of *Scotland* gave the Marquis in Payment of just Debts half of the Excise on Wine and strong Waters for a Time: He having, by his Capitulation, his Fortune safe, procured a Warrant that he might have a yearly Duty forth of the said Excise, but never received a Sixpence of it. And this can no more be censured, than the whole Kingdom's taking their just Debts one from another, during the Usurpation. As for his sitting in the Parliament of *England*, after so long an Usurpation; no Case or Precedent can be shown in any Age in this Country, whereby this was made a Crime, far less Treason. The Cases adduced in the Proposition, relate only to peaceable Times, the righteous King being in Power.

13.

' To his forbidding to pray for the King, and the rest of the alledged Speeches. 'Tis answered, They are false and calumnious. His Parish-minister and Chaplain did always pray for the King in the Time libelled, and that in Face of the *English*. The Story of what he said at *London*, is basely false, and he desires Gentlemen, without Distinction, with whom he conversed, may be asked. And the Passage alledged in *Masterton's* House, 'tis false, and craves Depositions may be taken, by which it will appear, that he has been of a contrary Judgment.

14.

' The last Head, it is basely false, and opposes thereto the Marquis's Oath given in Parliament 1649. and leaves it to all to judge how unlikely and improbable it is, that he would speak any thing contrary to the Oath that he had sworn.'

From this Information, some tolerable View may be had of the Marquis his Defences against the calumnious Libel given in. Those and the Reasonings before the Lords, took up all the Time the Parliament had to spare to this Matter, for some Weeks.

April 5th, I find the Parliament pass a Certification, that the Marquis of *Argyle* shall have Liberty to propound no more in his Defence after *Munday* next. Accordingly *Tuesday, April 9th*, he is brought before the Parliament, where he had a very pointed and pretty long Speech,

Speech, wherein he goes through the different Periods, from the 1633. to the Restoration, and vindicates his Conduct; and earnestly desires his Supplication and Submission to his Majesty, may be considered, and recommended to the King. This Speech not being in Print, I have annexed, *App. No. 17.*

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App. No. 17.

He is urged to give in Duplies.

When his Bill was read, and he removed, the Chancellor gave him for Answer, when called in again, That the Parliament, after considering the Relevancy and Probation, would take his Bill to their Consideration, and urged him presently to give in his Duplies. The Marquis pressed for a short Delay, that he might read over his Duplies, since he and his Lawyers were so straitned in Time, that he had not got some Sheets of them read over, and there might be Treason in them, for any thing he knew; and he asked but till next Day to look over his own Papers: But this was refused; which made him complain that this was hard Measure, and such Haste was never made in a Parliament of *Scotland*. When he gave them in, the Advocate took them up to advise, as he said, whether he should give in Triplies or not. I have not seen a Copy of the Marquis his Duplies, if they differ from his Answers in Print, or of the Advocates Answers, if there were any; but I suppose we have the Substance of both already.

After the Advocate had considered the Duplies, upon the 16th of *April*, the Marquis is again before the Parliament, and his Process was read over in the House. Upon the Reading of it, he had a very handsom and affecting Speech, wherein at considerable Length, he removes the Reproaches cast upon him, and touches at some Things not in his Papers, and concludes with renewing his Desire, That his Supplication and Submission may yet be recommended to the King's Majesty. This Speech tending to clear several Matters of Fact, and not hitherto, that I know of, published, I have added, *App. No. 18.*

April 16th, his Process was read over. His Speech on this Occasion.

App. No. 18.

Whatever the Marquis or his Lawyers could say, had little Weight with the Members of Parliament; most of them already were resolved what to do. The House had many Messages to hasten this Process to an End; tho' by what is above, it appears they lost no Time: But the misgiving of many of their designed Probations against this good Man, embarrassed them mightily for some Time.

I have it from a very good Hand, That upwards of thirty different Libels were formed against him, for alledged Injuries, Oppressions, and the like; and all of them came to Nothing, when they began to prove them, as Lies use to do. And after they had accomplished their most diligent Search, they were forced to betake themselves to his innocent, because necessary, Compliance with the *English*, after every Shire and Burgh in *Scotland* had made their Submission to their Conquerors.

Many designed Probations against the Marquis took

Thus, as the Sacrifice under the Law was washen before it was offered, those Attempts were so many Absolutions of the Marquis, in every Body's Eye but his Pursuers; the more his Enemies dived into his Conduct, the more innocent he was like to appear; and severals of the Members of Parliament were like to cool in this Process, especially after they heard his clear and evident Defences in the Matter of the King's Murder, and his Pursuers began to fear Hazard in a Vote of the House.

Therefore the Parliament was cunningly enough brought in to send a Letter to the King, wherein the Whole of their past Procedure was owned, and no Room left for them to go back; and *Glencairn* and *Roths* go Post to Court with it. This Letter was signed by almost all the Members, and the Pretext was, That some Misinformations had been given at *London* of their Procedure; and that their Actings might be the better cleared, the Parliament desire Mr. *James Sharp*, late Minister of *Craik*, and now Divinity-professor at *St. Andrews*, may go up in Company with them as one of the Churchmen best acquaint with his Majesty. The Event shewed the Mytery of this. The two Statesmen were to push the Marquis's Business, regulate the Act of Fines, and other Matters, and Mr. *Sharp* was to joyn the Highfliers in *England*, and take off any Impressions left by the Representation made by the Ministers of *Edinburgh*, of which before, and model Matters as to the Church. They set out for *London*, *April 29th*.

The Parliament send up a Letter to the King, with *Glencairn*, *Roths*, and Mr. *James Sharp*.

A little before this, the Marquis's Son, Lord *Neil Campbell*, had gone up to Court, and represented his Father's Defences, with all the Advantage he could; and had done this, as was then said, not without some considerable Influence upon a good many there.

In the Beginning of *May*, Witnesses were examined against the Marquis. I have not seen their Examination and Depositions, and can only set down the List of Witnesses given in to him, with Diets of their Examination. *May 3^d*, anent my Lord's being in Arms with the *English*, and exchanging Prisoners with the *Scots*, *William Duke of Hamilton*, *John Earl of Athole*, *James Lord Forester*, Sir *Norman McCleod*, *John McNaughtan*, *John Semple* younger of *Fulwood*, *Gavin Walkinshaw* of that ilk, *Walter Watson* Provost of *Dumbar-ton*, *John Cunningham* Bailie there, *John White* Trumpeter, *Alexander Ramsay* Servant to the Earl of *Glencairn*, *John Carswell* one of his Majesty's Life-guard, *Hugh McDougal* in *Lorn*, *Duncan McCulloch* there, *Halbert Glaidstains* in *Edinburgh*, *Commissary Beans* at *Leith*.

Witnesses against the Marquis, *May 3, 7, 8.*

1661.

May 7th, anent my Lord's joining in Arms with the English, 'Donald McClean of Borlas, Major David Ramsay, Captain James Thomson in Leith Citadel, Daniel Oneil there, Jonathan Moisty there, James Savel there, Robert Darkems, James Hersky, John Moisty there.' And for proving the Words spoken in Parliament, 1649. 'John Lord Kircudbright, James Lord Cowpar, Robert Lord Burleigh, John Cor slate Provost of Kircudbright, William Grierson of Bargatton.

May 8th, anent his joyning in Arms, 'Henry Oneil of the Life-guard, Archibald McClean, Servant to the Tutor of McClean, Angus McClaughson Son to the Captain of Inchconnel, Donald McClean of Calzeach, John Campbell of Dunstaffnish, Mr. James McClean of Kilmaloag.' Words spoken at London, and James Masterton's House in Edinburgh. 'George Earl of Linlithgow, Earls of Callendar, Hume, and Aboyn, Sir James Fowles of Collingtown.' There were a great many other Witnesses, but I have not seen either their Names or Declarations, and the Reader will find the plain Facts, as indeed they were, in the Marquis's Defences.

Frequent Messages from Court to hasten his Trial.

He is sentenced May 25.

How these, who went up to Court, managed Matters there, I shall not say; but from their Arrival, to the Day of the Parliament's Sentence, the Parliament had, almost every Day, renewed Messages to haste through his Trial.

Those were obeyed as much as might be. Accordingly upon Saturday, May 25th, he was brought to the Bar, and received his Sentence in Face of Parliament, 'That he was found guilty of High Treason, and adjudged to be execute to the Death as a Traitor, his Head to be severed from his Body at the Cross of Edinburgh, upon Munday the 27th Instant, and affixed in the same Place where the Marquis of Montrose's Head was formerly, and his Arms torn before the Parliament, and at the Cross.' And from the Bar he was sent to the common Prison of Edinburgh.

His Carriage when he received his Sentence.

That Day the Parliament was extremely thin, and all withdrew, but such who were determined entirely to follow the Course of the Times. When he was brought to the Bar to receive his Sentence, he put the Parliament in Mind of the Practice of Theodosius the Emperor, who enacted, That the Sentence of Death should not be execute till Thirty Days after it was passed; and added, *I crave but Ten, that the King may be acquainted with it.* This was refused, and he was told, That now he behoved to receive the Parliament's Sentence upon his Knees; he immediately kneeled, and said, *I will, in all Humility.*

The Sentence being pronounced, he offered to speak; but the Trumpets sounding, he stopped till they ended, and then said, 'I had the Honour to set the Crown upon the King's Head, (and indeed the Marquis brought him to the Crown) and now he fastens me to a better Crown than his own.' And directing himself to the Commissioner and Parliament, he said, 'You have the Indemnity of an earthly King among your Hands, and have denied me a Share in that, but you cannot hinder me from the Indemnity of the King of Kings, and shortly you must be before his Tribunal, I pray he mete not out such Measure to you, as you have done to me, when you are called to account for all your Actings, and this among the rest.'

Observations upon this Sentence.

Without Doors it was said, the Marquis of Argyle had done nothing, but what was necessary by the natural Law of Self-preservation, and just, since Conquest and Consent make a good Title in the Conqueror; and April 2^d, 1652. all Scotland had in a very solemn Manner consented to Oliver's Government at Dalkeith, and his solitary Resistance could never have restored the King. And tho' the Marquis had not been the last Man who stood out, but had done as all the rest of the Nation did, and submitted to the Usurper, it was observed, that not a Man in England or Ireland had suffered merely for owning Cromwel, tho' there he was a Rebel, and in Scotland a Conqueror.

It was further asked, Where was the Justice to punish one Man for a guilty Nation? Or, the Mercy to forgive many, and not take in so good and great a Man with others? And every Body saw that the Marquis was sentenced by his *socii criminis*, his Complices, as he himself told Sir John Fletcher in the House, and those who were in the Transgression, if it must be made one, long before he was in it. But who can stand before Envy, Revenge, and Jealousy! The Tree of Prelacy and arbitrary Measures behoved to be foked when a Planting with the noble Blood of this excellent Patriot, stanch Presbyterian, and vigorous Asserter of Scotland's Liberty: And much bitter and bloody Fruit did it bear in the following Twenty six Years, as will appear in the Sequel of this History.

The Sentence against this noble Person was, not only, in the Eyes of Onlookers, iniquous and unrighteous in it self, but really contrary to their own new made Law, and an Act made by this very Parliament, no longer since than March 30. Act 15. Parl. 1. Sess. 1. Charles II. where in express Terms, 'His Majesty, by Advice of the Estates of Parliament, grants his Indemnity and full Assurance to all Persons that acted in, and by Virtue of the said pretended Parliaments, (viz. those from 1640 to 1650.) and other Meetings flowing from them, to be unquestioned in their Lives and Fortunes, for any Deed or Deeds done by them in their said Usurpation.'

By a Proclamation, *June 10.* this Year, concerning *Ecclesiastical Affairs*, to be added afterwards, *App. N^o. 24.* I find the foresaid Date of this Act, and the King approves it. And 'tis very plain the Marquis's Indictment and Sentence runs upon Deeds done in those Parliaments, and during that alledged Usurpation in them, save what relates to his joyning with the *English*, as to which enough has been set down for his Vindication: So that I cannot but be of Opinion, that the Parliament, in condemning the Marquis for these Deeds, contradict themselves. There is indeed a Reservation in the Act, *as to such as shall be excepted in the general Indemnity to be passed by his Majesty, and such who were guilty of the King's Murder:* But that Exception only concerned the Persons who afterwards were fined, and neither that nor the other concern the Marquis. Thus in this Sentence the Parliament must be reckoned *Felo's de se.*

1661.

As through the Whole of his Trial, this noble Person gave the brightest Example of Meekness and Patience, when most unaccountably abused by the King's Advocate and others; so he received his Sentence with that Composure which became so innocent a Man, and excellent Christian; and would by no Means depart from the honourable Testimony for Religion and Liberty he was engaged in. When his Case was beyond all Hope in his Friends Eyes, and no Prospect of any Justice appeared, some gallant Gentlemen undertook to bring him out of the Castle, partly by Force, and partly by a Stratagem. The Project was so far gone into, that I am told, the Marquis was once in a complete Disguise; but on a sudden he alter'd his Mind, thanked his Friends, and told them, He would not disown the good Cause he had so publickly espoused, and threw aside his borrowed Habit, and resolv'd to suffer the utmost.

The Marquis's Composure and Patience. He refuses to come out of the Castle by a Stratagem.

When after the Sentence he entred the Tolbooth, his excellent Lady was waiting for him there. Upon seeing her, he said, *They have given me till Munday to be with you, my Dear, therefore let us make for it.* She embracing him, wept bitterly, and said, *The Lord will require it, the Lord will require it.* The Bailie who accompanied his Lordship, tho' no great Friend to him, was deeply affected, yea none in the Room could refrain from Tears. The Marquis himself was perfectly compos'd, and said, 'Forbear, forbear, truly I pity them, they know not what they are doing, they may shut me in where they please, but they cannot shut out God from me: For my Part I am as content to be here as in the Castle, and as content in the Castle as in the Tower of London, and as content there as when at Liberty; and I hope to be as content upon the Scaffold as any of them all.' He added, That he remembered a Scripture cited to him by an honest Minister lately in the Castle, and endeavoured to put it in Practice, When *Ziklag* was taken and burnt, and the People spoke of stoning *David*, he encouraged himself in the Lord.

What passed when he entred the Tolbooth.

This Account, and much of what follows, I have under a worthy Minister's Hand, who was present with the Marquis, and took Notes of what he spoke at the Time.

All his short Time till *Munday*, the Marquis spent with the greatest Serenity and Cheerfulness, and in the proper Exercises of a dying Christian. He said to some Ministers allowed to be with him in the Prison, 'That shortly they would envy him who was got before them, and added, Mind that I tell it you, my Skill fails me, if you who are Ministers will not either suffer much, or sin much; for though you go along with those Men in Part, if you do it not in all Things, you are but where you were, and so must suffer; and if you go not at all with them, you shall but suffer.'

His Carriage in Prison.

During his Life the Marquis was reckoned rather timorous than bold to any Excess; and in Prison he said, He was naturally inclined to Fear in his Temper, but desired those about him to observe, as he could not but do, That the Lord had heard his Prayers, and removed all Fear from him. Indeed his Friends Work was to restrain and qualify his fervent Longings after his Dissolution, and not to support him under the near Views of it. At his own Desire his Lady took her Leave of him upon the Sabbath-night. Mr. *Robert Douglas*, and Mr. *George Hutcheson* preached to him in the Tolbooth on the Lord's Day, and his dear and much valued Friend Mr. *David Dickson*, and others, prayed with him at Night, and I have been told, Mr. *Dickson* was his Bedfellow the last Night he had in Time.

Upon *Munday*, when very much thronged in subscribing Papers, making Conveyances, and with other necessary Things relating to his Business and Estate, of a sudden, about Seven of the Clock in the Morning, when in the midst of Company, he was so overpowered with the sensible Effusion of the Joy of the Holy Ghost, that he could not contain, but brake out in the greatest Affection and Rapture, and said, 'I thought to have concealed the Lord's Goodness, but it will not do, I am now ordering my Affairs, and God is sealing my Charter to a better Inheritance, and just now saying to me, *Son, be of good Cheer, thy Sins are forgiven thee.*'

He meets with a singular Manifestation of God's Kindness *Munday Morning.*

Such Expressions I know will be reckoned the Effects of *Enthusiasm*, and reproached under the Name of *Cant*, and I doubt not but it will be construed Weakness in me to regard or relate them in so degenerate an Age as we are fallen into: But I have this Passage confirmed by so many and indubitable Hands, some of them alive when I write this, that I cannot only assert it for Truth, but likewise record a remarkable Harmony 'twixt this and the Writings and Prayers of many, before, and at that very Moment, on the Marquis's Behalf.

And

1661.

Letter from a
Minister to the
Marquis after
his Sentence.

And if any mock at such Instances of the divine Condescension, I wish their Bands be not made strong; he who is ignorant is like to be so still.

Either upon *Munday* or some other Time after his Sentence, the Marquis received the following Letter from a Minister, who with others was much concerned for the Lord's Presence with him: It was sweet to this godly Martyr, and contains some Things in it, which clear up the Marquis's Circumstances, and I reckon it will not be unacceptable to the serious Reader, being short but substantial.

My Lord,

I hope by this Time you know that God sendeth no Man a Warfare upon his own Charges; the Report of your seasonable and suitable Support, and of what the Lord doth to your Soul, with your rising Integrity before the World, as it was clear to others before, so it doth much comfort us over many Things, so that we can speak with the Adversary in the Gate. We reckon it was a Mercy to the Cause, (if I may speak so) and to many Friends of it, that God has brought your Lordship upon the Stage: He hath vindicated his reproached Work in spite of Reproach, so that it will be advantageous for the Nation; neither do I doubt but it was a singular Mercy to your self, and shall be a Relief to your oppressed Name, which this Day is visibly come above Water. If you had been in Favour with the greatest of Men, and had the World smiling upon you, I much question if it had been so well with your Soul and Conscience, and if you had had that Room in gracious Hearts, which I can confidently say you have. We enjoy the sweet Fruits of what you now sweat for; and your Lordship may reckon your Labours and Sufferings sold at a good Rate, when you consider how many Souls have been refreshed these Twenty three Years bygone; the Reward of which we wish may now quickly return to your Bosom: So are many wishing this Day who never saw your Face, to whom your Name and Chain are favoury. Be of good Courage, and God shall strengthen your Heart, and be your Guide even unto Death. O Death! where is thy Sting? Thou art now a smiling Bridge to eternal Serenity, where no Inbreaking, no Sin shall be, but sweet Breathings of the Holy Ghost, and Songs of Victory; no dreadful Sentence, where the Accuser of the Brethren has no Place: A little Bit of Time might have sent you thither with less Credit, and not capable of so large a Crown; for great is the Reward of some there! My Lord, keep the kindly Sense of your Failings upon your Heart, that Christ may be as precious to you as to the Beggar that never was honoured to suffer for him. The Lord *Jehovah* be your Shield and exceeding great Reward; to him we commit you, and do submit; and we hope he shall give a good Account of all we have in Dependence before him. I am, &c.

The Marquis's
Letter to the
King that Day
he died.

This same Day, a little before his going out to the Place of Execution, the Marquis wrote and subscribed a Letter to the King, which, I persuade my self, the curious Reader will desire to have inserted here, and it is as follows.

Most Sacred Sovereign,

I doubt not but your Majesty hath an Account given you from others, of the Issue of that strange Process and Indictment laid against me, before this can come to your Royal Hands; of which if I had been guilty according to the Charge, I should have esteemed my self unworthy to breathe upon the Earth, much less would I have presumed to make any Application to your Majesty: But of all those great Crimes which have been charged upon me, there hath nothing been proven, except a Compliance with the prevalent usurping Rebels, after they had subdued all your Majesty's Dominions; whereby I was forced, with many others, to submit unto their unlawful Power and Government, which was an epidemick Disease, and Fault of the Time.

What Measure soever I have met with, and whatever Malice or Calumny hath been cast upon me, yet it is my inexpressible Joy and Comfort under all these Sufferings, that I am found free, and acquit of any Accession to that execrable Murder committed against the Life of your Royal Father, which (as I desire a comfortable Appearance before the Judge both of the Quick and the Dead) my Soul did ever abominate; for Death, with the inward Peace of my Innocency, is much more acceptable to me, than Life it self, with the least Stain of Treachery.

And now I am confident that your Majesty's Displeasure will be satisfied, and you will suffer my Failings to be expiate with my Life, which with all Humility and Submission I have yielded up; and in this small Period that remains of my Life, no earthly Thing shall be more cordially desired by me, than your Happiness; and that your Majesty and your Successors to all Generations, may sway the Sceptre of these Nations, and that they may be a blessed People under your Government.

And now hoping that the humble Supplication of your Majesty's dying Subject, may find some Place within the large Extent of your princely Goodness and Clemency, I have taken the Boldness to cast the desolate Condition of my poor Wife and Family upon your Royal Favour,

‘Favour; for whatever may be your Majesty’s Displeasure against my self, these, I hope, have not done any Thing to procure your Majesty’s Indignation. And since that Family have had the Honour to be faithful Subjects, and serviceable to your Royal Progenitors, I humbly beg my Faults may not extinguish the lasting Merit and Memory of those who have given so many signal Proofs of constant Loyalty for many Generations. Orphans and Widows, by special Prerogative and Command from God, are put under your Protection and Defence, that you suffer them not to be wronged: They will ow their Preservation so entirely to your Majesty’s Bounty and Favour, that your Countenance, and nothing else that’s human, can be a Shield against their Ruin.’

‘I shall add no more, only being addebted to severals of your Majesty’s good Subjects, and your Royal Justice being the Source and Fountain of all Equity, whereby all your People are preserved in their just Rights and Interests, I humbly beg, that none of them may suffer for my Fault, but that you would allow them Satisfaction and Payment of what is justly owing unto them, of those Sums and Debts which are truly resting to my Son and me. And as it is my serious and last Desire to my Children and Posterity, next to their Duty to Almighty God, that they may be faithful and serviceable to your Majesty; so, were I to enjoy this frail Life any longer, I would endeavour, before all the World, to evidence my self to be

From your Prison, *Edinburgh*,
May 27th, 1661.

Your Majesty’s most humble, devoted,
and obedient Subject, and Servant,

ARGYLE.

The Marquis had a sweet Time, as to his Soul, when he was in the Tolbooth, and this increased still, the nearer he was to his End. As he had slept most calmly and pleasantly his last Night, so in the Intervals of his necessary Business, he had much spiritual Conversation with Mr. *Hutcheson* and other Ministers upon *Munday* before Dinner. He dined with his Friends precisely at Twelve of the Clock, with the utmost Cheerfulness: And after he had retired some Time alone, when he opened the Door, Mr. *Hutcheson* said, ‘What Cheer, My Lord?’ He answered, Good Cheer, Sir, The Lord hath again confirmed, and said to me from Heaven, *Son, be of good Cheer, thy Sins are forgiven thee*; and he gushed out in Abundance of Tears of Joy, so that he drew back to the Window and wept there; from that he came to the Fire, and made as if he would stir it a little to cover his Concern, but all would not do, his Tears ran down his Face; so coming to Mr. *Hutcheson*, he said in a perfect Rapture, *I think his Kindness overcomes me, but God is good to me, that he lets not out too much of it here, for he knows I could not bear it: Get me my Cloke, and let us go.*

What passed before he went out to the Scaffold.

Then they told him the Clock was kept back since One, till the Bailies should come. He answered, They are far in the Wrong; and presently kneeled down and prayed before all present, in a most sweet and heavenly Manner, to the Ravishment of all there. As he ended Prayer, the Bailie sent up Notice to him to come down. Upon which he called for a Glass of Wine, and asked a Blessing upon it standing, and continuing in the same Frame; and said, *Now let us go, and GOD go with us.*

After he had taken his Leave of such in the Room, as were not to go to the Scaffold with him, when going towards the Door, he said, ‘I could die like a *Roman*, but choose rather to die as a *Christian*. Come away, Gentlemen, he that goes first goes cleanliest.’ When going down, he called Mr. *James Guthrie* to him, and embracing him in the most endearing Way, took his Farewel of him. Mr. *Guthrie* at Parting address’d the Marquis thus, ‘My Lord, God hath been with you, he is with you, and God will be with you; and such is my Respect for your Lordship, that if I were not under the Sentence of Death my self, I could cheerfully die for your Lordship.’ So they parted for a very short Season, in two or three Days to meet in a better Place.

The Marquis was accompanied to the Scaffold by divers Noblemen and Gentlemen; he was, and all with him, in Black, had his Cloke and Hat on as he went down the Street. He mounted the Scaffold with the greatest Serenity and Gravity, as one going to his Father’s House, saluted all who were on it: And then Mr. *Hutcheson* prayed; and next the Marquis delivered his Speech, which hath been many times printed, but deserves a Room in this Collection; and so ’tis added, *App. No. 19.*

What passed upon the Scaffold.

After this pertinent, pathetick, seasonable and affecting Speech, Mr. *James Hamilton* prayed. After him, my Lord prayed most sweetly himself; then he took his Leave of all his Friends on the Scaffold. He gave first to the Executioner a Napkin, and some Money in it. To his Sons in Law * *Cathness* and *Ker*, his Silver Watch and some other Things in his Pocket. He gave to *Lowdon* his silver Penner, to *Lothian* a double Ducate; and bowed round, and then threw off his Coat. When going to the Maiden, Mr. *Hutcheson* said, My Lord, hold now your Grip * *licker*. He answered, Mr. *Hutcheson*, you know what I said to you in the Chamber, I am not afraid to be surpris’d with Fear. The Laird of *Skelmorlie* took him by the Hand when near the Maiden, and found him most composed. His last Words before his Kneeling are added to his Speech.

App. No. 19.

* *Cathness*.

* *Fast*.

1661.

He kneeled down most cheerfully, and after he had prayed a little, he gave the Signal, which was the lifting up of his Hand, and the Instrument called the *Maiden* struck off his Head, which was affixed upon the West End of the Tolbooth, as a Monument of the Parliament's Injustice, and the Land's Misery. His Body was received by his Friends, and put into a Coffin, and carried away with a good many Attendants, through *Linlithgow* and *Falkirk*, to *Glasgow*, and thence with a numerous Company to *Kilpatrick*, where it was put in a Boat, and carried to *Dennue*, and buried in *Kilmunn* Church.

Remarks on
Mr. Eachard's
Account of the
Marquis of
Argyle.

It is scarce worth while here to take Notice of the ill-natured Account Mr. Archdeacon *Eachard* gives of the Marquis's Trial and Death in his History, Vol. III. p. 63. He is pleased to bespatter the Marquis's Defences, with the Character of *long* and *subtle*. How they could have been any shorter, and yet go through so great a Heap of Scandal, as lies charged against him in his tedious Indictment, I cannot see. Where the Subtilty of his Defences lies, needs to be explained, since in every Point that noble Person is most plain and home in his Answers, and insists upon evident Facts and Reasonings. This Writer seems to have glanced over the Marquis's Case, to pick out some of his Expressions, in order to expose him; had he duly pondered what he advances in his *Defences*, *Petitions* and *Speeches* in Print, and inclined to represent this great Man fairly, we should have had quite another State of this Affair than Mr. *Eachard* gives, from detached Sentences here and there culled out. How unjust will it appear to any unprejudiced Person to land the whole Stress of the Marquis's Defences upon the Indemnity 1641. when, if he had considered his Defences, he might have observed a Multitude of other Things after that Time advanced? He ought in Justice to have condescended upon the treasonable Actings, not fairly accounted for in the Defences, proven against him, and brought Proofs of the aggravating Expressions he talks of, had he acted the Part of an impartial Historian. Of a Piece with all this are the lame and unfair Hints from the Marquis's last Speech, which Mr. Archdeacon concludes with an idle Story, one at first Sight may observe to be childish and evidently false, *That the Marquistore his written Speech into six Parts, and gave it to six of his Friends.* No Body of Sense can give Credit to so foolish a Representation. Where Mr. *Eachard* has raked it up I cannot imagine, unless it be from some of the *scandalous Diurnals* writ about this Time. Undoubtedly such an Account as he has patched up of this great Man, must very much weaken his Reputation as an Historian in *Scots* Affairs.

However Mr. Archdeacon, in his *Appendix* to the Three Volumes of his History, printed after I had wrote what is above, does the Marquis's Memory the Justice, as to insert the following Letter or Declaration, written by the Hand of King *Charles II.* and signed with his Seal manual, communicated to him by his Grace the present Duke of *Argyle*.

King's Declaration in favours of the Marquis, September 24th, 1650.

Having taken into my Consideration the faithful Endeavours of the Marquis of *Argyle*, for restoring me to my just Rights, and the happy settling of my Dominions, I am desirous to let the World see, how sensible I am of his real Respect to me, by some particular Marks of my Favour to him, by which they may see the Trust and Confidence which I repose in him: And particularly I do promise, that I will make him Duke of *Argyle*, and Knight of the Garter, and one of the Gentlemen of my Bed-chamber; and this to be performed when he shall think it fit. And I do farther promise him, to hearken to his Counsels ————— (worn out) ————— when ever it shall please God to restore me to my just Rights in England, I shall see him paid the Forty thousand Pounds Sterling which is due to him. All which I do promise to make good upon the Word of a King.

St. Johnstown,
Septemb. 24. 1650.

CHARLES R.

His Character.

I have given the Narrative of this *Protomartyr* for Religion, since the Reformation from Popery, at greater Length than at once I designed, having the fullest Assurance of these Facts, and my Accounts of them from unquestionable Vouchers; and 'tis Pity they should not be known. His Character I dare not adventure to draw: Enemies themselves must allow the Marquis to have been a Person of extraordinary Piety, remarkable Wisdom and Prudence, great Gravity and Authority, and singular Usefulness. Tho' he had been much reproached, his Trial and Death did abundantly vindicate him. And as he was the great Promoter and Support of the covenanted Work of Reformation during his Life, and steadfast in witnessing to it at his Death, so it was much buried with him in the Grave for many Years.

Dead Warrant not signed against him, consequently his Death Murder.

After the Revolution, when the most accurate Search was made into the Procedure against the Marquis, I am well assured, that tho' indeed his Sentence was passed in Parliament, yet there was no Warrant given or signed for his Execution, commonly called the *Dead Warrant*, so great a Hastle were the Managers of this bloody Design in: And as his Sentence was against many former Laws and Statutes in *Scotland*, as well as against their Laws just now made; so the Execution was directly illegal and without Warrant, and consequently a *non habente potestatem*. And this excellent Person's Death, by the very Letter of our *Scots* Law, is Murder: So insatiate in their Thirst after Blood have some People been.

But I shall have done with this, when once I have observed, that so utterly unaccountable was this Procedure against the Marquis, that Sir *George Mackenzie*, who, among the last Things he did while in this World, wrote a Vindication of the Government in *Scotland* during King *Charles's* Reign; tho' he was every Way the ablest Advocate ever that Party had, yet is so far from adventuring to justify the Conduct against this noble Person, that he does not so much as name the Marquis or his Process. And tho' he was one of the Lawyers allowed to my Lord *Argyle*, this would not have hindred him afterwards to have advanced what would have softned that Matter, if he had had any thing to produce upon this Subject. Must not then the Party own that his Vindication, whereof they boast so much, is lame? But indeed that is not its worst Fault; I am well assured I shall, ere I have done, prove it false, as well as lame.

In short, upon searching the Parliament-registers, I find there is not one Word of this great Man's Process or Sentence in them: Tho' those took up a good many *Sederunts*, there is nothing in Record, when many Things of far less Import are there, as to the Marquis, Mr. *James Guthrie*, or the Lord *Waristoun's* Trial. Tho' Reasons of this may be easily guessed, indeed it was for the Reputation of this Parliament, that so foul Steps and black Processes should not be in their Books.

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Sir George Mackenzie himself does not vindicate what was done against the Marquis.

The Marquis's, Mr. Guthrie's, and Lord Waristoun's Processes left out in the Parliament-records.

S E C T. IV.

Of the Sufferings and Martyrdom of the Reverend Mr. James Guthrie Minister of the Gospel at Stirling, June 1. 1661.

SOME Account of the Beginnings of the Trouble this excellent and singular Person met with last Year, is already given in the first Chapter, where we left him in Prison at *Stirling*; and there he was, and at *Dundee*, till by Order of Parliament he came in Prisoner to *Edinburgh*. From first to last he was near Ten Months close Prisoner.

Mr. *James Guthrie* was Son to the Laird of *Guthrie*, a very ancient and honourable Family. He had taught Philosophy in the University of *St. Andrews*, where for a good many Years he gave abundant Proof that he was an excellent Philosopher, and exact Scholar. His Temper was very stayed and composed, he would reason upon the most critical Points with great Solidity, and when every one about him was warm, his Temper was never ruffled. At any Time, when indecent Heat or Wrangling happened to fall in in Reasoning, it was his ordinary to say, 'Enough of this, let us go to some other Subject, we are warm, and can dispute no longer with Advantage.' Perhaps he had the greatest Mixture of fervent Zeal and sweet Calmness in his Temper, as any Man in his Time.

Mr. Guthrie's Parentage and Temper.

I am well assured he was educate in Opposition to Presbyterian Government; perhaps it was this made the Writer of the *Diurnal*, no Friend of his, say, about the Time of his Trial, 'That if Mr. *James Guthrie* had continued fixed to his first Principles, he had been a Star of the first Magnitude in *Scotland*.' When he came to judge for himself, Mr. *Guthrie* happily departed from his first Principles, and upon Examination of the Way he had been educated in, left it, and was indeed a Star of the first Magnitude.

Episcopal in his Education.

He was, I am told, highly Prelatical in his Judgment when he came at first to *St. Andrews*; but by Conversation with Mr. *Samuel Rutherford* and others, and especially through his joining with the Weekly Societies there, for Prayer and Conference, he was entirely brought off from that Way.

Leaves those Sentiments.

Even while at that University he wanted not some Fore-notice of his After-sufferings for the Cause of Reformation, now heartily espoused by him. And the Year before the King's Return, when Minister at *Stirling*, he had very plain, and some Way publick Warnings of what afterward befel him: Those were carefully observed by him, and closely reflected upon. But I am not writing the History of this great Man's Life, otherwise I might narrate a good many very remarkable Providences concerning him, and say much as to many Steps of his Carriage, from his Entry into the Holy Office of the Ministry, untill this Time: Therefore I shall only take Notice of two pretty singular Passages which may help us a little into the Spring's Original, and Occasion of his Sufferings.

Had Warnings of his After-sufferings.

The Occasions of his present Persecution.

When the Commission of the General Assembly at *Perth*, came into the publick Resolutions we have heard of, *December 14. 1650.* Mr. *Guthrie* and Mr. *David Bennet* were Ministers of *Stirling*, and jointly with the rest of that Presbytery wrote a Letter to the Commission at their next Meeting, shewing their Dissatisfaction with the Resolutions; which was done likewise by many other Presbyteries. But it seems the two Ministers of *Stirling* went

Letter from the Presbytery of *Stirling*, against the Resolutions.

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some further, and preached against the publick Resolutions, as involving the Land in a Conjunction with the malignant Party.

Mrs. Guthrie
and Bennet write
for to Perth,
on that Ac-
count.

In February 1651. by a Letter to Mrs. Guthrie and Bennet, the Chancellor ordered them to repair to Perth, and answer before the King and Committee of Estates for their Letter to the Commission, and their Doctrine. The Two Ministers sent an Answer to his Lordship, excusing their not coming to Perth that Week, and promising to come the next. The curious Reader will desire probably to see it, and it follows.

Right Honourable,

Their Letter to
the Chancellor.

WE did this Afternoon receive from the King's Majesty, and Committee of Estates, a Letter desiring and requiring us to repair to Perth, against the 19th of this Instant, for the Effect therein specified; and albeit the Diet assigned to us be very short, yet should we have striven to keep that Day, if one of us had not been under so great Weakness of Body at this Time, as that he hath come little abroad in the Congregation where we serve, these Ten Days past: Therefore we intreat so much Favour of your Lordship, as to signify to the King's Majesty, and the Committee of Estates, that it is not from any Disrespect to their Letter, or from any Purpose to disobey their Commands, that we did not immediately, upon the Receipt of their Advertisement, hasten to wait upon whatsoever they had to signify to us, but merely upon the Ground we have already represented unto your Lordship; and you will be pleased withal to shew them, that if the Lord shall please to give any probable Measure of Strength to him who hath been infirm those Days past, that both of us shall attend at Perth towards the End of this Week; or if he shall not be able to travel, that the other of us shall come with the Mind of both. We commend your Lordship to God, and continue,

Your affectionate Servants,

Mr. JAMES GUTHRIE.
Mr. DAVID BENNET.

Accordingly, February 22^d, I find the Ministers of Stirling appearing at Perth, where they give in the following Paper signed, to the Committee, which, with what followed upon it, being much insisted upon in Mr. Guthrie's Trial, I shall here insert.

PROTESTATION of the Ministers of Stirling, February 22^d, 1651.

Their Protestation
given into
the Committee
of Estates,
Perth, February
22^d, 1651.

WHEREAS the King's Majesty and your Lordships have been pleased, upon a Narrative relating to our Doctrine and Ministerial Duties, to desire and require us to repair to this Place against the 19th of this Instant, that, after hearing of us, such a Course might be taken as shall be found most necessary for the Good and Safety of the Place where we serve in the Ministry: Therefore conceiving the Judicatories of the Church to be the only proper Judges of our Doctrine, and Carriage in those Things that concern our Ministerial Calling, as we do, from the Respect we ow to the King's Majesty and your Lordships Authority, compear before you, being desirous to hear what is to be said to us, and ready to answer thereunto; so we humbly protest, that it is with Preservation of the Liberties and Privileges of the Church of Scotland, and of the Servants of Jesus Christ, in those Things that do relate to their Doctrine, and the Duties of their Ministerial Function. And tho' we be most willing in all Things to render a Reason to those who ask us of our Faith; and in a more special Way to the King's Majesty, and your Lordships, a Reason of our writing to the Commission of the General Assembly, a Letter containing the Grounds of our Stumbling at the present Resolutions of Kirk and State, in order to a Levy, and of our preaching against these Resolutions, as involving a Conjunction with the malignant Party in the Land, which we hold to be contrary to the Word of God, and the Solemn League and Covenant, and to our solemn Vows and Engagements, and to the constant Tenor of the Declarations, Warnings, Remonstrances, Causes of Humiliations, and Resolutions of this Kirk these Years past, and to be destructive to the Covenant and Cause of God, and scandalous and offensive to the godly, and an high provoking of the Eyes of the Lord's Glory, and of our protesting against and appealing from the Desire and Charge of the Commission of the General Assembly in this Particular, and of our persisting to preach the same Doctrine still; yet that our compearing before the King's Majesty and your Lordships, doth not at all import any Acknowledgment in us, that his Majesty and your Lordships are the proper Judges of those Things. And this our Protestation we make, not from any Disrespect to the King's Majesty or your Lordships Authority, nor from any Purpose to decline or disobey the same in any Thing Civil, but from the tender Regard which we have and ow unto the Liberties and Privileges of the Church of Jesus Christ, which both the King's Majesty, and your Lordships, and we are in so solemn Way bound to maintain and preserve inviolable. We do acknowledge the King's Majesty and your Lordships are the lawful Civil Power and Authority in the Land,

to

to whom we ow, and shall be most willing and ready to yield Obedience in all Things, which the King and your Lordships shall command, according to the Will of God; or if in any Thing his or your Commands to us shall fall out to be contrary to that Rule, we shall patiently, in the Lord's Strength, submit our selves to any Civil Censure and Punishment inflicted upon us because of our denying Obedience to the same.'

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JAMES GUTHRIE.
DAVID BENNET.

Perth, February 22^d, 1651.

What passed in the Committee, upon their giving in this Paper, I have seen no particular Accounts of, and only from the Ministers following Paper observe, that by a Second Letter the Matter was delayed for some Days, and put off till the King's Return from *Aberdeen*; and in the mean Time the Two Ministers were confined to *Perth* and *Dundee*, whereupon they offered a Second Paper, *February 28th*, which was read, and the Tenor of it follows.

The Matter delayed, and the Ministers confined.

Ministers of Stirling their second Protestation.

WHEREAS the King's Majesty and your Lordships have been pleased, upon a Narrative relating to our Doctrine and Ministerial Duties, to desire and require us to repair to this Place, against a certain Day contained in your Letter, viz. the 19th of *February*; in answer whereunto we excused our selves, that we could not so precisely come hither, because of bodily Indisposition of the one of us, known to be of Verity, promising withal to wait on his Majesty and your Lordships so soon as the Lord shall remove the Necessity of our Delay; and in case of the not Removal thereof, the other should come towards the End of that Week, with the Mind of both: And we accordingly appearing before your Lordships, did shew how willing we were to hear what was to be said unto us, and to answer thereunto, as is contained in our Protestation and Declaration, formerly given in to your Lordships thereanent: Yet, nevertheless in the Interval of Time betwixt his Majesty's and your Lordships Receipt and Reading of our humble Excuse, and Appearance before your Lordships, it hath pleased his Majesty and the Committee of Estates, not only to require us to come again to this Place, which upon the first Letter we have been careful to do with all possible Diligence; but also to ordain that we should stay here, or at *Dundee*, till his Majesty's Return from *Aberdeen*, that, in a full Meeting of the Committee, such Course might be taken as might be found most conducing for the Safety of that Place where we serve in the Ministry, as his Majesty and your Lordships Second Letter, of the Date *February 20th, 1651.* bears. Which Letter, albeit it came not to our Hands before the Time of our appearing before your Lordships, and was then delivered and communicated to us; yet in Relation thereunto, we have likewise offered to your Lordships, Assurance that we should return hither against his Majesty's coming back from *Aberdeen*; until which Time his Majesty and your Lordships Letter did continue and delay the Business; as also was declared by your Lordships at our Appearance before you: Notwithstanding whereof your Lordships have not been pleased to accept of any such Assurance, nor to allow us your Liberty to repair to our Charges till that Time. And albeit this seems strange to us, especially in a Matter of our Ministerial Function, and yet in Dependence, between the Church-judicatories and us, undecided; nevertheless, that we even should not so much as seem in any wise to irritate, yea, that Offence be not in any wise taken by any, especially by the Civil Magistrate, do resolve, for preventing of Mistakes, and testifying our Respect to Civil Authority, to endeavour to satisfy such an Appointment so far as we can, without Prejudice to our Conscience, and the Liberties of our Ministry, and the solemn Bonds and Obligations that ly upon us to preach the Gospel in the Stations where God set us, adhering always to our former Declaration and Protestation. Likeas, we do now protest, that we do not hereby acknowledge his Majesty and your Lordships to be competent Judges to Prebyterial Acts and Letters, or our Ministerial Function, or Preaching, or any Part thereof, which are the Subject Matter of your Lordships Letter, Requisition and Ordinance; because that they are Ecclesiastical, and belong to Ecclesiastical Assemblies, as the only proper Judges thereof; and because neither the Presbytery of *Stirling*, who are the proper Authors of the foresaid Letter, which is the first Ground of the foresaid Requisition and Ordinance, nor have we been convened therefore before any Ecclesiastick Judicatory, neither were ever convened or convicted for Breach of any Ecclesiastical Act in the Premises; and so there has proceeded no antecedent Sentence of the said Judicatories, finding that we have violated any Act of the Church, in preaching against the present Way of Levy, or that we have ill or unwarrantably appealed from the Commission of the General Assembly their Desire and Charge to us in that Particular. And also we humbly protest, that there be reserved to us all Remedy competent of the Law, against the Injury we suffer by being thus convened and confined by a Civil Judicatory, and having your Liberty refused to us to return to our Charges, notwithstanding of Assurance offered to attend at the Time to which our Business is continued; seeing this Procedure is

Their Second Protestation, February 28.

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‘ contrary, not only to Divine Law, the Word of God, the Covenant, and solemn Engagements unto the Acts of our Church; but also to the Acts of Parliament, and Laws of this Kingdom, and established Rights, Privileges, and Liberties of the Judicatories of the Kirk. And upon Supposal that his Majesty and your Lordships were competent Judges of these Things, which we do not acknowledge, but protest against, for the Reasons contained in this and our former Protestation, and for many other Reasons of that Kind; yet the Hearing of Parties before Judgment passed upon them, being a Part of that native Liberty that is due to all Men, who do not by their wilful Absence from, and Contempt of the Judicatory, forfeit the same, as being founded on the Light of Nature, common Equity, and Reason, and agreeable to the Word of God, and Laws of all Nations; and the King’s Majesty and your Lordships having, in your first Letter to us, propounded that Method of proceeding with us: Notwithstanding thereof, and our undertaking to compare in competent Time, his Majesty and your Lordships have, without hearing us, past such a Judgment in Reference to us; therefore we also protest against such Method of Procedure, as being contrary to that Liberty which is due to us, and which we may justly challenge as Subjects, and which his Majesty and your Lordships are bound by the Light of Nature, Law of God, the Covenant, and Laws of the Land, to maintain and preserve inviolable. And albeit we do not resolve, upon any light Consideration, to depart from this Place, or from Dundee, where his Majesty and your Lordships have commanded us to stay till his Majesty’s Return from Aberdeen, but for preventing of Mistakes, and testifying our Respects to Civil Authority, to endeavour, as we have already declared, to satisfy such an Appointment, so far as we can, without Prejudice to our Consciences, the Liberty of our Ministry, and the solemn Bonds and Obligations upon us to preach the Gospel in the Stations wherein God hath set us: Yet do we protest, that our Staying here, or at Dundee, may not be esteemed or interpreted an Acknowledgment of the Ordinance in Reference to our Stay; but that notwithstanding thereof, it is still free for us to make Use of all these Privileges and Liberties which are due to us as Ministers of Jesus Christ, in as free a Way in Time coming, as we might have done before our comparing before your Lordships, or having any such Ordinance intimate to us.’

Perth, February

28. 1651.

JAMES GUTHRIE.

DAVID BENNET.

The two Ministers are soon dismissed.

Mr. Guthrie’s Loyalty.

Those Protestations are so fully spoken to, and the Arguments the Authors of them had in their Defence, set down in Mr. Guthrie’s first Speech before the Parliament, afterwards to be insert, that I shall say nothing of them here. I can give no further Account of the Procedure of the Committee of Estates in this Affair, save that the King and they thought fit to dismiss the two Ministers, and to go no further on in this Matter. Yet now Ten Years after, this is trumped up, and made a principal Article of Mr. Guthrie’s Indictment, after he had suffered not a little for his Loyalty to the King. I have it from good Hands, that Mr. Guthrie defended the King’s Right in a publick Debate with Hugh Peters, Oliver’s Chaplain, and from the Pulpit he asserted the King’s Title, in the Hearing of the English Officers: But now all this must be forgot, and give way to a personal Pique Middleton had against him; which brings me

Another Spring of his Prosecution.

The King’s Project of joining the Malignants in the North, headed by Middleton.

To the other Passage relative to Mr. Guthrie, which I promised, and it lets us in to the real Spring of the hard Measure this excellent Man met with.

By improving of an Affront the King met with in the Year 1650. some Malignants, as then they were termed, prevailed so to heighten his Majesty’s Fears of evil Designs against him by some about him, that a Correspondence with the Malignants, Papists, and such who were disaffected to the Covenant in the North, was set on Foot. Matters were brought in a little Time to such a Pass, as a considerable Number of Noblemen, Gentlemen, and others, were to rise and form themselves into an Army, under Middleton’s Command; and the King was to cast himself to their Arms and Management. Accordingly the King, upon a sudden, with a few in his Company, as if he had been going to the Hunting, left his fastest Friends, cross’d Tay, and came into Angus, where he was to have met with those People. The Circumstances of this Story are to be had in the Historians of that Time.

It is disappointed.

But the King soon found himself disappointed, and came back to the Committee of Estates, where indeed his Strength and Safety lay. Mean while several, who had been upon the Plot of engaging his Majesty to go and head the North, fearing Punishment, got together under Middleton’s Command. General Lesly marched against them, and the King wrote to them most earnestly to lay down their Arms, and the Committee of Estates send an Indemnity to such as should submit.

The Commission of the General Assembly excommunicate Middleton, and Mr. Guthrie intimates the Sentence.

While the State are thus dealing with them, the Commission of the Assembly were not wanting to shew their Zeal for the King, against such who ventured to disturb the publick Peace. And it is said, Mr. James Guthrie there proposed *summar Excommunication*, as a Censure Middleton deserved, and as what he took to be a reasonable Testimony from the Church

Church at this Juncture. This highest Sentence was carried in the Commission by a Plurality of Votes, and Mr. Guthrie is appointed the very next Sabbath, and accordingly did pronounce that Censure upon *Middleton* in the Church of *Stirling*.

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When the Committee of Estates had agreed, not without some Debate, to an Indemnity to *Middleton*, and had Hope to get Matters some way compromised in the North, there was One sent express to *Stirling*, with Accounts how Things stood, and a Letter desiring Mr. Guthrie to forbear the Intimation of the Commission's Sentence. I am told, this Letter came to Mr. Guthrie, just when going into the Pulpit, and he did not open it till the Work was over; and tho' he had opened it, it may be doubted, if he would have ventured to delay the Execution of the Sentence of the Commission, which he was obliged to pronounce, and could not cut and carve in, upon a private Missive to himself. Thus the Sentence was inflicted, and it was believed *Middleton* never forgot nor forgave what Mr. Guthrie did that Day; tho' I find the Commission of the Church, *January 3^d, 1651.* at their next Meeting, did relax *Middleton* from that Censure, and laid it upon a far better Man, Colonel *Strachan*. However after this, *Middleton* conceived such Prejudice against Mr. Guthrie, as abundantly discovered it self in his Trial before the Session of Parliament.

Notwithstanding he was privately desired not to pronounce Sentence.

So, *January* or *February 1661.* Mr. Guthrie was brought to *Edinburgh*, and had his Indictment given him by the King's Advocate for High Treason. 'Tis Pity we have not this Case in Print, as well as that of his Fellow-martyr the Marquis. I have not seen his Indictment at large, nor the Answers formed by his Lawyers; among whom Sir *John Nisbet* was one: Had we those, I doubt not but the Iniquity and Injustice of his severe Sentence would fully appear. To retrieve the Want of those, I shall put together what Hints I have met with as to his Trial, and give his own excellent Speeches before the Parliament, hitherto not published for what I know; and from those the State of his Process will pretty clearly appear.

Mr. Guthrie brought in to *Edinburgh*, and receives his Indictment *February* this Year.

February 20th, he was first before the Parliament. The Chancellor told him he was called before them, to answer to the Charge of *High Treason*, a Copy whereof he had received; and the Lord Advocate proposed his Indictment might be read, which the House went into. The Heads of his Dittay were,

Appears before the Parliament *February 20th.*

' His contriving, consenting to, and exhibiting before the Committee of Estates, the Paper called, *The Western Remonstrance*. His contriving, writing and publishing that abominable Pamphlet called, *The Causes of GOD's Wrath*. His contriving, writing and subscribing to the Paper called, *The humble Petition*, of the 23^d of *August* last, when he was apprehended. His convocating of the King's Lieges at several Times, without Warrant or Authority, to the Disturbance of the Peace of the State and of the Church. His declaring His Majesty, by his Appeal and Protestation, incapable to be Judge over him, which he presented at *Perth*: And some treasonable Expressions he was alledged to have uttered in a Meeting 1650 or 1651.'

Heads of his Indictment.
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His Indictment being read, he had an excellent Speech to the Parliament. It is considerably long; but containing the best and almost the only Account I can give of his Case, I have chosen rather to put it here than in the *Appendix*.

My Lord Chancellor,

' I Being indicted at the Instance of Sir *John Fletcher*, His Majesty's Advocate, for His Majesty's Interest, upon Things alledged to be seditious and treasonable, I humbly desire, and from your Equity expect, that my Lord Commissioner his Grace will patiently and without Interruption hear me, as to a few Things which I have to say for my self, in Answer to that Indictment: And that I may proceed therein distinctly, following the Order of the Indictment it self, I shall speak first a Word to the Laws that are mentioned and acted, whereby I am to be judged; then to the Things whereof I am accused concerning those Laws.'

His Speech at Reading of his Indictment.

' I am glad that the Law of GOD is named in the first Place; it being indeed the supreme Law, not only of Religion, but also of Righteousness, to which all other Laws ought to be squared and subordinate; and there being an Act of the 1st Parl. King *James VI.* whereby all Clauses of Laws or Acts of Parliament, repugnant to the Word of GOD, are repealed, an Act most worthy of a Christian King and Kingdom, I hope your Lordships, in all your Proceedings, will give most Respect to this, that I may be judged by the Law of God especially, and by other Laws in Subordination thereunto.'

Observations upon the Laws cited against him.

' As to those Laws and Acts of Parliament, mentioned in the Indictment, concerning his Majesty's Royal Prerogative, and declining his Majesty's Judgment and Authority, and keeping of Conventions; I hope it will not be denied that they are to be understood according to the Sense and Meaning that is given thereof by posterior Acts of Parliament, it being a Maxim in Law, no less true than equitable, That when there is any seeming or real Contradiction betwixt Laws, *Posteriora derogant prioribus*; otherwise Laws, instead of being Preservatives to States and Commonwealths, might prove Nets to entangle the Lives, Reputations and Estates of the Subjects: And it must also be granted, that Laws and Acts of Parliament are to be understood and expounded by our solemn publick Vows and Covenants,

' contracted

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'contracted with GOD by His Majesty and Subjects, which are not only declared by the Laws of the Land, to have the Strength of Acts of Parliament, but both by the Law of GOD, and common Law, and Light of all the Nations in the World, are more binding and indispenfable than any Municipal Law and Statute whatsoever.'

'As to those Acts of Parliament that are cited against scandalous, slanderous, and untrue Speeches, to the Disdain, Contempt, and Reproach of his Majesty's Authority; I think I need not say, that none, much less his Majesty's Commissioner, and this honourable Court of Parliament, does understand them of Truths pronounced in Sobriety, by those who have a lawful Call thereunto; and that those Acts which speak against the meddling in the Affairs of his Majesty and State, are not to be understood of such Meddling as Men are bound unto by Virtue of their Calling, and wherein they do not transgress the Bounds of it.'

Upon the
Facts where-
with he is
charged.

'The next Thing I shall speak to, are the Particulars wherewith I am charged, concerning which I shall give your Lordships a true and ingenuous Account of my Accession thereunto, knowing that I stand in the Sight of him who sits in the Assembly of the Gods. Next, I shall be bold to offer to your Lordships some Defences for vindicating my Carriage from the Breach of his Majesty's Laws, and exempting me from the Punishment appointed there-
by.'

'As to the Matters of Fact I am charged with in the Indictment, I am first charged in general, of being culpable of sundry seditious and treasonable Remonstrances, Declarations, Positions, Instructions, Letters, Preachings, Declamations. To which I say, That *generalia non pungunt*, they can have no Strength in the inferring of a Crime or Guilt, except in so far as they are instanced in Particulars; but are like to those *universalia* which have no Foundation *in re*, mere Chimera's or Notions.'

His Adherence
to the King's
Interest:

'Only one Thing there is in that general Charge, that I cannot, and ought not to pass, to wit, That I have seditiously and traiterously purposed the *eradicating and subverting of the fundamental Government of this His Majesty's ancient Kingdom, at least the enervating, or violating, or impairing of his Authority, &c.* Concerning which I am bold to say, It is an unjust Charge; there was never any such Purpose or Design in my Heart: And since I am thus charged, I may without Vanity, or Breach of the Law of Sobriety, affirm, That as I had never any Compliance with the Counsels or Designs of the late usurping Powers, against his Majesty's Royal Father, or Himself, or against his Kingdom, or the ancient Government thereof, or of the Kingdoms of *England* or *Ireland*; so was there no Part of their ungodly or unjust Actings, but I did, in my Station and Calling, bear open and publick Testimony against the same, both by Word and Writ; which is a Thing better known and manifest than that I can be liable to Suspicion therein, many of these Testimonies being given before many, and many of them being extant to the World, and such as will be extant to Posterity.'

And Sufferings
therefore under
the Usurpation.

'My Lord, albeit it does become me to adore God in the Holiness and Wisdom of his Dispensations, yet I can hardly refrain from expressing some Grief of Spirit, that my House and Family should not only be so many Months together cessed by a Number of *English* Soldiers, and my self kept from the Pulpit for preaching and speaking against the *Tender*, and incorporating this Nation in one Commonwealth with *England*; and that I should thereafter, in Time of *Oliver Cromwel* his usurping the Government to himself under the Name of *Protector*, being delated by some, and challenged by sundry of his Counsel in this Nation, for a Paper published by me, wherein he was declared to be an Usurper, and his Government to be Usurpation; that I should have been threatned to have been sent to the Court for writing a Paper against *Oliver Cromwel* his usurping the Crown of these Kingdoms; that I should have been threatned with Banishment for concurring in offering a large Testimony against the Evil of the Times, to *Richard Cromwel* his Council, immediately after his usurping the Government; I say, My Lord, it grieves me, that, notwithstanding of all those Things, I should now stand indicted before your Lordships, as intending the eradicating and subverting of the ancient Civil Government of this Nation, and being subservient to that Usurper in his Designs. The God of Heaven knows that I am free of this Charge; and I do defie all the World, allowing me Justice and fair Proceeding, which I hope your Lordships will, to make out the same against me.'

Of his Share in
the Remon-
strance.

'The first Particular wherewith I am charged in the Indictment, is, *That I did compile and draw up a Paper*, commonly called, *The Remonstrance*, and presented it, or caused it to be presented to his Majesty and Committee of Estates, *October 22. 1650.* To which I answer, by denying that Part of the Indictment. I never did compile or contrive that *Remonstrance*, nor did I present it, or cause it to be presented to the Committee of Estates; then, or at any other Time. I indeed being a Member of the Commission of the General Assembly, when they gave their Judgment upon it, did dissent from the Sentence which they passed upon it, which cannot be reckoned any culpable Accession thereunto, every Man being free, without Hazard or Punishment, and bound in Conscience, as before God, to give his Judgment freely in the Judicatory whereof he is a Member. If it be alledged that I did after-

'wards

words abet the same in the Book of *The Causes of God's Wrath*, in the 6th Book, in the 9th Article thereof, by asserting the rejecting of the Discovery of the Guiltiness contained therein to have been a Sin. It is answered, 1st, That it was no more than the asserting of my former Dissent. 2^{dly}, That it was no more upon the Matter, than was acknowledged and asserted by the whole Commission of the General Assembly, when they passed Sentence upon it; in which Sentence it is acknowledged, that it did contain many sad Truths which yet were not received, nor any effectual Remedy endeavoured for the helping the Evils represented thereby. 3^{dly}, It cannot be accounted culpable in a Minister of the Gospel, who is thereunto bound by Virtue of his Calling, to assert the rejecting of the Discovery of Guiltiness to be a Sin.

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The next Particular I am charged with, is the Book of *The Causes of God's Wrath*, especially the Fifth and Sixth Articles thereof, which are Particulars, I believe, upon the Looking thereof, will not be found to contain any just Matter of Accusation, much less Matter of Sedition and Treason; there being nothing mentioned therein, but the Discovery of the Sin of Covetousness, and Abuse of the publick Faith of the Land in borrowing Money. But because I did apprehend it was the 5th or 6th Step of the 9th Article was intended by my Lord Advocate, I humbly profess to your Lordships and this honourable Court of Parliament, that I am very unwillingly drawn forth to speak of those Things, and shall only say, 1. That, the God of Heaven is Witness, my Accession thereunto did not flow from any Disrespect unto, or Dissatisfaction with his Majesty's Person or Government, much less from any malicious Purpose to render him odious to the World or to his Subjects, or to give Advantage to his Enemies and the Enemies of these Kingdoms, or from any Purpose in any Thing to be subservient to the Designs or Actings of the late usurping Powers; but merely and singly from a constraining Power of Conscience, to be found faithful, as a Minister of the Gospel, in the discovering of Sin and Guiltiness, that it being taken with, and repented of, Wrath might be taken away from the House of the King, and from these Kingdoms. Your Lordship knows what Charge is laid upon the Ministers of the Gospel to give faithful Warning to all Sorts of Persons, and how they expose their own Souls to the Hazard of eternal Damnation, and the Guilt of the Blood of those with whom they have to do, if they do not this; and you do also know that the Prophets and Apostles of our Lord Jesus Christ himself, did faithfully warn all Men, tho' it was their Lot, because of the same, to be reckoned Traitors and seditious Persons, and to suffer as evil Doers on the Account thereof. Next, My Lord, I wish it may be seriously pondred, that nothing is asserted in these Causes as Matter of Sin and Duty, but what hath been the common received Doctrine of the Church of Scotland, as may appear from the Records of the Work of Reformation from Popery, from the *National Covenant*, and *Solemn League and Covenant*, and the publick Declarations and Acts of this Church and Kingdom, concerning the necessary Security of Religion; the Truth of which Doctrine is confirmed from the Word of God, and Divine Reason, in those publick Papers themselves; and as to Matters of Fact, they are no other than are mentioned in the solemn publick Causes of Humiliation condescended upon, and kept by the whole Church joyntly, and his Majesty and Family, with the Commission of the General Assembly, and Committee of Estates, before his Coronation at Perth. As to the 6th Step, there is nothing therein mentioned but what is Truth; all the Particulars therein mentioned, even the Remonstrance itself, containing some Discovery of known and undeniable Sins and Guiltiness, the rejecting whereof behoved to be a Sin, and therefore the asserting of it cannot be Sedition and Treason.

Of his Hand in
The Causes of
God's Wrath.

1.

2.

The Third Particular wherewith I am charged, is the *Supplication at Edinburgh, August 23^d*, to which I acknowledge my Accession, but deny it to be treasonable or seditious; because, besides the former Vindication of my former Carriage and Actings from the Compliances with the late usurping Powers, and a humble Profession of the Subjection, Loyalty, and Obedience which I ow to his Majesty, of my Resolutions to render the same unto him as the supreme and rightful Magistrate over these Kingdoms, and some serious Prayers and Supplications for his Majesty, it doth contain nothing but a humble Petition concerning those Things, to which his Majesty, and all the Subjects of this Kingdom, are engaged by the solemn and indispensable Oath of the *Covenant*, with a sober and serious Representation of the Danger that threatens Religion, and of those Things that are destructive unto the Duties contained in those Articles of the *Covenant*; and being established by Law, and confirmed by the publick Oath of God, which is more than a Law, a humble Petition and Representation, concerning those Things, cannot be accounted Sedition, or treasonable. The Indictment is pleased to say, That I charged his Majesty with Dissimulation and Perjury; but there is no such Thing in the Supplication, which doth only put him in Remembrance of holding fast the Oaths of the *Covenant*.

His Share in
the Supplication,
August 1660.

As to what is alledged against the Lawfulness of our Meeting; It was Presbyterially resolved that I should keep that Meeting; and suppose that had not been, yet that Meeting cannot fall within those Acts of Parliament that strike against unlawful Conventions; because every Meeting for Business, in it self lawful, is agreeable to the Word of God and Laws of the

Lawfulness of
their Meeting
at that Time.

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the Land, and when kept without Tumult and Multitude, such as that was, needs no particular Warrant from Authority; as may be instructed from several other Meetings up and down the Land every Day, for several Sorts of Business. Are there not some Meetings kept by Persons of all Sorts in all the Parts of the Country, in Reference to Application to Judicatories, and the supreme Magistrate, for Civil Interest and Right? and if so, how much more may Ministers meet for the supplicating his Majesty for the Interests and Rights of *Jesus Christ*, keeping themselves for the Matter of their Supplication within the Bounds of the *Covenant*, and of those Things which are established by Law? Yea, such Meetings are clearly exempted from the Breach of those Acts of Parliament by a posterior Act of Parliament, *viz.* Act 29. Parl. 2. *Charles I.*

Of his declining the King's Authority.

As to the last Particular of the Indictment, *to wit, my declining of his Majesty's Authority*; I acknowledge I did decline the Civil Magistrate as a competent Judge of Ministers Doctrine in the first Instance. His Authority in all Things Civil, I do with all my Heart acknowledge, and that according to the Confession of Faith in this Church; and that the Conservation and Purgation of Religion belongs to him as Civil Magistrate, and that Ecclesiastical Persons are not exempted from Obedience to Civil Authority and the Commands thereof, nor from Punishment in case of their Transgression: But that the declining of the Civil Magistrate his being Judge of Ministers Doctrine in the first Instance, may appear not Treason and Sedition, but lawful and warrantable, I do humbly offer.

1. Its Warrantableness evinced.

1. That such Declinatures are agreeable to the Rule of God's Word, and to the Confession of Faith, and Doctrine of this Church, confirmed and ratified in Parliament by many several Acts, and therefore have the Strength both of Divine and human Laws. That they are agreeable to God's Word is evident from this, that the Scriptures do clearly hold forth that Christ hath a visible Kingdom which he exercises in or over his visible Members by his spiritual Officers, which is wholly distinct from the Civil Power and Government of the World, and not depending upon, or subordinate to those Governments and the Acts thereof. *John 18. 36, 37. Matth. 16. 19. John 20. 23.* That they are agreeable to the Confession of Faith and Doctrine of this Church is evident, because those do acknowledge no Head over the visible Church of Christ but himself, nor any Judgment or Power in or over his Church, but that which he hath committed to the spiritual Office-bearers thereof under himself: And therefore it hath been the ordinary Practice of this Kirk, in such Cases, to use such Declinatures, since the Time of the Reformation from Popery; as may appear from many clear, undeniable and approved Instances, extant in the Acts of the General Assembly, and Records of this Church, particularly those of Mr. *David Black*, 1596. which was owned and subscribed by 3 or 400 Ministers, besides sundry others which are well known. And I believe, My Lord, this is not only the Doctrine of the Church of *Scotland*, but of many sound Protestant Divines who give unto *Cesar* the Things that are *Cesar's*, and to God the Things that are God's.

2.

2. Such Declinatures are agreeable to, and founded upon the National Covenant, and *Solemn League and Covenant*, by which the King's Majesty himself, and all the Subjects of this Kingdom, are bound to maintain the Doctrine, Worship, Discipline, and Government of this Church, with solemn Vows and publick Oaths of God; which hath always in all Kingdoms, States, and Republicks, been accounted more sacred and binding than any Municipal Law or Statute whatsoever; and being posterior to the Act of Parliament 1584. do necessarily include a repealing of it.

Upon these Grounds it is that I gave in, and do assert that Declinature for vindicating the Crown, Dignity, and Royal Prerogative of *Jesus Christ*, who is King of Kings, and Lord of Lords; but with all due Respect to his Majesty, his Greatness and Authority.

Remarks upon the Act of Parliament 1584.

As to that Act of Parliament 1584. it was made in a Time wherein the settled Government of this Church by Presbyteries and Synods was wholly overturned, and their Actings utterly discharged, and the Depositions of Ministers, and Things properly Spiritual and Ecclesiastical, put into the Hand of the Civil Magistrate. Further I do assert, That that Act, in so far as concerns *Decliners*, hath, since the making thereof, been often repealed and rescinded, and stands repealed and rescinded now at the down sitting of this Parliament.

It was reversed and annulled by a posterior Act, 1592. *viz.* 1 Act, 12 Parl. *James VI.* in the last Section of which it is expressly declared, 'That that Act, 1584. shall no ways be prejudicial, nor derogate any Thing from the Privilege God hath given the Spiritual Officers in the Church, concerning Heads of Religion, Matters of Heresy, Collation, or Deposition of Ministers, or any such like essential Censure, especially grounded upon, and having Warrant from the Word of God.' But so it is, that the Freedom and Independence of the Spiritual Office-bearers of the Church of God, in Things Ecclesiastick that concern their Calling, is a special Privilege, and a special Head of Religion; and that the free Discovery of the Sins of all Persons, by Ministers, in their Doctrine from the Word of God, is an essential Censure, grounded upon, and having Warrant from the Word of God.

And

‘ And accordingly King *James VI. Anno 1585.* considering the great Offence given and taken by that Act 1584. did, for removing thereof, send a Declaration penned and signed with his own Hand, to the Commissioners of the Kirk of Scotland at *Linlithgow, December 7.* which, he saith, shall be as good and valid as any Act of Parliament whatsoever; in which Declaration he hath these Words. ‘ I for my Part shall never, neither ought my Posterity ever summon or apprehend any Pastor or Teacher, for Matters of Doctrine, Religion, Salvation, Heresy, or true Interpretation of the Scripture : But according to my first Act, which occasions the Liberty of the Preaching the Word, Administration of the Sacrament, I avow the same to be a Matter merely Ecclesiastical, and altogether inexpedient to my Calling; and therefore shall not, nor ever ought they, I mean my Posterity, claim any Power or Jurisdiction in the foresaids.’

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King's Declaration,
7. 1585.

‘ It is also to be considered, That that Act 1584. is also repealed by the 4th Act, Parl. 2. *Charles I.* which reckons it among the Evils that had fore troubled the Peace of Kirk and Kingdom, that the Power of the Keys and Kirk-censures was given to Persons merely Civil; and therefore doth provide, that for Preservation of Religion, and preventing of such Evils in Time coming, General Assemblies rightly constitute, as the proper and competent Judge of all Matters Ecclesiastical, hereafter be kept yearly, and oftner *pro re nata*, as Occasion and Necessity shall require.’

‘ The same Act 1584. is also repealed by the 6th Act, Parl. 2. *Charles I.* called the *Act Rescissory*, which expressly provides and declares, ‘ That the sole and only Power of Jurisdiction within this Church, stands in the Church of God, as it is now reformed, and in the General, Provincial, and Presbyterial Assemblies, with Kirk-sessions established by that Act of Parliament, *June 1592.*’ Which Act is expressly revived and renewed in the whole Heads, Points and Articles thereof, in the foresaid *Act Rescissory*, and is appointed to stand in full Strength, as a perpetual Law in all Times coming, notwithstanding of whatsoever Acts and Statutes made in contrar thereof, in Whole or in Part, which the Estates, by that Act Rescissory, casses and annuls all and whatsoever Acts of Parliament, Laws, or Constitutions, in so far as they derogate, and are prejudicial to the Nature, Jurisdiction, Discipline, and Privileges of this Kirk.’

‘ By all which it is evident, that not only that Act 1584. but also the 1 Act, Parl. 18. *James VI.* and the 3 Act, Parl. 1. *Charles I.* which ratify and establish the *Royal Prerogative over all Estates, Persons, and Causes* within this Kingdom, is declared to be of no Force, in so far as the same may be extended, to make the *supreme Magistrate* the competent and proper Judge of Matters Spiritual and Ecclesiastical.’

‘ It is to be observed further, That it hath been lawful, and in continual Practice, that his Majesty's secret Council hath been declined in sundry Causes, and the Cause drawn to the ordinary and competent Judge; as Matters Civil to the Lords of Session, Matters Criminal to the Chief Justice, Matters of Divorce to the Commissaries; yea, the meanest Regality in the Country hath Power to decline the supreme Judicatory.’

Declinatures frequently used.

‘ As to what is alledged in the Close of the Indictment, of *protesting for Remeed of Law against his Majesty*, the Protestation was but an *Appendix* and *Consequent* of the other, made only in Reference thereunto; and a Protestation against any particular Act for Remeedy, according to his Majesty's Law, cannot be Treason against his Majesty, there being no Act of Parliament declaring it to be so; and it being not Authority in it self that is protested against, but only a particular Act of the Authority, against which Protestations in many Cases are ordinary. *Lastly*, It is to be observed, that this Declinature was buried in Silence by his Majesty, and Committee of Estates, after the ingiving thereof, and Mr. *Guthrie* sent Home without ever challenging him for the same, and permitted to exercise his Ministry in *Stirling*.’

Of his Protest for Remeed of Law.

‘ Those few Things, My Lord, I thought fit at present to say in Vindication and Defence of my own Innocence, notwithstanding of any Thing contained in the Indictment now read against me. The Sum of what I have said I comprise in these Two; 1st, That I did never purpose or intend to speak or act any Thing disloyal, seditious, or treasonable against his Majesty's Person, Authority or Government, God is my Witness, and that what I have spoken, written or acted in any of those Things wherewith I am charged, hath been merely and singly from a Principle of Conscience, that according to the weak Measure of Light given me of God, I might do my Duty in my Station and Calling as a Minister of the Gospel. *Next*, because Conscience barely taken is not a sufficient Plea, tho' it may extenuate, yet cannot wholly excuse, I do assert, that I have founded my Speeches, and Writings, and Actings, in those Matters, on the Word of God, and on the Doctrine, *Confessions of Faith*, and Laws of this Church and Kingdom, upon the *National Covenant of Scotland*, and the *Solemn League and Covenant* 'twixt the Three Kingdoms of *Scotland, England* and *Ireland*: If those Foundations fall, I must fall with them; but if these sustain and stand in Judgment, as I hope they will, I cannot acknowledge my self, neither I hope will his Majesty's Commissioner, and the Honourable Court of Parliament, judge me guilty of Sedition and Treason, notwithstanding of any Thing contained in the Indictment.’

Sum of what he hath said.

1.

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He is appointed to bring in his Defences the 29th Instant.

Two Instances of Ministers declining Civil Judicatories in Point of Doctrine and ministerial Actings.

App. No. 20. One by Mrs. Dickon and Douglas, 1655.

App. N^o. 21. The other by Mr. James Hamilton.

This pointed and pathetic Speech wanted not some Influence upon the House; but his Death was designed, and the Process behaved to go on. When he was ordered to remove, he humbly craved that some Time might be given him to consult and advise with his Lawyers. This was granted, and he allowed till the 29th to give in his peremptory Defences.

I shall only further take Notice, that the Article in his Indictment with most Shadow of Reason intitled upon, was, *His declining the King's Authority* to judge in Matters of Doctrine *prima instantia*, and the Protestation and Declinature he gave in upon this, above set down. This we have already seen he fully takes off, as what was reasonable in it self, and every Way legal, and according to the common Practice of that Time. To clear this Matter of Fact, I have cast it in App. N^o. 20. a Protestation and Declinature August 22^d 1655. with the Summons whereupon it was given in to the Sheriff principal of *Midlothian*, by the Ministers of *Edinburgh*, when called before that Civil Court, for their praying for the King contrary to the Order given by the Usurpers. And the Reader will find it comes close up to Mr. Guthrie's Declinature, and is signed by Mr. *David Dickson* and Mr. *Robert Douglas*. And App. N^o. 21. the Reader will find Mr. *James Hamilton* Minister at *Edinburgh* his Declinature at the same time: From which 'tis plain, that as Mr. Guthrie takes Notice, 'There were many Instances of this Procedure at that time well known.' And great Numbers, as well as he, might have been staged upon this Score of declining Civil Courts, as Judges of *Doctrine and ministerial Actings*. Indeed those Declinatures in the Reasoning and very Phrases, agree so much with Mr. Guthrie's, that one would think they had his in their Eye, when they formed theirs.

Mr. Guthrie's great Abilities acknowledged by his Lawyers.

I have it from very good Hands, that when Mr. Guthrie met with his Lawyers to form his Defences, he very much surprised them by his Exactness in our *Scots Law*, and suggested several Things to be added, which had escaped his Advocates. Sir *John Nisbet* expressed himself upon this Head to those I have it from, to this Purpose. 'If it had been in the reasoning Part, or in Consequences from Scripture and Divinity, I would have wondred the less he had given us some Help; but even in the Matter of our own Profession, our Statutes and Acts of Parliament, he pointed several Things which had escaped us.' I am likewise told, that the Day before his first appearing in Parliament, he sent a Copy of his Speech just now inserted, to Sir *John* and the rest of his Lawyers, at least of the Reasoning and Law-part of it, and they could mend nothing in it.

The giving in his Defences, and the Advocate's considering of them, took up some Weeks, until the 11th of *April*, when I find him again before the Parliament, and his Process is read over the first Time. Whereupon he had a most moving Speech, which likewise deserves a Room here.

Mr. Guthrie's SPEECH in Parliament, immediately after the Reading of his Process, April 11th, 1661.

My Lord Chancellor,

His Speech after reading his Process in Parliament, Apr 11.

I Did, at my first Appearance before His Majesty's Commissioner, and this Honourable Court of Parliament, give an Account of my Accession to the Particulars contained in the Indictment, and of the Grounds and Reasons thereof; I have now done it more fully in my Defences and Duplies to the Replies given by my Lord Advocate; in all which I have dealt ingenuously and without shifting, holding it the Duty of a Christian, especially of a Minister of the Gospel, in the Matter of his Duty and Calling, so to do. I have now only to add these few Words.

'I hope, I have made it sufficiently to appear, that what I have spoken, written or acted in this Matter, was from no malicious, or sinister End or Intention against His Majesty's Person or Government, but from a Principle of true Piety towards God, and true Loyalty towards His Majesty: As I have demonstrated those from the Tenor of my Carriage and Actings, so have I herein Confidence towards God, and, in the Perswasion of the Integrity of my Soul in this Particular, may, with a good Conscience, not only make this Declaration before your Lordships, but also hazard to step into Eternity.'

'Next, My Lord, I hope I have made it appear, that besides the Conformity my Accession to these Things hath with the Word of God, so they have a Foundation in the *National Covenant*, and in the *Solemn League and Covenant*, the Obligation whereof I dare not but profess to own as binding and standing on those Kingdoms; and that they are agreeable to the Actings of publick Authority before the *English* their invading of this Nation, to the Cansons of the Church, Laws of the Kingdom, and the publick declared Judgment both of Church and State before those Times. And, my Lord, if this will not plead an Oblivion and Indemnity for me, but that, notwithstanding of all this, I shall be judged a *seditionous Person and Traitor*, not only shall the whole Church and Kingdom of *Scotland* be involved in the Guilt of *Sedition and Treason*, and few or none have any Security for their Lives, Honours and Estates, further than the King's Mercy doth give, but also a very dangerous Foundation

‘ dation shall be laid in Time to come, for Men of differing Judgments, upon every emerging Revolution, to prosecute the worsted Party unto Death, notwithstanding they have the publick Authority, and the Laws then standing, to plead in Defence of their Actings.’

‘ I know, My Lord, it lieth on the Spirits of some as a Prejudice against me, that I am supposed to have been a chief Instrument and Ringleader in those *Declarations, Laws, Canons, and publick Actings* of the *Kirk and Kingdom*, which I do now plead in my own Defence. I shall not say that this hath any Rise from any, who, to lighten their own Burden, would increase mine, holding that unworthy of any Man of an ingenuous Spirit, and most unworthy of a Christian. As I charge no Man in particular with Accession to any of those Things, so, as for myself, I do for the Truth's Sake ingenuously acknowledge, that throughout the whole Course of my Life, I have studied to be serious, and not to deal with a slack Hand in what I did look upon as my Duty; and yet, my Lord, lest I should attribute to myself what is not due to me, I must, for staining of Pride and vain Glory, say, I was not honoured to be of those who laid the *Foundation* in this Kirk and Kingdom. I am not ashamed to give Glory to God, in acknowledging that until the Year 1638. I was treading other Steps, and the Lord did then graciously recover me out of the Snare of *Prelacy, Ceremonies*, and the *Service Book*, and a little thereafter put me into the Ministry. Yet I never judge my self worthy to be accounted a Ringleader in any of these Superstructures of that blessed Work, there being a great many elder for Years, and more eminent for Piety, Parts, Prudence, Faithfulness and Zeal, whom I did reverence and give Precedency to in those things.’

‘ It may also, My Lord, haply be, and a little I have been informed of it, that besides any Thing contained in the Indictment, there be some other Things that bear Weight upon the Spirits of some of the Members of this House, from some Reports that have passed of my Carriage towards his Majesty's Royal Father, towards himself and some others. As to those Things, my Lord, if there be any Thing of that Kind, I do most humbly and seriously beg, and I think I may most justly expect, both in order to Justice, and to the Peace of their own Consciences, that seeing they have no Proof of it, but at least have taken it upon Information, that they would altogether lay it aside, and lay no Weight upon it; or else, before they give Judgment of me, they would let me know of it, and allow me a fair Hearing upon it; and if I cannot vindicate my self, let me bear the Weight of it.’

‘ In the next Place, My Lord, knowing that it is wondred at by not a few of the Members of this Parliament, that I should stand to my own Justification in those Things whereof I am challenged, and that this is looked upon as a Piece of peremptory and wilful Humour, which if I pleased I might easily lay aside: My Lord, I humbly beg so much Charity of all that hear me, as to think that I have not so far left the Exercise of all Conscience towards God, and of all Reason towards my self and my dearest Relations in the World, as upon Deliberation to hazard, if not cast away both my Life and Soul at once. God knows, it is not my Humour, but Conscience that sticks with me; and could I lay it aside, and not sin against God, and dissemble with Men, by professing or confessing what I think not, I should not stand in the Defence of one of those Things for the Minute of an Hour: But, my Lord, having, with Prayer and Supplications to the God of Truth, searched the Word of God, and consulted the Judgment and Practice of the Reformed Churches, especially our own since the Reformation from Popery, and the Writings of many sound and orthodox Divines, and having frequently conversed with the godly Ministry, and praying People of this Nation, and tried the Pulse of their Spirits anent the *National Covenant*, and *Solemn League and Covenant*, the Particulars contained in them, and the Superstructures that have been builded upon them, and anent Sin and Duty, and the Power of the Civil Magistrate in Matters Ecclesiastical; I find my Practice and Profession anent these, agreeable to all those, and therefore cannot reckon my Light for Humour and Delusion, but must hold it fast, till better Guides be given me to follow.’

‘ My Lord, in the last Place I shall humbly beg, that, having brought so pregnant and clear Evidence from the Word of God, so much Divine Reason and human Laws, and so much of the common Practice of Kirk and Kingdom in my own Defence, and being already cast out of my Ministry, out from my Dwelling and Maintenance, my self and Family put to live on the Charity of others, having now suffered Eight Months Imprisonment, your Lordships would put no further Burden upon me. I shall conclude with the Words of the Prophet *Jeremiah*, ‘Behold, I am in your Hands, saith he, do to me what seemeth good to you: I know for certain that the Lord hath commanded me to speak all those Things, and that if you put me to Death, you shall bring innocent Blood on your self, and upon the Inhabitants of this City.’

‘ My Lord, my Conscience I cannot submit, but this old crazy Body and mortal Flesh I do submit, to do with it whatsoever you will, whether by Death, or Banishment, or Imprisonment, or any Thing else; only I beseech you to ponder well what Profit there is in my Blood: It is not the extinguishing me or many others, that will extinguish the *Covenant* and Work of *Reformation* since the Year 1638. My Blood, Bondage, or Banishment will contri-

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‘bute more for the Propagation of those Things, than my Life or Liberty could do, tho’ I should live many Years. I wish to my Lord Commissioner his Grace, and to all your Lordships, the Spirit of Judgment, Wisdom, and Understanding, and the Fear of the Lord, that you may judge righteous Judgment, in which you may have Glory, the King Honour and Happiness, and your selves Peace in the Day of your Accounts.’

The Influence
this Speech had
upon Members,

‘This singular and most affecting Speech had very little Weight in the House, by what might have been expected from the native Eloquence, close Dealing with their Reason and Consciences, and the full Removal of all that could be even insinuate against this holy Man, contained in it; yet it had Influence upon a good many of the Members, who retired after he had ended, and declared one to another at their coming out of the House, They would have nothing to do with the Blood of this righteous Man. I could name Noblemen, and no Presbyterians either, who, after hearing Mr. Guthrie till he ended, not only came out themselves, but prevailed with some of their Friends to go with them, from the strong Convictions raised in them of his Innocency, by this melting Speech; than which I have seen little in our *modern Martyrologies*, that comes so fully up to the Apologies of the *primitive Martyrs and Confessors*, for themselves and the Cause they suffered for.

His Indictment
found relevant,
but his Sen-
tence not pro-
nounced till
May 28.

But his Judges were determined to go on, and in a very little Time, that same Dict, tho’ in a thin House, the Relevancy of the Indictment was sustained, and he found liable to incur the Pains and Penalties in the Acts of Parliament, specified in the several Articles of his Dictay. I do not find the Day of his Execution named till the 28th of May, when the Parliament, after the Marquis of Argyle’s Execution, ordain ‘Mr. James Guthrie and William Giffan or Govan to be hanged at the Cross of Edinburgh, Saturday, June 1st, and the Head of the First to be affixed on the *nether Bow*, his Estate to be confiscate, and his Arms torn, and the Head of the Second upon the *West Port* in the City of Edinburgh.’

Offers made to
Mr. Guthrie,

It was resolved that this excellent Minister should fall a Sacrifice to private personal Pique, as the Marquis of Argyle was said to be to a more exalted Revenge. I am told the Managers had no small Debates what his Sentence should be. Mr. Guthrie was dealt with by some from some of them to retract what he had done and written, and to joyn in with the present Measures; and he was even offered a Bishoprick. The other Side were in no Hazard in making the Experiment, for they might be assured of his Firmness in his Principles. A Bishoprick was a very small Temptation to him, and the Commissioner improved his Inflexibleness, and insisted to have his Life taken, to be a Terror to others, and that they might have the less Opposition in erecting of Prelacy.

Grounds of his
Sentence.

Thus a Sentence of Death was passed upon him, for his Accession to the *Causes of God’s Wrath*, his writing the *Petition* last Year, and the *Protestations* above mentioned; Matters done a good many Years ago, and when done, not at all insisted on by the King himself, and every way agreeable to the Word of God, and Principles and Practice of this and other Churches, and the Laws of the Kingdom.

Mr. Guthrie’s
Indictment,
Defences, and
Criminal Pro-
cess, App.
Nº. 21. B. C. D.

Since the Writing of what is above, I have lately had Access to all the original Papers relative to Mr. Guthrie’s Process, yet remaining at *Edinburgh* among the Warrants in the Parliament-house, and have, for the Reader’s Satisfaction, added in the *Appendix* Mr. Guthrie’s Indictment, his Defences, and the Minutes of the Criminal Process. The Advocate’s Replies, and Mr. Guthrie’s Duplies are likewise before me, but they are so large that I have not insert them, since, as far as I can judge, the State of this Process is fully and at Length enough contained in the Indictment and Defences: They stand, App. Nº. 21. B. C. D.

His Composure
when his Sen-
tence was ex-
tending,

One who attended Mr. Guthrie in the Prison, and during the Whole of his Trial, tells me, That Day he received his Sentence, he was removed from the Bar to the Outer-house, and in a Hurry of Soldiers, Pursevants, Servants, and such like, until the Clerk wrote his Sentence, and he well enough knew the House were debating about the Disposál of his Body; yet this extraordinary Person, as afterwards he owned, never felt more of the sensible Presence of God, sweet Intimations of Peace, and real Manifestations of the Divine Love and Favour, than at this very Time, when in that outward Confusion: And when called in, received his Sentence with the greatest Composure and Cheerfulness.

The Iniquity of this Sentence appears fully from Mr. Guthrie’s own Speeches already inserted, and is very well discovered by a Fellow-sufferer of his at this Time, tho’ not unto Blood, *The Author of the Apologetical Narration*, in his Fifth Section. Mr. Guthrie was undoubtedly one of the most eminent of the Ministers of the Church at this Time, and of the *Protesting Way*; and all of that Set were now hated and persecuted to satisfy Mr. Sharp’s malicious and ambitious Designs. He had likewise been a steady Opposer of the malignant Party, and Prelacy now fast hastening in, and a vigorous Enemy to scandalous Ministers; and the Commissioner could never forgive his excommunicating him.

The King not
satisfied with
his Condem-
nation.

The King himself was so sensible of his good Services to him, and his Interest when at its lowest, and the Severity of this Sentence, that when he got Notice of it, he asked with some Warmth, *And what have you done with Mr. Patrick Gillespie?* It was answered, That Mr. Gillespie had so many Friends in the House his Life could not be taken. *Well*, said the King,

if I had known you would have spared Mr. Gillespie, I would have spared Mr. Guthrie. And indeed there was Reason for it, as to one who had been so firm and zealous an Asserter of his Majesty's Title and Interest, and had suffered so much for his continued Opposition to, and disowning of the *English* Usurpation.

After the Sentence, and a little before his Death, Mr. Guthrie received the following Letter from a dear Friend of his, if I am not mistaken, a very eminent Minister, which as it was supporting to him, so it shews the Sense, that not only the Writer of it, but many others had of the present Procedure of the Managers, and of the dark Cloud coming upon this Church.

Dear Sir,

I Am now past Hopes of seeing your Face any more in the Flesh; to tell you the Wrestlings of my poor Soul on your Behalf were not worth your Time, but that Affection constraineth me to say, I am both in Bonds and in the Body with you, and will travail till you be delivered, and I may well do it, for it draweth near, and you may lift up your Head, when ours as yet must hang down. God hath provided a Sacrifice for himself, not an *Isaac*, but your self. That eminent Peer of the Land, highly honoured of the Lord, and your self, are the first Fruits, and the first Blood in this Kind after an Hundred Years Interruption and Indulgence: Who may or shall follow, God knoweth; every one cannot receive this Dignity, save they to whom it is given. The buried Cause of Christ shall live in your Death, and what all your Contendings for it while you were alive could not do, your Blood shall do when you are gone. The Lord seemeth now to be about to set and fix his Standard for a while in the Blood and Sufferings of his Servants and People, it may be, of all Ranks and Sorts of Persons within the Land, ere all be done: And whether many or few, or none at all, (which is not likely) shall be added unto you, I believe to it shall be the Gathering of his People; and then I am sure your Sufferings are well rewarded, and not only yours, but all the Blood that shall be shed, well bestowed in the gathering of his scattered People. The Healing and Reparation of all their Breaches shall begin at your Ashes, who in your Days have been esteemed a Man of Strife and Contention. God hath much to do for you and yours, when you are gone; but alas! I fear a dark and woful Day on these Nations, ere these Things be. As for my self, I have been kept off from publick Appearance hitherto; I know no more than some in my Name have communicate to you. Whereto or wherein any Forbearance I have, shall resolve, God knoweth; I can say in the Apostles Words, not unapplicable in this Case; I think, if my Heart deceive me not, to will and to resolve is present with me in my best Times, but how to perform I find not; which makes me oft-times to doubt of the very Truth of my Resoluteness, yet he knoweth that I desire to be sincere before him; and whatever may become of me, it is the present Impression and Perswasion of my Heart, that whoever they be that through their shrinking shall put a Stain upon the Cause of your Suffering now to be sealed with your Blood, shall have and draw upon themselves a Guilt of a double Dye.

Letter to Mr. Guthrie after his Sentence.

Dear Sir, forgive me for such a Trouble at such a Nick; but it is the last Expression of my Affection which can reach you, to whom my Soul hath been ever knit since my first Acquaintance with you: I shall say no more, but that I cannot pass the mentioning of that Scripture which hath been often in my Mind concerning you, and which I remember you once told me was born in upon your Mind, amidst some of these former Conflicts you have been essayed with before it came to this. You know the Place; "I have made thee this Day a defended City and a brazen Wall, &c. and they shall fight against thee, but they shall not prevail against thee, for I am with thee to deliver thee, saith the Lord." I confess I would have fain drawn forth the Performance of that Promise to a longer Life to you, and more Work therein; but God hath performed it well, you have had very great and undeniable Performances of it already, and now the best is at Hand. Within a little it shall be said, They have got the Foil, and you the Victory; and no Wonder, for *he is still with you to deliver you.*

Now that the Lord may send down upon your Soul liberal Showers of Divine Influences, and his plentiful Rain to confirm you against all Weariness; that the Tongue of the learned may be given to you for your last Words, and that all the communicable Blessings of the Cross of Christ may run over yours, till that Word be made out in your Sufferings, "Except a Corn of Wheat fall into the Ground and die, it abideth alone, but if it die, it bringeth forth much Fruit." The Words following, *John, 12. 25. &c.* are well worth your reading. God can, and I trust will make you that *Corn of Wheat*, that the Brethren in the Lord may wax bold through resisting unto Blood; and that the Lord may recompense your Work, and a full Reward be given you of the Lord God of *Israel*, under whose Wings you trust. These are the Requests and Supplications of his Soul to the Lord for you, who earnestly desires your Blessing and best Wishes to be left behind you in his Behalf. *Even so come Lord Jesus, he saith, I come quickly.* Amen, amen.

Twixt Mr. Guthrie's Sentence and the Execution of it, he was in a perfect Composure and Serenity of Spirit, and wrote a great many excellent Letters to his Friends and Acquaintances,

1661.

His Declaration
on June 1. ob-
viating some
false Reports
spread of him.

ces, which, could they be recovered, might be of great Use. In this Interval he had not a few Prophetical Expressions, some of which I have well attested, but I shall not insert them here. I wish this great Man's Life were published by some good Hand.

The Day he was execute, *June 1st*, upon some Reports spread most groundlessly, That he was to buy his Life at the Expence of retracting some Things he had formerly said, owned and done; Mr. *Guthrie* wrote, and before the underwritten Witnesses subscribed the following Declaration.

‘THESE are to declare, that I do own *The Causes of God's Wrath*, the *Supplication* at *Edinburgh*, *August* last, and any Accession I had to the *Remonstrance*; and if any do think, or have reported that I was willing to recede from any of these, they have wronged me, as never having any Ground from me so to think, or so to report. This I attest under my Hand, at *Edinburgh*, about Eleven of the Clock in the Forenoon, before these Witnesses,

Mr. *Arthur Forbes*, Mr. *John Guthrie*,
Mr. *Hugh Walker*, and *James Cowie*.

JAMES GUTHRIE.

His Cheerful-
ness before,
and Carriage
at his Executi-
on, *June 1.*

That Day he dined with his Friends in the greatest Cheerfulness. After Dinner he called for a little Cheese, which he had been dissuaded from eating for some Time, as not good for the Gravel he was troubled with, and yet had a great Liking to it; and said, I hope I am now beyond the Hazard of the Gravel. When he had been in secret some Time, he came forth in the greatest Serenity and Composure, and was carried down under a Guard from the Tolbooth to the Cross of *Edinburgh*, where a Scaffold was erected, and there the Sentence was executed in all its Branches. He gave to his Friends a Copy of what he designed for his Speech, if he should be allowed to deliver it on the Scaffold, subscribed and sealed, to be delivered to his Son, and, he being a Child, to be kept for him till he came to Years. The Copy of it is in *Nephtali*, and hath been many Times printed, yet I add it in this Collection, *App. No. 22.*

App. No. 22.

Captain *William Govan* executed at the same Time.

We have seen that the Parliament ordered *William Govan*, in some Papers I find him termed Captain *Govan*, to be hang'd with Mr. *James Guthrie*. There were different Accounts of the Reason why the Parliament sentenced him: In his own Speech he says, It was for laying down his Arms at *Hamilton*, as all the Company did, and takes Notice, that he carried up *Montrose's* Standard through the Streets of *Edinburgh*. It was alledged he was present upon the Scaffold when King *Charles* was beheaded, but, to the Conviction of all, he proved himself *alibi*. The Commissioner had no Orders from Court about him, and many were of Opinion he was cast in among so good Company as the Marquis and Mr. *Guthrie*, both executed this Week, that so unknown an Attendant might obscure and cloud, if possible, such remarkable and eminent Sufferers.

His Case from
his last Speech.

App. No. 23.

He was reckoned a pious good Man, and had been a Soldier under Colonel *Strachan*. His Speech is the largest and best Account I can give of him; and therefore I have insert it, *App. No. 23.* After he had ended it, he took off a Ring from his Finger and gave to a Friend of his upon the Scaffold, desiring him to take it to his Wife, and tell her, “He died in humble Confidence, and found the Cross of Christ sweet.” He said, “Christ had done all for him, and it was by him alone he was justified; and being desired to look up to that Christ, he answered, He looketh down and smileth upon me.” Then cheerfully mounting up some Steps of the Ladder to the Cord, he said, ‘Dear Friends, pledge this Cup of Suffering before you sin, as I have now done; for Sin and Suffering have been presented to me, and I have chosen the suffering Part.’ Then the Cord being about his Neck, he said, ‘Now I am near my last, and I desire to reflect on no Man, I would only acquaint you of one Thing, The Commissioner and I went out to the Fields together for one Cause, I have now the Cord about my Neck, and he is promoted to be his Majesty's Commissioner, yet for 1000 Worlds I would not change Lots with him, Praise and Glory be to Christ for ever.’ After he had prayed again a little, and given the Sign, he was turned over.

Drops of
Blood confi-
dently said to
have fallen on
the Commis-
sioner's Coach.

It was very confidently asserted at this Time, that some Weeks after Mr. *Guthrie's* Head had been set up on the Nether Bow-port in *Edinburgh*, the Commissioner's Coach coming down that Way, several Drops of Blood fell from the Head upon the Coach, which all their Art and Diligence could not wipe off. I have it very confidently affirmed, that Physicians were called and enquired, if any natural Cause could be assigned for the Blood's dropping so long after the Head was put up, and especially for its not washing out of the Leather; and they could give none. This odd Incident beginning to be talked of, and all other Methods being tried, at length the Leather was removed, and a new Cover put on: This was much sooner done than the wiping off the Guilt of this great and good Man's Blood from the Shedders of it, and this poor Nation.

Sir *George Mackenzie* himself does not vindicate the Treatment of Mr. *Guthrie*.

The above Report I shall say no more of. It was generally spoken of at the Time, and is yet firmly believed by many; at this Distance I cannot fully vouch it as certain, perhaps it may be thought too miraculous for this Age we are now in: But this I will affirm, That Mr. *Guthrie's* Blood was of so crying a Nature, that even Sir *George Mackenzie* was sensible, that

all his Rhetorick, tho' he was a great Master in that Art, had not been sufficient to drown it; for which Cause he very wisely past it over in Silence. This is another Instance of the Lameness of his Vindication. 1661.

S E C T. V.

Of the Sufferings of Mr. Alexander Moncrief, Mr. Robert M'vaird, and some other Ministers, not unto Death; as likewise of several Gentlemen, during this Session of Parliament, 1661.

THE Sufferings to be narrated in the After-books of this History, were alledged to be for Crimes and Misdemeanors contrary to the then Laws: But 'tis plain the Things alledged against the Two Martyrs we have been hearing of, were evidently according to standing Law and Equity, our Constitution and Statutes, overturned by this Parliament, and those which followed.

The Persecution of the Sufferers at this Time, is for Things done according to standing Law:

After the Reader hath had the vouched Narrative of the Managers Proceedings against the Two first Worthies in Scotland's Wrethlings and Battles, he cannot but stand amazed at the Impudence of some Episcopal Writers, who assert, That no Presbyterians, in the Reign of King Charles II. suffered for their Principles, and upon Matters of Conscience. Tho' it should be pretended, that my Lord Argyle and Waristoun suffered for their Compliances with the English, after they had conquered the Nation, and this be made Treason against all Sense and Reason, yet what can be said of Mr. Guthrie, whom the King himself vindicates, and all the World knew had opposed Cromwel, and several other Ministers and Gentlemen in this Session, and the After-part of this Book?

And really for Matters of Conscience.

To those then I come forward, and shall give some Account of a good many Ministers and Gentlemen, who, during the Meeting of Parliament, suffered very much, tho', by the good Providence of God, their Lives were spared for a Season. I begin with the Ministers.

I have little more to record of the Ten Ministers who were seized with Mr. Guthrie, than what has been pointed at upon the former Chapter. Their Paper, designed for a Testimony, was, when sent to Court, entertained with Threatnings and Ridicule. This, with the restless Endeavours of the Managers at Edinburgh, in this Hour and Power of Darkeness, prevailed so far, that One or Two concerned in it, fainted, and, after some verbal Acknowledgments, of which I have not heard the Tenor, got off, and were permitted to retire to their Houses.

Of the other Ministers seized with Mr. Guthrie.

None, I have heard of, was dealt more severely with by this Session of Parliament, than Mr. James Simpson Minister at Airth, of whom some Account hath been given upon the first Chapter. He was a Person of singular Piety, considerable Learning, and a most affectionate and melting Preacher. I am told he came a great Length in writing a critical and very exact Commentary upon the whole Bible, which was once in his Friends Hands; but now, with many other valuable Remains of this excellent Sufferer, it is lost.

Mr. James Simpson Minister at Airth.

Mr. Simpson was not at the Meeting in Edinburgh, August last, though I find he is charged with this in his Indictment, which, with his Answers, falling much in with Mr. Guthrie's Process above insert, I do not insert here.

Towards the Beginning of June, after he had been accused in Parliament by the King's Advocate, of seditious Practices, and the Copy of a Libel sent him to answer in Prison; such was the Justice of this Period, that the Parliament, without allowing him to be heard, or, as far as I can find, so much as once sitting him before them, banished him the King's Dominions; which some questioned whether a Scots Parliament could do. He was cast in with Mr. M'vaird, and underwent the same Fate, both of them dying in Holland.

Banished without a public Hearing.

The Reverend Mr. Alexander Moncrief, Minister of the Gospel at Scoonie in Fife, was another of those Ministers, and was indeed very hardly dealt with. I shall give a distinct Account of this singularly pious and useful Minister, from some Hints I have from very good Hands, and the Parliament-records: His Papers were burnt some Time before his Death, and his Contemporaries much gone; and 'tis to be regretted so lame an Account can be given of this Man of God. I shall put all I have to say of this good Man in this Place; and indeed much of it concerns this Period.

Mr. Alexander Moncrief Minister at Scoonie.

During the Usurpation, Mr. Alexander Moncrief was persecuted by the English for his Loyalty to the King, and his constant praying for him. His House was many Times searched and rifled by the English, and he obliged to hide. Upon the Sabbath he had Spies set upon him, and was closely watched where he went after Preaching. Frequently he was hotly pursued

His Sufferings for his Loyalty under the Usurpation.

1661.

Presents the
Protestation
and Petition to
Monk, 1658.

Is seized August
1660, and con-
tinued long
under Confinement.

An Indictment
sent him, Febru-
ary this Year,
before the Par-
liament.

His Wife's
Christian Re-
solution.

His eminent
Danger.

Many appeared
for him in Par-
liament.

Parliament's
Sentence a-
gainst him,
July 12.

A Summary of
his Hardships
in the alter
Years.

His singular
Preservations.

pursued; and one Time a Party of Horse came after him when fleeing, and by a special Providence, tho' attacked once and again by them, by his own Fortitude and Resolution he got clear of them, and escaped at that Time. Thereafter in a neighbouring Congregation he was seized, and imprisoned some Time, merely for praying for the King.

Being shortly after liberate, he was pitched upon, as a Person of great Courage and Boldness, to present the *Protestation* and *Petition* against the *Toleration*, and other Encroachments upon the Church and State, *October* 1658. sign'd by himself and several other Ministers of *Fife*, to General *Monk*. This he did with the greatest Firmness, and it exposed him further to the Extremities of that Time.

All the Return he had to those Sufferings for his Loyalty, was, as we heard, *August* 23^d last, to be seized when petitioning according to Law. For any Thing I can find, he continued under Confinement till *July* 12th this Year; and every Body, and he himself expected he should never have been liberate till he came to a Scaffold.

Much about the Time with Mr. *James Guthrie*, he had his Indictment and Charge sent him, which I have not seen, but find it run upon his having a Share in the *Remonstrance*, and in forming the *Causes of God's Wrath*; and he refused to retract any Thing in them. He was several Times brought before the Parliament, and his Prosecution for his Life was so hot, that the Earl of *Athole* and others in Parliament, particularly interested and concerned in Mr. *Moncrief* and his Wife, being importuned by her to appear for him in Parliament, dealt with her to endeavour to prevail with him to recede from some of his Principles, otherwise, they told her, it was impossible to save his Life. This excellent Woman answered, 'That they all knew she was happy in a good Husband, that she had great Affection to him, and many Children; yet she knew him to be so stedfast to his Principles where his Conscience was concerned, that no Body needed deal with him upon that Head; for her Part, before she would contribute any Thing that would break his Peace with his Master, she would rather choose to receive his Head at the *Cross*.'

About this Time likewise, two Ladies of the first Quality were pleased to concern themselves so far in Mr. *Moncrief*, as to provide a handsom Compliment in Plate (which was not unusual at this Time) and send it to the Advocate's Lady. Afterwards they went and visited her, and addressed her in his Behalf, but were told, It was impossible to save his Life; and the Compliment was returned.

Yet Providence so over-ruled this Matter, that Mr. *Moncrief* being much respected, and his Hardships almost universally regretted upon Account of his eminent Piety, Integrity, and Uprightness, severals of all Ranks and different Perswasions, and unknown to him, did zealously, and without any Application, interpose for him; so that the Spirits of some of his hottest and most violent Persecutors, who had resolved upon his Death, began to soften and become more friendly. His Process lingered till, after a tedious Imprisonment, he fell sick, and obtain'd the Favour of Confinement to a Chamber in *Edinburgh*.

By the Records of Parliament, I find they passed the following Sentence upon him, *July* 12th. 'The King's Majesty and Estates of Parliament, having considered the Report of the Lords of *Articles* anent the Process against Mr. *Alexander Moncrief* Minister of *Scoonie*, and his own Carriage before them, in owning his Accession to the *Remonstrance* and *Causes of God's Wrath*, do accordingly declare the said Mr. *Alexander* to be for ever incapable of exercising any publick Trust, Civil or Ecclesiastick, and also discharge him of all publick Trust, Civil or Ecclesiastick within this Kingdom, until, in the next Session of Parliament, further Order be taken concerning him, and discharge him in the mean Time to go to the said Parish.'

And to give the Reader all I have of this worthy Person together. After this Sentence, when living peaceably some Eight or Nine Miles from his Parish, People began to resort to him, and hear him preach in his own Family; whereupon, under a most severe Storm in the Middle of Winter, by virtue of an Act we shall afterwards meet with, he was charged to remove from his House, and required to live Twenty Miles from his Charge, and Seven or Eight Miles from a Bishop's Seat or Royal Burgh, and was with his Family forced from his House, and obliged to wander in that great Storm. And when he had transported his Furniture to a Place at a competent Distance, even there he got a Second Charge to remove to a further Distance, till he was obliged to transport his Family to a remote Place in the *Highlands*, where his good God, who had all along countenanced and supported him wonderfully in his Troubles, honoured him to be instrumental in the Conversion of many.

Thereafter, the Persecution somewhat abating, he brought his Family to *Perth* for the Education of his Children, where he continued preaching the Gospel; a few at first, but afterwards a great many attended his Ministry. Being informed against, we may easily guess by whom, a Party of the Horse-Guards were sent to apprehend him, but he escaped, tho' his House was narrowly and rudely searched: This forced him from his Family, and he was obliged to lurk a good While.

At length he came in with his Family to *Edinburgh*, where he preached the Gospel many Years in private, under a Series of Trouble and Persecution. He was intercommuned, as we shall hear, and his House and many other Places in and about the City narrowly searched for him.

him, yet he was always marvellously hid. Many Instances might be given when he went to the Country. Many Times Parties of the Guards were sent in Quest of him, and sometimes he would meet them in his Return, and pass through them unknown. When he was lodged in a remote Part of the Suburbs of *Edinburgh*, a Captain with a Party of the regular Troops, searched every House and Chamber of the Clofs, save the House where he lodged, into which they never entred, tho' the Door was open.

At another Time when he was lurking in a private Family without the Wall of *Edinburgh*, a Party was sent to apprehend him; providentially he had gone out to walk near by the House where he was: The Party observing him, and by his Gravity suspecting him a Minister, one of them said, That may be the Man we are seeking: Nay, said another, he would not be walking there; thus they entred into the House and searched it narrowly for him. Again, when advertised that the Soldiers were coming to search for him in his own House, he lingred till another Minister came in to him, and said, Sir, you must surely have a Protection from Heaven, that you are so secure here, when the Town is in a Disorder, and a general Search to be made; and immediately he went off. In a little Mr. *Moncrief* went out, and he was not well down Stairs, when the Guard came up and searched his House. He took a little Turn in the Street, and came back to his House again, just as the Guards went off.

Those and many other Preservations he could not but remark. But the Persecution still continuing, and turning hotter, he was obliged to dismiss, and scatter his Family for some Time. He was solicited, when in those Circumstances, to leave the Kingdom, and had an ample Call to *Londonderry in Ireland*; yet he always declined to leave his native Country, and in his pleasant Way used to say, "He would suffer where he had sinned, and essay to keep Possession of his Master's House, till he should come again." He had a sore Sickness about the Beginning of *June 1680*. I have in mine Eye a large Collection of heavenly Expressions he then had, too long to be here inserted.

1661.

Is invited to *Londonderry*, but continues in *Scotland* till his Death, *June 1688*.

Mr. *Moncrief*'s Memory is yet savoury to many; and there are several alive who can bear Witness that God was with him and in him of a Truth. He left many Seals of his Ministry in *Fife*, and was a most faithful and painful Minister. His Sufferings are a little hinted at in *The fulfilling of the Scriptures*, p. 343. But such was his Self-denial, that tho' he be not named nor his Persecutors, as long as he lived he would not suffer that Book to be in his Family. He lived till Harvest 1688. and so may be said indeed to have kept Possession of his Master's House till he came back; as he frequently used to express his own Hopes under this dark Period of Sufferings. He was mighty in Prayer, and a singular Prevailer; and I have some remarkable and strange Returns of his Prayers well vouched before me, not so needful to be insert here. I wish his worthy Son, at present a reverend and useful Minister in this Church, could be prevailed with to give us the Life of this holy Person.

I find Mr. *Robert Trail*, Mr. *John Stirling*, and some other of the Ministers who were seized *August* last, toward the Beginning of *March* this Year before the Lords of the Articles; where it is observed by one who appears no great Friend of theirs, that they had very handsome Speeches in their own Vindication. None of them I have heard of were brought before the Parliament, save Mr. *Trail*, a Copy of whose Speech to the Parliament deserves a Room here, being all I have to give the Reader of this worthy Person, and from it he may easily gather both his Indictment and Defences; and it follows.

Mr. *Robert Trail*, Mr. *John Stirling*, and others, before the Lords of Articles, in *March*.

My Lord,

I Do rejoyce to see my Lord Commissioner his Grace, your Lordships, and this honourable Company upon this Bench, and shall, in the Beginning, humbly beg, that I may be allowed so to answer my Libel as becomes a Minister of the Gospel, and as one who desires to remember that I have an higher Judge to answer, even one who is higher than the Kings of the Earth, before whose Tribunal all of us must ere long be sited, there to be judged, and receive according to what we have done in the Body, whether good or evil. Knowing therefore the Terror of the LORD, and the certain and speedy coming of that Day, I dare not use Flatteries to Men, nor Dissimulation, but speak the Truth in Sincerity and Singleness of Heart, as before him who tries and searches the Reins.

Mr. *Trail*'s Speech before the Parliament.

My whole Libel drives at this, To prove me guilty of High Treason, as having been disloyal to my King, and his Authority and Government, grievous Crimes, and Iniquity to be indeed punished by the Judges, if it could be proven against me, and would contradict the Doctrine which I have at that Time preached before many Witnesses, yea in the Face of unjust Usurpers, for which I was challenged, when I was preaching to my own People, in hearing of some of their Commanders upon my ordinary Text, which therefore I would not * balk. *John 16. 2. The Time shall come, when they who kill you, shall think they do * Alas!* God Service: But I bless the LORD I came fair off in that Debate, without any Advantage to them, or Shame to my self, or the Word I preached.

I did often, both in private and publick, witness and declare against that base and treasonable Tender, when it was pressed upon the Land. I have always laboured, and do still, even to keep in Mind that Divine Precept given by a great King, even *Solomon*; Fear God and

1661.

'the King, and follow not them that are given to Changes: And of a greater than Solomon, Give unto Cesar the Things that are Cesar's, and to God the Things that are God's. I willingly subscribe to that which is in the Imperial Law, where it is said to be a great Sacrilege, *eripere Casari quod ejus est*; how much more must it be the greater Sacrilege, *eripere Christo quod ejus est*?'

'In answering the Particulars of my Libel, I cannot altogether keep Silence as to the many bitter and injurious Words, wherewith it is stuffed, as that I have laid aside all Loyalty to my Prince, all natural Affection to my Country and Countrymen, and all Respect to Law: Those of your Lordships who know me, will allow me more Charity than to think me such an one; and such as know me not, I hope, will suspend their Judgment till they know me: Yea, I durst appeal to my Lord Advocate's own Conscience, if he thinks me to be such a Man. But I have not so learned *Christ*, yea, I have learned of him not to render Evil for Evil, or Railing for Railing, but contrariwise, Blessing; and therefore I do from my Heart pray for the honoured Drawer up of the Libel, as I would do for my self, that the LORD would bless him with his best Blessings, and would give him to find Mercy in the Day of the Lord Jesus.'

'The Particulars of my Libel are Four, and I shall answer to them shortly and ingenuously as they ly there.'

'The first is, That *Remonstrance* which was presented to the Committee of Estates at the End of the Year 1650. Whatever be said against that *Paper* in my Libel, or whatever be said for it by the Presenters and Compilers of it, I shall need say nothing of it at present, but that I was neither at the contriving or presenting of it. It is well known that I was then in the Castle of *Edinburgh*, besieged there by the unjust Invaders of this Land; and what my Carriage was there in exhorting and encouraging that Garison to be faithful to the great Trust committed to them, having the chief Strength of the Land in their Custody, and the Registers embarked with them; what, I say, my Carriage was there, my Brethren who were there with me, Mrs. *Hamilton*, *Smith*, and *Garvan* can testify. I did resolve to lay down my Life in the Defence of that Place for his Majesty, and my Country's Service, if the Lord should please to call me to it; yea, I did run a very great Hazard by a dangerous Wound which I received; and shall I be no otherwise rewarded than by having such a Libel drawn up against me! Which, I may say, hath been more sad to read and think upon, than all the Pain and Danger I was at that Time under; yet I hope your Lordships, especially my Lord Commissioner, know better how to reward Soldiers who have hazarded Life in their Service.'

'The 2^d Point of my Libel is, The Book of the *Causes of God's Wrath*, which, I grant, is more ticklish to answer, and therefore I shall speak the more warily to it. I do not deny that I was present at that Meeting, when those Things were spoken of and confessed, when some Brethren did meet to mourn before the LORD, who hid his Face from us, and whose Hand had gone forth against us with much Wrath and sore Judgments, and had brought Kirk and State under the Feet of proud Usurpers: I believe your Lordships will judge it no Treason, at such Times, for Ministers of the Gospel, who, by virtue of their Office, are called to be among the wise Men, to whom the Mouth of the LORD hath spoken, to declare wherefore the Land does mourn; for these, I say, to meet for Prayer, and confessing their own Sins, and of their Rulers, according to the commanded Practice of the Servants of GOD in former Times, in the like Case. Neither can it be accounted Treason in such a Case to seek the LORD's Face, and to enquire into the provoking and procuring Causes of so much Wrath as had come upon us. I am perswaded there are many Things in that Book which none here will deny to be the uncontroverted Guilt of this Land, such as Atheism and Ignorance in many, despising of the Lord Jesus Christ offered in the Gospel, Neglect of the Exercises of Religion and Godliness in Families, greater and smaller; those have been great Sins in the Land, yea, continue to be so, and receive a great Aggravation from the great and wonderful Deliverance which the LORD hath wrought for us, as if we had been delivered to continue in all those Abominations; and when the LORD hath bound up and strengthened our Arm, we rebel against him.'

'But I know it is not those Things I am challenged for, neither is it the Two Articles cited in the Libel, but the 5th and 6th Step of Defection under the 9th Article, to which I shall answer.'

'The first of them, 'The closing a Treaty with the King, after he had given such Evidence of his Disaffection and Enmity to the Work of GOD,' as it is in the Book.' To this I say Two Things, 1st, That I never did deny his Majesty's just Right and Title to the Government of these Kingdoms, and did always acknowledge him the only righteous Heir of those Crowns; and I do now from my Heart bless the LORD, who hath in so wonderful and peaceable a Way brought him to the full Possession of them, purposing to live in all true and due Loyalty under his Government, and praying, that he who is set over Men, may be just, ruling in the Fear of God, that his Reign may be long and prosperous, and a Blessing

Blessing to these Lands, that when he shall have fulfilled his Days, and laid by his earthly Crown, he may receive a greater and better, which fadeth not away, but is eternal in the Heavens. But in the 2^d Place, I cannot deny, unless I should lie against my own Conscience, that I was at that Time convinced, there was not Care enough to get him brought off from his Prejudices against the Work of Reformation, and from some contrary Principles which he had drunk in from his tender Years, that so when he came to be invested with the Royal Power, he might improve the same the more for the LORD, and for his Work in his Dominions, according to the Oath to be taken by the King who shall reign in Scotland; the which Oath his Majesty did take at the Coronation at *Scone*. Neither is my Meaning in that Article, as if his Majesty, not giving full Satisfaction to the just Desires of Church and State, should never have been invested into his Power, but that more Care should have been taken, previously thereunto, to have brought him to a cordial Owning of the Work of God in these Lands, which, as I believe, would have been acceptable Service to GOD, and much conducing to the Peace and Happiness of his Majesty in his Dominions. In a Word, my Meaning in that Article is, That Security for Religion, and the Work of Reformation, should be endeavoured in the first Place, that so we, according to our LORD's Direction, seeking first the Kingdom of Heaven, and the Righteousness thereof, other Things may succeed the better with us.

The next Article is, concerning *taking of Malignants into the Army and Judicatories*, as 'tis set down in the *Causes of God's Wrath*. To this I say, There is nothing allerted there, but what is clearly consonant to the Word of GOD, and to the received Doctrine of this Church according to the Word, as may be seen in the many *Declarations, Remonstrances, Warnings, and Causes of Fasts*, emitted and printed by the supreme Judicatories of this Church: For if it be a commanded Duty to put into Places of Trust and Power, Men fearing God, Men of Truth, and hating Covetousness; then must the Neglect of that be a Sin, and so a Cause of Wrath.

The 3^d Point of my Libel is, That *Supplication* which was drawn up and subscribed by some few Ministers here at *Edinburgh*, in *August* last, for which we were imprisoned by the honourable Committee of Estates, and upon which I am cited this Day to answer before your Lordships. That Petition is misrepresented in the Libel, as if I had therein been injurious to his Majesty; whereas, I can say, I had not in that the least Thought of Disloyalty against his Majesty, but on the contrary I did most willingly and cheerfully subscribe that *Supplication*, as a Testimony of my Loyalty to my King, and of my ardent Desire to have Wrath holden off his Throne and Dominions, by a humble Minding him of the sacred Ties of the *Covenant* which he had taken on, and by earnestly supplicating him, that he would walk according to those, both in his Court and Family, and in the Government of his Kingdoms; and I do desire, in the LORD's Strength, and through his Grace, to adhere to that *Supplication* as long as I live, as a real Evidence of my Loyalty, and as a Testimony to those blessed *Covenants*, which are now so much spoken against.

The last Point of my Libel is, *The imperfect Scroll of a Letter and Instructions*, which were found with us at our Meeting. Tho' I might say I need not own these, they never being fully written out, or once read among us, yet I will ingenuously acknowledge, they were intended to have been sent to some of our Brethren in another Part of the Country, for procuring their Subscription to our *Petition*, and for advising anent a Way for Charges to be furnished for sending of it up to his Majesty, by one of our Number. But the Honourable Committee did soon free us of that Trouble, and of those Charges, by sending it up their own Way, and by putting us to another Sort of Trouble, and other Charges, by Seven Months Imprisonment. I may confidently say, there was not the least Thought of stirring up any to rise in Arms, yea, we would have accounted such a Thought not only Disloyalty, but Dementation and Madness.

Now, My Lord, having shortly and ingenuously answered my long Libel, I must in all Humility beg Leave to intreat your Lordships, that you would seriously consider what ye do with poor Ministers, who have been so long kept, not only from their Liberty of preaching the Gospel, but of hearing it, that so many Congregations are laid desolate for so long a Time, and many poor Souls have put up their Regrets on their Death-bed for their being deprived of a Word of Comfort from their Ministers in the Hour of their greatest Need. The LORD give you Wisdom in all Things, and pour out upon you the Spirit of your high and weighty Employment, of Understanding, and of the Fear of the LORD; that your Government may be blessed for this Land and Kirk; that you may live long and happily; that your Memory may be sweet and fragrant when you are gone; that you may leave your Name for a Blessing to the LORD's People; that your Houses and Families may stand long, and flourish to the Years of many Generations; that you have solid Peace and Heart-joy in the Hour of the breaking of your Heart-strings, when pale Death will sit on your Eyelids, and when Man must go to his long Home, and the Mourners go about the Streets; for what Man is he that liveth and shall not see Death? or can he deliver himself from the Power of the Grave? No assuredly, for even those to whom he saith, Ye are Gods, must die as Men,

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Men, seeing it is appointed for all Men once to die, and after Death is the Judgment, and after Judgment endless Eternity. Let me therefore exhort your Lordships in the Words of a great King, a great Warrior also, and a holy Prophet, *Be wise, and be ye instructed, ye Judges of the Earth, serve the Lord with Fear, and rejoyce before him with Trembling: Kiss the Son, lest he be angry, and ye perish from the Way; when his Wrath is kindled but for a little, then blessed will all those, and those only be, who put their Trust in him.* Now the Lord give you in this your Day to consider the Things that belong to your eternal Peace, and to remember your latter End, that it may be well with you, World without End.'

Letter from
him while in
Prison, June
13.

From the seven Months Imprisonment Mr. *Trail* speaks of, we may guess this Speech was delivered towards the End of *March*. I find this good Man with the Rest, continuing in Prison June 13th, when in an original Letter of his to Mr. *Thomas Wylie* Minister at *Kirkcudbright*, I find him giving this Account. 'I need not write to you how Matters go here, this I must say, your imprisoned and confined Brethren are kindly dealt with by our kind Lord, for whose Cause and Interest we suffer; and if any of us be straitned, it is not in him, for we have large Allowance from him, could we take it. We know it fares the better with us, that you and such as you mind us at the Throne. We are waiting from Day to Day what Men will do with us; we are expecting Banishment at the best, but our Sentence must proceed from the Lord; and whatsoever it be, it shall be good as from him, and whithersoever he shall fend us, he will be with us, and shall let us know that the Earth is his, and the Fulness thereof.' This was the resigned Christian Temper of those Worthies.

Mr. John Murray
at Methven
his Process.

I have before me the original Summons of high Treason, against Mr. *John Murray* Minister at *Methven*, who was at the Meeting in *Edinburgh* August last, with his Answers to the Charge contained in the Summons. By the first I find, that a general Form has been used in the Citations given to all these Ministers, and, *mutatis mutandis*, it falls in with Mr. *Guthrie's* Indictment; therefore I do not swell this Work with it, nor with Mr. *Murray's* Answers, which agree with Mr. *Guthrie's* and Mr. *Trail's*, save that Mr. *Murray* was neither at the framing the *Remonstrance*, or *Causes of God's Wrath*. What Issue the Parliament came to as to Mr. *Murray*, I know not; it would seem he was turned over with others to the Council.

We shall find, that the Parliament some Way remitted those imprisoned and confined Ministers to the Council; and from their Registers this Year, I shall be in case to give some further Hints about them. The two Ministers of *Edinburgh* were soon turned out, and all the Rest of their Brethren there save one, who was termed the *Nest-egg*.

James Kirke of
Sunday-well, his
Sufferings.

This is all come to my Hand, as to the Sufferings of those worthy and excellent Persons, who were in the Meeting August last; unless it be those of *James Kirke of Sunday-well*, which I shall likewise give a Hint of in this Place. This religious and zealous Gentleman was detained Prisoner near Four Months after he was seized: Thereafter he was not forgot in the Act of Fines, and paid 600 Merks of Fines, and 300 by way of Cess to the Soldiers who uplifted it. In a little Time after, one *Paterfson*, by an Order from the Council, got his Bond for a considerable Sum, which afterward he compounded for 200 Merks. In the Year 1666. for mere not Hearing, he was fined by Sir *James Turner* in 500 Merks, and paid 300 to him, after Eight Soldiers had continued in his House a long Time. Before the rising at *Pentland*, because of his Nonconformity, he was so oppressed with Parties of Horse and Foot Soldiers every Day, that he was obliged to dismiss his Family in the Month of *October*, and leave his House and all he had in it, to be disposed of as they saw good. And after *Pentland*, upon Alledgance that he had been there, though it could never be proven, he was obliged to leave the Kingdom for Three Years. And when he returned, he was put to a prodigious Charge by a Process of Forfeiture, raised against him by the Lord *Lyon*, which continued till his Death. He was succeeded in his Estate by *James McClelland*, whom we shall afterwards meet with under very grievous Sufferings.

Mr. Patrick
Gillespie.

The next Minister I name is Mr. *Patrick Gillespie*, first Minister in the Town, and then Principal of the College of *Glasgow*. His Works speak for him, and evidence him a Person of great Learning, Solidity, and Piety, particularly what Remains we have of his excellent Treatises upon the *Covenants of Grace and Redemption*; and 'tis Pity we want the Three other Parts upon those Subjects, which he wrote and finished for the Press.

His Compliance
with
Cromwell.

By some he was said to be a Person of a considerable Height of Spirit, and was blamed by many for his Compliances with the Usurper, and there is no doubt he was the Minister in *Scotland* who had the greatest Sway with the *English* when they ruled here, yea, almost the only Presbyterian Minister that was in with them. This laid him open to many heavy Reflections, and we need not wonder he was attacked by the *Managers* at this Time, when so many who had stood firm to the King's Interest, were so ungenerously treated: Besides, he was on the protesting Side, and had no small Share in the *Western Remonstrance*, and probably it fared the worse with all the Ministers of that Judgment, because of the Reproaches cast on him, and the Compliances made by him.

Brought before
the Parliament
March 6.

The King had a particular Design against him for his open Dealings with the Usurpers, and we have heard, it was with some Difficulty the *Managers* were excused for sparing him. We left

left him last Year imprisoned in *Stirling Castle*, and he was brought in to *Edinburgh*, and *March 6th* staged before the Parliament, where his Indictment was read: I have not seen a full Copy of it, but find the following Abstract in the Papers of this Time. 1661.

That he contrived, compiled, consented to, and subscribed the Paper called *The Western Remonstrance*, which he also produced in several Judicatories, when it was declared treasonable, and condemned by the Parliament or Committee of Estates. That he consented to, or approved that abominable Pamphlet called *The Causes of God's Wrath*, containing many treasonable wicked Lies and Expressions against the King and his Royal Father, and which by the late Committee of Estates was appointed to be burnt by the Hand of the Hangman. That he kept constant Correspondence with *Cromwel* the Usurper. That at *Westminster*, and in and about *London*, he preached in his Presence seditious Sermons; that he prayed for him as supreme Magistrate; that for his so doing he received from him several Gifts, and great Sums of Money.

Heads of his Indictment.

After his Indictment was read, he had a long and pertinent Speech, which I have not seen, but am told that therein he gave his Sense of *The Western Remonstrance*, and of *The Causes of God's Wrath*: And as to his receiving Money from *Cromwel*, he confessed it; but said, he never put a Farthing in his own Pocket; that he fought it and got it for the University, and if that was blame-worthy, he acknowledged his Crime: But it was his Opinion, if he could have drained the Usurper's Coffers for so good an End as the Service of the College, it could have been no Disservice to the King. He ended with a Desire that he might be allowed to give in a Paper containing his Sense of the *Remonstrance*, and other Things in the late Times. The Parliament ordained him to give in his Defences in Writ, to the Lords of Articles, the 13th Instant; and if he should offer any Paper to them, that they should hear it.

His Speech in answer to it.

No further as to his Process hath come to my Hand. He had Friends in the House, and Favour was shown him; an Aggravation certainly of the Managers Severity against such who had never gone his Lengths. Towards the End of *May* I find him before the Parliament, confessing Civil Guilt, and asking Pardon of the House, submitting himself to his Majesty's Mercy and Favour; and the Parliament transmitted his Supplication to the King. I have not seen a Copy either of his Sense of the *Remonstrance*, or this *Supplication*; but have heard that he renounced the *Protestation*, and some Expressions in *The Causes of God's Wrath*, and *Lex Rex*, and declared his Grief for his Compliance with the *English*. And his Supplication bears, that, 'He acknowledged he had given Offence to his Majesty by the *Remonstrance*, and otherwise, which he now was sorry for, and did disclaim, and therefore call himself upon the King's Mercy, and humbly desired the Commissioner his Grace, and the Parliament, to proffer his Petition to his Majesty;' or to this Effect.

It may be made some Acknowledgment before the Parliament.

This was interpreted by the Parliament an Acknowledgment of Guilt; and some Words in his *Declaration* and *Supplication* were indeed strained further than he intended: And they interceded for him, and in a little Time he was liberated, and confined to *Ormistoun*, and Six Miles round it, as we may afterwards hear.

And is liberated

Mr. *Gillespie's* going this Length was much condemned at this Time, as a Step of great Fainting in a Person of his Forwardness, Zeal, and Activity during the preceding Years. The Beginnings of his yielding, when signified to Mr. *Rutherford*, were distressing to him on his Death-bed; and Mr. *James Guthrie*, who lived to see his Paper, said, *And hath he suffered so much in vain, if it be in vain?* In an original Letter of Mr. *McVain's*, dated *June 5th* this Year, he expresses himself thus, 'Mr. *Gillespie's* Submission in quitting the *Remonstrance*, with some other Expressions in the Submission, that are strained beyond his Meaning, have sadly stumbled many, and are like to be the *minimum quod sic* of Satisfaction that shall be accepted from any that follow.'

His Practice condemned by many.

That bright shining Light of this Time Mr. *Samuel Rutherford*, may very justly come in among the Sufferers, during this Session of Parliament. To be sure he was a Martyr both in his own Resolution, and in Mens Designs and Determination. He is so well known to the learned and pious World, that I need say very little of him. Such who knew him best, were in a Strait whether to admire him most for his sublime Genius in the School, and peculiar Exactness in Matter of Dispute and Controversy, or his familiar Condescensions in the Pulpit, where he was one of the most moving and affectionate Preachers in his Time, or perhaps in any Age of the Church.

Mr. Samuel Rutherford high Character.

He seems even to have outdone himself as well as every Body else, in his admirable, and every Way singular Letters; which, tho' jested upon by profane Wits, because of some familiar Expressions, yet will be owned of all who have any Relish of Piety, to contain such sublime Flights of Devotion, and to be fraughted with such massy Thoughts, as loudly speak a Soul united to *Jesus Christ* in the closest Embraces, and must needs at once ravish and edify every serious Reader.

His Letters

The Parliament were to have had an Indictment laid before them, against this holy Man, if his Death had not prevented it. After his Book *LEX REX* had been ordered to be burnt at the Cross of *Edinburgh*, and the Gate of the New College of *St. Andrews*, where he was Divinity-professor; in their great Humanity they were pleased, when every Body knew

Indictment against him designed.

1661.

Mr. *Rutherford* to be in a dying Condition, to cause cite him to appear before them at *Edinburgh*, to answer to a Charge of high Treason. But he had a higher Tribunal to appear before, where his Judge was his Friend.

He dies in
March.

Mr. *Rutherford* died in *March* this Year, the very Day before the *Act Rescissory* was passed in the Parliament. This eminent Saint and faithful Servant of *Jesus Christ*, lamented, when near his End, that he was withheld from bearing Witness to the Work of Reformation since the 1638. and giving his publick *Testimony* against the evil Courses of the present Time; otherwise he was full of Peace and Joy in believing. I have a Copy before me of what could be gathered up of his dying Words, and the Expressions this great Man had during his Sickness, too large to be insert here.

Mr. Robert
McVaird.

The reverend Mr. *Robert McVaird* deserves the next Room in this Section. He was Minister of the Gospel at *Glasgow*, and a Person of great Knowledge, Zeal, Learning, and remarkable ministerial Abilities. This good Man, and fervent affectionate Preacher, in *February* this Year, when the Designs of the Managers in Parliament began to appear, and that nothing less was resolved upon than the overturning the whole covenanted Work of Reformation, had a Sermon in the Trone-church at *Glasgow*, upon a Week-day, wherein he gave his Testimony against the Courses now entered upon, which was the Foundation of a severe Prosecution.

Heads of his
Sermon, February
this Year.

A Copy of this excellent Sermon lies before me: The Text was, *Amos 3. 2. You only have I known of all the Families of the Earth; therefore I will punish you for all your Iniquities.* He had preached upon it for some Time upon the Week-days, and in this Discourse goes through the Sins and Iniquities now abounding, which were drawing down the Punishment threatened in the Text, in a most serious, close, and pathetic Manner; and after he has in a fluent Oratory, of which he was peculiarly a Master, run through abounding personal Sins, and those of the City he preached to, he comes to the general and national Sins at present abounding. Some few Hints may not be unacceptable; he begins with national Backsliding from God.

‘Alas, says he, may not God expostulate with us, and say, We are backslidden with a perpetual Backsliding, and what Iniquity have you found in him? We make our selves Transgressors by building the Things we lawfully and laudably destroyed: And if a Word in Sobriety be dropt against such a Course, one presently forfeits his Reputation, and passes for a hot-headed and turbulent Person--- This Leaven hath leavened the whole Lump; we are backslidden in Zeal and Love--- The Glory of a begun Reformation in Manners is eclipsed, and an Inundation of Profanity come in--- Those who once cried, *Grace, grace*, to the Building, are now crying, *Raze, raze it*--- Many who once loved to walk abroad in the Garment of Godliness, now persecute it--- The faithful Servants of Christ are become Enemies, because they tell the Truth--- The upright Seekers of God, are the Marks of great Mens Malice--- He that in this general Backsliding departs from Iniquity, makes himself a Prey; and may become so to Councils and Synagogues. May it never be said of faithful Ministers and Christians in *Scotland*, *We have a Law, and by this Law they must die!* Backsliding is got up to the very Head, and corrupts the Fountains, and Wickedness goeth forth already from some of the Prophets, through the whole Land. The whole Head is sick, the whole Heart is faint, and many of his Disciples are like to go back--- What would our Fathers, who laid the Foundation of our Reformation, think, if they saw our State? Would they not say, Is this the Church of *Scotland*? How is thy Gold become dim?--- The Foundations are out of Course, the noble Vine is degenerate to the Plant of a strange Vine--- Is this the Land that joyned in Covenant with the Lord? Are those the Pastors and Rulers that bound themselves so solemnly, and acknowledged their former Breaches?--- How hath the faithful City turned an Harlot! What shall the End of those Things be?--- We are in a forlorn Condition; Sin is become national by Precept and Practice; Sins nationally condemned are become National by Precept, and Evil is called Good, and Good Evil--- We walk willingly after the Commandment, and there is not a Party so much as to offer a Dissent.’

After he has enlarged upon these Things, in Scripture-eloquence, and a most moving Way, he gives a good many pertinent Directions to mourn, consider, repent and return, to wrettle and pray, and pour out their Souls before the Lord; and encourages them to those from this, ‘That God will look upon those Duties, as their Dissent from what is done prejudicial to his Work and Interest, and mark them among the Mourners in *Zion*.’

The Passage
most observed.

But the Passage most noticed was that, with which he closes the Sermon, after what I have just now set down. ‘As for my own Part, as a poor Member of this Church of *Scotland*, and an unworthy Minister in it, I do this Day call you, who are the People of God, to witness, That I humbly offer my Dissent to all Acts which are or shall be passed against the Covenants, and Work of Reformation in *Scotland*: And 2^{dly}, protest, That I am desirous to be free of the Guilt thereof, and pray, That God may put it upon Record in Heaven.’ Thus he ends his Sermon, as my Copy, taken from his Mouth, bears.

He is brought
in under a
Guard to *Edinburgh*, and indicted.

The Noise of this Sermon quickly flew abroad, and Mr. *McVaird* was brought in to *Edinburgh* under a Guard, and imprisoned: Very soon he had an Indictment given him by the King’s Advocate, for Sedition and treasonable Preaching. I have not seen the Copy of it, but

we

we may easily guess its Nature from what I have extracted from the Sermon; and Sir *John Fletcher* could easily flourish his Pen on such a Subject. He was allowed Lawyers, and his Process was pretty long, and tedious. I know no further of it, than by his own Papers following, and the original Letter above cited, to Mr. *Wylie*, June 5.

1661.

Where he says, 'I know you have heard of the sad, and yet, in many respects, sweet and comfortable News of stedfast and faithful Mr. *Guthrie's* Death, *Saturday* last. Upon *Thursday* I was called in before the Parliament, and expected to have accompanied him, but the President, my Lord *Crawford*, shifted it off that Day. I was sent back again to Prison, to be in a Readiness against the next Diet. That Night they adjourned to this *Tuesday*, when I expected to be called, but was not. It is thought they were expecting Mr. *Sharp's* Brother with new some Orders, which made them sist. I expect to be called in to Morrow the 6th. Dear Brother, there is no Way for us to stand upon our Feet before such Fury and Force, but by your and our falling upon our Knees, praying with all Manner of Prayer and Supplication, to be strengthened with all Might, according to his glorious Power unto all Long-suffering and Patience with Joyfulness. What will be the Issue of my Process, whether Death or Banishment, I know not; and he can put me in Case to say, I care not. Pray for nothing to us but Stedfastness.' Mr. *Gillespie's* Submission, &c. as I have already set down above. And then he tells him, he has sent *Argyle* and Mr. *Guthrie's* Speeches. And adds, 'Before this come to your Hands, my Business will be at some Close. God may restrain them, but I expect the Sentence of Death. O! for a Heart to give him this Head, I desire not this to be much noised till you hear further, lest my Friends hear of it; only pray for Strength to us to endure to the End. Time will permit me to say no further, save that I am,'

His own Account of this in a Letter.

Your unworthy Brother
in Bonds, R. M.

Accordingly, June 6th, he was brought before the Parliament, where he had a very publick Opportunity to give a Proof of his eminent Parts and solid Judgment. His charming Eloquence was owned even by his Adversaries, and he defended, by Scripture and Reason, his Expressions in his Sermon. I have no more of this great Man's Case than his Speech at the Bar of the House; and therefore I insert it here.

June 6th, he appears before the Parliament.

Mr. Robert M'Vaird, Minister of the East-quarter in Glasgow, his Speech before the Parliament, Thursday, June 6th.

My Lord President,

SINCE it is permitted, that I may speak before my Lord Commissioner his Grace, and this Honourable Court of Parliament, I must in the Entry confess, That I am neither so far below nor above all Passion and Perturbation of Mind, as not to be somewhat troubled, yea sensibly touched, to see and feel my self thus loaded with the Crime, and lashed with the Reproach of a traiterous and seditious Person: But with all I must say this also, That *Nil conscire sibi, nulla pallescere culpa*, doth exceedingly sweeten the Bitterness of this Lot, and mitigate the Asperity of my present Trouble. It is to me *muris aeneus* indeed, a brazen Wall and Bulwark against the Storm, Tempest, and Impetuosity of Calumny and Reproach, that herein, according to my weak Measure, I have endeavoured to exercise my self, to have and keep a Conscience void of Offence, as to that particular Guilt wherewith I am charged in my Indictment: This, I say, is sufficient to make me digest those hard and heavy Things, without grieving or grudging, and to guard me against an unprofitable Overplus of cutting and disquieting Anxiety, even when I am so odiously represented to the World; so that my Enemies are not those of mine own House, because not within me.

His Speech that Day.

And now, My Lord, I hope I may, without Vanity or Offence, say, what in Part is known to be no Fiction or Falshood, That my Carriage, since my first Appearance before my Lord Commissioner his Grace, and the honourable Parliament, (whatever else was wanting in it, which were to be wished, as much was, I grant, and yet is) hath, to Conviction, spoke forth so much Ingenuity and Candor, as I may some way suppose my self above the just Suspicion of having chosen the Tongue of the Crafty, or used Deceit or Dissimulation in any Thing about which I was questioned; since I have, with so much Simplicity, and in so much Singleness of Heart, declared, either without Alteration or Addition, what I spoke, notwithstanding I easily foresaw how I might, and probably would be supposed by many to have lost, at least laid aside the greatest Part of my little Reason, while I plainly spoke my Knowledge and Conscience: But, My Lord, it neither was nor is my Desire to covet or court the Reputation of Wise and Prudent, especially of being wise above what is written. I am satisfied to be lookt upon as an ingenuous Man, who dare not venture to unsay or gainsay what, with some Clearness and Conviction of Truth, I have

His Apology for himself.

1661.

‘ said, either for Fear of Prejudice and Hurt, or Hope of Favour and Gain; knowing that it is a very cold and vanishing Advantage which is the Price of, and purchased with the Loss of a Man’s Peace with God and himself; nay, What Gain can be in such a Case, when the Gainer himself is lost?’

‘ The Consideration hercof moved me, when challenged for some alledged Notes of a Sermon, readily to condescend upon, and without Reluctancy to give in, for Information in Point of Fact, all these Passages in that Sermon which were hinted at, but misrepresented by the Informer; which Paper I did and do own, according to which I was and am willing to be judged. If it had been a Matter of mere Humour or Indifference, I would, in order to the Satisfaction of any who might have offended at what was said, much more in order to the Satisfaction of my Superiors, whom I honour and obey in the Lord, without any Hesitation, have relinquished and retreated it, tho’ in so doing I had crossed my own Inclination, judging it below a Man and a Christian to adhere to those Things peevishly and petulantly, which he may let go without Shipwrack of a good Conscience; much more unworthy of a Minister of the Gospel, who should not have an Humour of his own, being obliged to become all Things to all Men, in order to the gaining and engaging them to be Christians.’

‘ But, My Lord, I cannot, I dare not dissemble, that having spoken nothing in those, but what I hope will be the Truth of God, when brought to the Touchstone, and such a Truth, as without being guilty of Lese-majesty against God, I durst not conceal while I spoke to the Text. I conceive my self obliged to own and adhere to it; and being persuaded also as to what was said in *Hypothesis*, I was so far from doing or designing what is charged upon me in the Indictment, that it was the highest Part of Loyalty toward my Prince, the greatest Note of Respect I could put upon my Superiors, the most real and unquestionable Evidence of a true and tender Affection to my Countrymen, and the Congregation over whom the *Holy Ghost* made me, tho’ most unworthy, an Overseer, to give seasonable Warning of the heavy Judgment which the Sin of *Scotland’s* Backsliding will bring on, that so we may be instructed at length to search and try our Ways, and turn to the Lord, lest his Soul be separated from us, for Wo will be to us if our Glory depart. No Man will or ought to doubt, whether it be a Minister’s Duty to preach this Doctrine in Season, and out of Season, which yet is never unseasonable, and to avow, *That the Backslider in Heart shall be filled with his own Ways*, and, *if any Man draw back, his Soul shall have no Pleasure in him*; and if so, what Evil have I done, or whose Enemy am I become for telling the Truth?’

‘ This, My Lord, being the Sum of what I said, and the Scope of my Discourse, as also of the Paper I gave in to his Grace, and the honourable *Lords of Articles*, and which, together with my Defences which I have reproduced, I cannot disown or retreat, without making my self a Transgressor, by destroying what I have builded, and building what I have destroyed, and so bring on my self the Guilt and Punishment of Unfaithfulness to my God, my Prince, to the High and Honourable Court of Parliament, to the whole Nation, and Souls committed to my Oversight; which I hope God will not suffer me to do, and whereof I desire to be free in the Day when I must give an Account of my Stewardship. But, My Lord, if these Things should seem hard, or sound harsh to any at first Hearing, which I shall not suppose, then, besides the Tranquillity and Calm in mine own Conscience for the Present, which is the very Rest of the Soul in Motion, and affords a strict inward Peace and Serenity of Mind, in the deepest Distress, and greatest Extremity of outward Trouble; besides this, I say, My Lord, I want not a Confidence, (at least a rational Ground for it) that I shall find more Favour afterward both of God and Men, than if I had flattered with my Lips, and, by daubing with untempered Morter, had essayed to heal the Wound of this Nation slightly.’

‘ This is all, My Lord, I intend by Way of Apology: And as to the Indictment it self, I hope it shall be found, when Things are weighed in an even Balance, that my Advocates have so abundantly, to the Conviction of all, both in Law and Reason, demonstrated the irrelevancy in the Whole, and each Article thereof, that it would be judged a needless Undertaking, and a superfluous Waste of Words, to offer any Addition to what, with so much Evidence and Strength of Reason, is by them adduced to invalidate the same; only I judge it incumbent and necessary for me, as a Minister of the Gospel, to offer a Word for Explanation and Vindication, (not of the Whole, for that were needless) but of what I have said, and do own in the 6th Article, (which yet I do not own as it is libelled) because I hear this is most stuck upon, and stumbled at, and may possibly be most liable to Mistake and Misconstruction: Therefore, in order to the removing of any Thing that may seem to stumble, or give Offence in my Practice, as either rash and irrational, or ridiculous and unwarrantable, I humbly desire it may be considered.’

Remarks on the
Nature of a
Ministerial
Protestation.

‘ That a Ministerial Protestation against, or a Dissent from any Acts or Act which a Minister knows, and is convinced to be contrary to the Word of God, is not a legal Impugnation of that or those Acts, much less of the Authority enacting them, which it doth rather

ther presuppose than deny or impugn; but it is a solemn and serious attested Declaration or Witness and Testimony against the Evil and Iniquity of these Things, which, by the Word of God, is a warrantable Practice; and here and at this Time a necessary Duty: And for which Way of protesting, or testifying, or witnessing, a Minister hath the Prophets a Pattern for his Imitation; as is clear, *1 Sam. 8. 9. Howbeit, yet protest solemnly unto them, and shew them the Manner of the King that shall reign over them.* Where the Lord, to signify his great Resentment and Dislike at the People's Course and Carriage towards him, commands the Prophet in his Name to protest against their Procedure; *Howbeit, yet protest solemnly unto them,* (saith he) or, as the Words are rendred on the Margin of our Bible, and spoke to by Interpreters, *Notwithstanding, when thou hast solemnly protested against them,* &c. Which Reading seems best to agree both with the Scope, and what is said *Ver. 19.* It is clear also, *Jeremiah, 11. 7.* when the Lord sums up all his serious Exhortations to obey his Voice, and all his sharp Expostulations for not obeying his Voice, and keeping his Covenant, in this very Term of *Protesting earnestly: For I earnestly protested unto your Fathers, in the Day,* &c. *rising up early, and protesting, saying, Obey my Voice.* So that my Protestation, Testimony and Dissent not being without a precedent Practice in the Prophets, and so not without Divine Precept, cannot be called, nor ought to be accounted a Contravention of the Acts libelled in the Indictment; neither can I for this come under the Lath of the Law, unless it be said and asserted, which I know will be denied with Abhorrency and Detestation, That these Acts do discharge, under Pain of Treason, what God the Supreme Law-giver commands his Servants to do under Pain of his Displeasure, as they would not, by their unfaithful Silence, lose their own, and betray the Souls of others. So that take the Word *Protesting* in the Scripture-sense, for *solemn declaring and witnessing against Sin,* and for Duty, in which Sense alone I take it, it will not be liable to any just Exception, nor is it quarrellable, there being nothing more frequent in the Word, than such *Protesting, Declaring, and Witnessing against Sin, and for Duty.*

And it is observable to this Purpose, That the Word in the Original, which is rendred *testify against, Deut. 8. 19. & 31. 22. 2 Kings 17. 13. 2 Chron. 24. 19. Nehem. 13. 15--21. Psalms 50. 7.* and elsewhere, is the same Word which *Jeremiah 11. 7.* is rendred to *protest,* and *protest earnestly,* and it is so rendred often in the old Translation: *Junius* and *Tremellius* expound it *confessor.* And besides, I hope it will not a little contribute to remove what Matter of Offence is taken at the Manner of my Testimony, because in the Term of *Dissenting* and *Protesting,* if it be considered that all the reformed Churches of *Christ* this Day have their Denomination and Distinction from the Church of *Rome,* from a solemn *publick Protestation* against the Decree which was made by *Charles V.* and the Estates of the Empire, at — *Anno* — in Prejudice to Religion and Reformation, tho' I do not plead a perfect Parallel 'twixt this and that.

As to the Matter of my *Protestation,* I hope it will be found no less justifiable than the Manner, which, I humbly conceive, the Word of God doth put beyond Exception. I do not presume to play the *Juriconsult,* nor do I pretend to any Knowledge in the Formalities and Subtilties of Law, neither am I holden to know them; neither is it a Secret to any seen in the *Municipal* Law of the Nation, how that nothing is, or ought to be accounted for Treason, which is not a formal, direct, and downright Contravention of some Act of Parliament made thereanent, with this express Certification, *That the Contravention thereof shall be Treason.* But there is nothing spoken of by me in the 6th Article, which is a direct Contravention of any such Act, there being no Act of Parliament which saith, either in *recto* or *obliquo,* (directly or indirectly) That it shall be Treason in a Minister to protest, that is, in the Scripture-sense already given, to testify, declare, and witness against such Acts as are contrary to the Covenant, and prejudicial to the Work of Reformation: Therefore I humbly conceive it cannot be said, that I fall under the Compass of any such Acts, nor am I punishable by them, *cum non entis nulla sunt accidentia, non causa nullus effectus.*

But, My Lord, besides, my Practice seems neither contrary to Reason nor Religion, and consonant to both, it being commonly taken as a Principle, rather than tossed as a Problem, That wherethere is a *jus quaesitum Domino,* it is competent, incumbent and necessary for the Servant and Ambassador in the Behalf and Interest of his Lord and Master, to dissent from, and protest against all Acts made to the Prejudice of that Right: But so it is, that there was a Right acquired to the Lord my Master, whose Servant and Ambassador I am, tho' most unworthy, to wit, the *Confirmation Civil* of those Covenants and Vows made to and with him, for Reformation in this Church, according to his Will revealed in his Word, and the *Obligation Civil* of the Lieges thereunto by the Interposition of *Civil Authority;* therefore I humbly conceive, that as a Right cannot, at least ought not to be taken away in Prejudice of a third Party, so far less in Things concerning the Lord and his Interests, the publick Faith of the Kingdom being engaged to God to promote and secure that: So that in this Case, for me to have protested for my Master's Interests, to whom there was a *Civil Right* made, and to dissent from all Acts prejudicial to the same, will, I hope, be thought to be the

Matter of his Protestation justifiable.

1661.

‘Duty of the Man who desires to approve himself to GOD, and who expects in the Day of his Accounts, the Approbation of *Well done, good and faithful Servant.*’

‘These, My Lord, with many other obvious and weighty Reasons, did at first preponderate with me, and pretended themselves with such Evidence and Conviction of Truth and Duty, that they were in my weak Judgment sufficient enough to persuade and press me to give this Testimony against whatsoever is prejudicial to the *Covenant* and Work of *Reformation*: And those, I hope, when weighed in the Balance of the Sanctuary, which is absolutely the evenest One, or in the Scales of rectified Reason, will still be found to have so much Weight in them, as to acquit me of any Guilt, and warranting Adherence to what I have done.’

‘Neither can I conceal this, My Lord, which is the *primum* and *principale Movens*, that when I reflect upon, and remember what I have said and sworn to GOD, in the Day when, with an uplifted Hand to the most High, I bound my Soul with the Bond of the *Covenant*, and engaged solemnly as I should answer to the great GOD the Searcher of Hearts, in that Day when the Secrets of all Hearts shall be disclosed, never to break these Bonds, nor cast away these Cords from me, nor suffer my self directly nor indirectly, neither by Terror nor Persuasion, to be withdrawn from owning the same.’

‘And when withal I have some Clearness in my Conscience, that the Matter of the *Covenant* is not indifferent, which if it were, yet in regard of the Oath and Vows of God which are upon me, it is no more indifferent to me, but puts a *subjective Obligation* upon me, never to be shifted or shaken off at Pleasure: The Matter, I say, is not indifferent, but necessary, and so hath an *objective Obligation* in it, and did morally oblige antecedently to all Oaths taken, and Acts made thereanent, and unalterably also: I cannot conceive it, I say, My Lord, when I think upon the Matter thus, That in Reflection, whether I consider my self as a Christian, who, when swearing to his own Hurt, ought not to change, or in the Capacity of a Minister of the Gospel, and Watchman, whose Office it is to give Warning of Sins and Snares, in order to the preventing of Wrath that follows upon a resolved and deliberate Violation of the sacred Bonds and Engagements to God, or Silence at the Matter in others, when called to declare, testify, and bear Witness against it, and Banishment from the Presence of the Lord, and the Glory of his Power, do never present themselves apart to my Judgment; that ever holding true, *He will not hold him guiltless*, (however Men may plead innocent, and palliate the Matter) *who takes his Name in vain*; nay, he holds him for his Enemy, and will handle him so: And therefore I humbly conceive it ought not to stumble, and I hope it will not seem strange to any, that I cannot make Light of so weighty a Matter as a *Covenant* made with God, for Reformation in his Church, according to his Will revealed in his Word, and Righteousness in the Land, so long as I believe the Obligation to be permanent and perpetual, because of Divine Imposition: Nay, when I lay all temporal Disadvantages, which can only affect the outward Man, that may be supposed to wait upon the keeping of that *Covenant*, and witnessing for it, in the Balance with the Hazard of incurring present Misery, and future Destruction of breaking thereof, (if it be persisted in) tho’ Loss appears Gain, and the one is Down-weight by so far, that it seems sufficient to anticipate all Deliberation and Consultation, as to what is to be done in my Case, seeing there needs but small Deliberation where there is no Choice. My Lord, if the Cogency of that Obligation on my Conscience had not been such as it is, and if Matters had not stood thus with me, I have not so great a Desire to speak at any Time, but I could have laid my Hand upon my Mouth at that Time when I spoke, and at this Time also, and carried as one not concerned in the present Affairs.’

His two De-
sires.

I.

‘I have, My Lord, only a Desire or Two to add to what I have said, and so shall shut up all I intend further to say at present. And, *First*, I humbly beseech my Lord Commissioner his Grace, and this Honourable and High Court of Parliament, that I may not be looked upon as a disloyal Person, either as to my Principles or Practice: I shall without Debate both give and grant, that I was never in case to do his Majesty any Service which deserves to be publicly mentioned; nor could I have shewed my self so void of Discretion, as to have spoken any Thing to that Purpose at this Time, if, being charged with Disloyalty and Treason, the Credit of my Ministry had not imposed the Necessity, and extorted it from me; so that I ought, and do mention it rather for the Vindication of my Function, than for preventing and removing Prejudice against my Person. And therefore I humbly crave Liberty to say, That tho’ I have not been in case to make my Loyalty remarkable by any signal or singular Action, yet I have sufficient Matter to clear me of Disloyalty; and if pure Negatives will not prove it, never having acted, or consented to act any Thing prejudicial to his Majesty, I hope it will be sufficient in a Minister of the Gospel to bring his Loyalty to the Quality and Consistency of a Positive. If in his Station he preached against those who usurped his Majesty’s Right, and prayed, they themselves being present, that GOD would give us Governors of our own: If this, I say, be sufficient, either to prove a Minister loyal, or to clear him of the Stain and Imputation of Disloyalty; then I want not a Cloud of Witnesses who can testify my Integrity in this Matter. And I hope, through the Grace of GOD, never to be tempted, or if tempted, never to yield to such a Temptation, whatever Measure I meet

‘with

with, to repent or regret that I desired this as a Mercy of the Lord, to these much tossed and long troubled Kingdoms, *That he would overturn, overturn, overturn, till he come whose Right it was*; and that I rejoiced in the Day when he broke the Yoke of the Oppressors, who kept us captive in our own Land, and made the Foot of Pride who came against us, to slip. Now, my Lord, my Conscience is so clear, that there was neither Iniquity in my Heart, nor Wickedness in my Hands against his Majesty, that I have Confidence to wish, that the Issue and Decision of my Business were put upon this, Whether the Informer's Carriage, (be who he will, in the Place where I live) or mine, during the Prevalency and Usurpation of the Enemy, hath had most Loyalty in it? But I do not suspect him to be of so little Prudence, as to wish to come to this Reckoning.

The next and last Desire which I have at present humbly to propose to my Lord Commissioner his Grace, and the High and Honourable Court of Parliament, before whom I now stand to be judged, and from whom I am holden to expect all Equity and Justice, is, Since your Grace and Honours have heard my Indictment and Defences, and are to proceed towards a Sentence, that there may be some Caution and Tenderneſs as to what shall be determined in this Matter: Nay, I am obliged to hope and expect, that his Grace and the Honourable Parliament, overlooking the Despicableness and Worthlessness of the Person to be judged, who is really below the Indignation of any whom God hath set so high, will carry so in reference to this Cause and Conclusion, as it may appear, that he who is higher than the highest, who regardeth, and will bring all Causes and Sentences under a final Recognition, is regarded and eyed as standing among the Gods in this Decision. But as for me, my Lord, while I wait for the coming forth of my Sentence from his Presence, whose Eyes behold the Things that are equal; I declare, that however I cannot submit my Conscience to Men, yet I humbly, and as becometh, submit my Person. Behold, I am in your Hands, do to me whatsoever seemeth good in your Eyes.

Mr. *M'Vaird's* former Speech and Defences, he here refers to, I have not seen; but from this, and the strong and pathological Reasonings in it, we may have a tolerable View of his Case; and tho' it had not the Influence might have been expected, yet it had some, and the House delayed coming to an Issue at this Time. He indeed expected a Sentence of Death, which no way damped him; but his Master had more and very considerable Work for him elsewhere. Whether it was from Orders from Court to shed no more Blood, or what was the Reason, I know not, but his Affair was delayed some Time; and upon some Encouragement given him of Success, upon *Munday* thereafter he gave in the following Supplication.

The Parliament delay coming to an Issue.

To my Lord Commissioner his Grace, and the Honourable and High Court of Parliament, the humble Supplication of Mr. Robert M'Vaird, Minister of the Gospel,

Sheweth,

THAT whereas your Grace, and Honourable Estates of Parliament, out of much Clemency and Tenderneſs towards me, have sisted your Procedure as to final Determination, and forbore to draw forth a Censure, or pronounce a Sentence against me, (which Favour I hope shall not be forgotten so long as I can remember any Thing, and whereof I resolve I shall not cease to be sensible) until my Mind should be further and more fully known, in reference to some Particulars in my Process; I conceive my self obliged, not only in order to my own Preservation, but to his Grace and your Lordships Satisfaction, to declare positively and plainly my Mind in these Things, which my Want of Dexterity in expressing my self, hath made more dark, or liable to Mistake or Misconstruction.

His Supplication to the Parliament.

And whereas I my self have perceived, and am further informed by others, that the main and principal, if not the very Thing in my Indictment, and all along my Defences, and throughout my Discourse, which hath been offended at, is, my making Use of the Words, *protest* and *dissent*, as if I had intended thereby a legal Impugnation of the Acts or Authority of Parliament; wherein, tho' I did, in my last Discourse, in Sobriety, and according to my Measure, endeavour at some Length to clear my Meaning, asserting that I did intend a mere Ministerial Testimony, against what I conceived to be Sin; yet that it may appear that I desire not to contend about Words and Formalities, since the Words *protest* and *dissent* are *forinſick*, and for the most Part made Use of as legal Salvo's and Impugnations, (how ever the Word *protest* be used several Times in Scripture by the Prophets, as a Ministerial Testimony and solemn Declaration against Sin, as I have already hinted and held forth in some particular Instances) I am satisfied to change and pass from the Expressions of *protesting* and *dissenting*, and only to use those of *Testifying*, solemn *Declaring*, and *bearing Witness*, by which I still hold the Matter of my Testimony, the great and only Thing first and last intended by me, from which to pass, now especially when the Hazard is great, I assure my self, your Grace and Lordships would not only not allow me, but would count me, in doing so, void of a Principle, and unfaithful.

His further Explication of his Ministerial Protest.

1661.

Why he offer-
eth this.

‘ I beg Leave therefore in all Humility to signify to your Grace, and this honourable and high Court, that I am brought to offer this Alteration, not so much, if my Heart deceive me not, for the Fear of Prejudice to my Person, (tho’ being but a weak Man, I am easily reach- ed by such discomposing Passions) as from an earnest Desire to remove out of the Way any the least or remotest Occasion of Stumbling, that there may be the more ready and easy Ac- cess, without Prejudice of Words, to ponder and give Judgment of the Matter; and that likewise, if the Lord shall think fit to call me forth to suffer hard Things on this Account, it may not be said or thought by any, That it was for wilful and peremptory sticking to such Expressions, whereas I might, by using others, without Prejudice to the Matter, and no less significant, have escaped the Danger; and lest withal I should seem to insinuate, which is far from my Thoughts, and would be a rash Judgment, and harsh Censuring of others, that a Minister of the Gospel could not have sufficiently exonerated his own Conscience as to that Matter, without such formal and legal Terms and Expressions.’

‘ I shall presume to add, that if your Grace and the honourable Court of Parliament shall be graciously pleased to shew me Favour, then, as I have designed and desired to carry hitherto as a loyal Subject, abstaining from all Things that might look like a Shadow of Re- flection upon his Majesty’s Person or Government, so I still purpose through Grace to con- tinue, as knowing, that giving to God the Things that are God’s, and to *Cesar* the Things that are *Cesar*’s, and the fearing of God, and honouring the King, are inseparably joyned of the Lord together. And however, I do humbly, as becometh, prostrate my Person at your Grace and Honours Feet, to be disposed upon as shall seem good in your Eyes. Your Grace and the honourable Parliament’s Answer is expected by your truly loyal Suppli- cant,’

Mr. Robert M’Vaird.

The Parlia-
ment banish
him, July 5th.

This Supplication was given in, and tho’ one would think, with what went before, it might have softned the Persecuters, yet it had no great Effect. Mr. *Sharp* and his Friends resolved now to be rid, as much as they could, of the most eminent of the Presbyterian Ministers; and therefore he behoved to be banished, which was the highest they could go to, unless they had taken his Life. And so, July 5th or 6th, I find the Parliament give him for Answer, ‘ That they pass Sentence of Banishment upon the Suppliant, allowing him Six Months to tarry in the Nation, one of which only in *Glasgow*, with Power to him to receive the fol- lowing Year’s Stipend at Departure.’

He goes to
Holland, where
he continued
till his Death.

His Master had Work for him elsewhere, and that very considerable Work too; and he submitted to the Sentence, and transported himself and Family to *Rotterdam*, where, for a while, (after the reverend and worthy Mr. *Alexander Petrie*) he was employed as Minister of the *Scots* Congregation at *Rotterdam*, and edified many. Even thither his Persecuters Rage followed him, as we may afterwards hear; and he with some others were again forced to wander further off from their native Land. This worthy Person died at *Rotterdam* about Twenty Years after this.

Lameness of
Sir George Mac-
kenzie’s Vindi-
cation.

Thus the Acts of this Parliament were sealed with Blood, and many Tears of People who had their beloved Pastors torn from them, and scattered into strange Lands. The Episcopal Party will oblige us, if they can shew what Part of Sir *George Mackenzie*’s Vindication ac- counts for the Banishment of Mr. *M’Vaird* and Mr. *Simpson*; if they cannot, I hope this will be another Instance of its Lameness, and an Argument of its Falseness too: For, if to be banished from One’s Country, for dissenting from Acts against the covenanted Work of *Reformation*, was not suffering upon Principle and Persecution for Conscience Sake, pray what can be such? If exhorting People to mourn for the Defection of the Land, be Rebelli- on, then indeed Mr. *M’Vaird* was guilty; but I hope every Body will allow, that Mourning and Fighting are Two Things, unless *preces & lachrymae sunt arma ecclesiae*, be judged a re- bellious Maxim.

Attacks upon
Synods this
last Year ille-
gal.

Besides those Sufferings of Ministers to Blood and Banishment, Bonds and Bondage, I might insist upon other Branches of their Sufferings; but they will come in afterwards when they turn more conspicuous in the following Years. I have already noticed the Attacks made upon Synods during this Session of Parliament, which, as it was a Contrivance of Mr. *Sharp*’s, so in it self was an high Invasion of the Prerogative of the Redeemer, and the exerting the *Erastian Supremacy* before it was an Iniquity established by a Law. I shall shut up the Sufferings of Ministers with a Hint at the Persecution of the Tongue, liberally enough bestowed upon them at this Time.

The Calumny
of the wiser
Presbyterian
Ministers be-
ing for Prelacy,
taken off.

Mr. *James Sharp*, and the Noblemen who joyned him about the King, under the Patronage of Chancellor *Hyde*, and the *English* High-fliers began their Designs of overturning the Go- vernment and Discipline of the Church of *Scotland*, by buzzing into the King’s Ear that wicked Lie, and scandalous Misrepresentation, That the Generality of the old, wise, and learned Ministers of the Church of *Scotland*, were for Prelacy, at least a moderate Episcopacy. This I find some of the Ministers, then living, complaining heavily of in their Letters; and Mr. *Douglas* takes off this Calumny, as we have heard in the *Introduction*.

I have

I have formerly regreted the unhappy Difference 'twixt the *Resolutioners* and *Protesters*. The woful Heats 'twixt them effectually stopped any joynt Application to the King from Presbyterian Ministers, or general Declaration of their Principles and Adherence to Presbyterian Government, save what we heard of at some Length, *Section 2^d*. This Silence, and these Heats cunning Mr. *Sharp* did not fail to improve into this gross Untruth, That the Bulk of Scots Ministers were not against Prelacy. Nothing was stuck at by this unhappy Man, now entirely corrupted by *Hyde's* Party at *London*, and bribed by and gaping after what in a little now he got, the Archbishoprick of *St. Andrews*.

1661.

Whereas indeed, excepting a few lax Men in the *North*, under Mr. *Sharp's* Conduct, and Promises of Bishopricks, who influenced the Synod of *Aberdeen*, to send up to Court a flattering Address in favour of Episcopacy; which, by the Way, came afterwards to ly very heavy on the Consciences of some of the best of the Ministers who signed it; there was indeed nothing could be more disagreeable to the whole of the Presbyterian Ministers through the Kingdom: How far soever they differed in some other Things, yet all honest Ministers centred in this.

At great Length I could make this out by particular Instances of Mr. *Robert Douglas*, Mr. *Robert Bailie*, Mr. *James Wood*, Mr. *David Dickson*, Mr. *James Fergusson*, and other great Men, publick *Resolutioners*, with whom the Courtiers dealt in the greatest Earnestness to accept of Bishopricks; but they firmly refused, and used no small Freedom with Mr. *Sharp*, and the Noblemen in this Matter: Mr. *Douglas* told the first, That the *Curse of God* would come to him with his Bishoprick; and the last, particularly the Chancellor, That by putting his Hand to the *Ark of God* with others, their Families and their own Peace at Death would be ruined.

The greatest Protestation Mr. Sharp put against the late.

This was evidently enough made out in several Instances. Yet for all this plain Dealing, of which afterwards we shall have several Instances, these worthy Men were laid under this hellish Obloquy, and the Scourge of Tongues. And *Thomas Sideferf*, Son to the Bishop of that Name, the *Diurnaller*, made it his daily Trade to bespatter the greatest Men of this Time, without the least Provocation or Foundation, such as Mr. *David Dickson*, Mr. *Robert Blair*, Mr. *George Hutcheson*, and many others, to that Pitch of Insolence, that the King was pleased to order that Libeller to be silenced.

The Diurnal by Sideferf stopped by the King.

I promised in this Section to take Notice next of the Trouble and Sufferings several worthy Gentlemen were brought to during this Session of Parliament, and shall be but short upon it, because most of them will come in afterward, in the Progress of this History. We shall just now meet with some Gentlemen haralled before the Council, but 'tis the Processes before the Parliament come in here. All could be objected against most of them, was, the ordinary Compliance with the *English*, which every Body was necessitate to give. This *English* Guilt was a good Handle for prosecuting such who had been active in the Work of *Reformation*, and had Estates, which our indigent Courtiers had their Eye upon, and by the Act of Fines, and otherwise, they reached a good many: Tho' *England* was indemnified, yet the ancient Kingdom must not enjoy that Favour for some Time.

Gentlemen attacked by the Parliament.

In *January*, towards the Beginning of this Parliament, I find the Lairds *Arkinglaff*, and *McCondochy*, the first a very considerable Family we shall afterward meet with, were forfeited by Parliament. They had been cited to appear, and did not come, not being in Safety as to their Lives, because Friends of the Family of *Argyle*: For any Thing I know of, nothing further was to be charged on them; and yet they found it not safe to appear. In the unprinted Acts I find a Decreet *D. Ham.* against *Arkinglaffs*; but whether it referreth to this, I know not.

Arkinglaff and McCondochy, forfeited.

February 1st, The Summons of, and Indictment against the Lord *Waristoun*, *William Dundas*, and *John Hume of Kello*, were this Day read in Parliament; none of them were present: The first we shall again meet with. Whether they were separately indicted, or a general Charge given against them all, I know not; all I have seen is the following Abstract of the Charge against them; that they have contravened many Acts of Parliament in the following Particulars, and therefore are guilty of *Sedition* and *Treoson*. The Particulars are,

February 1. Indictment of Waristoun, William Dundas, and John Hume, read.

1. The Protestation at the Cross of *Edinburgh* against the late King his Proclamation. The
2. Contention of Estates 1643. their calling, convening, and assisting thereuntil. Obstrueting
3. the Engagement in the Year 1648. for the late King's Delivery, dissenting therefrom, and
4. voting against the same. Unlawful convocating the King's Lieges, the same Year, in Oppo-
5. sition to his Majesty's Forces under the Command of Duke *Hamilton*, *Monro*, &c." Calling
6. in of the *Sectarian Rebels*, in Opposition to his Majesty's good Subjects. The writing,
7. dictating, and contriving a Letter directed to the perfidious *Oliver Cromwel*, and trytling
8. with him and his Officers at the Lady *Hume's* Lodgings, tending to the Ruin of the late
9. King, and these Kingdoms. The drawing up, consulting, advising, and consenting to the
10. Instructions then given in to Sir *John Chiesly*, to be communicated to the Parliament of *Eng-*
11. land, or their Committee, for the Ends foresaid. The said *Waristoun*, his pleading against
12. *Newtoun Gordon*, who was executed, tho' he had the King's express Orders to plead for him.
13. Their crossing the Freedom of the Parliament, and People, in their Invitation offered to be

Heads of it. 1. 2. 3.

4. 5. 6.

7.

8.

9.

1661.

10. 11. 12.

13.

14.

15.

Decrets of For-
feiture passed
against them.

February 22.
Swinton's Pro-
cess, with
Hheads of his
Indictment.

1.

2.

3.

4.

Forfeited by
the Parliament:
But Favour is
shown him.

Swinton's Case
printed, 1690.

Sir John Chieflly
and others
brought to
Trouble.

sent to the King, without Limitations, to come to this Kingdom. Their contriving and assisting in the Murder of the Marquis of Montrose. Their constant Correspondence with Oliver Cromwel in the Year 1649. instanced in several Particulars. Their contriving or assisting to the Act, called *The Act of the West-kirk*, and the Declaration of the Officers of the Army then made. Their drawing, contriving, or consenting to the Paper called *The Western Remonstrance*, and the Book called *The Causes of God's Wrath*. Withdrawing themselves from the King's Service and Army at Stirling, in the Time of his greatest Necessity. The said Waristoun his sitting in Parliament as a Peer in England, contrary to his Oath, and accepting the Office of Clerk-register from the Usurper Oliver Cromwel, and being President of the pretended Committee of Safety, when Richard was laid aside.

By the unprinted Acts of this Session, I find Decrets of Forfeiture are passed against Sir Archibald Johnstoun of Waristoun, and William Dundas of Magdallans, and John Hume of Kello. They did not appear, and consequently had no Answers to the above Articles; and I may safely enough refer the Reader to what hath been said upon most of them, and all of them upon the Matter, in the Marquis of Argyle's Case, and Mr. Guthrie's.

February 22^d, I find the Laird of Swinton also brought before this Parliament. We have seen he was sent down Prisoner with Argyle; being a professed Quaker, his Hat was taken off for him when he came in to the Bar. The Heads of his Indictment were; 'That being a Member of Parliament, he contrived and voted to the Acts made 1648. relative to the King's Delivery; and being a Member of Parliament, contrived and voted to the Murder of the Marquis of Montrose, Lord Huntley, Harry Spotswood, and others, the King's Friends and Servants, and to the displacing of the King's Officers of Estate, and to the Deposition of many who suffered for the King's Cause. That being one of the Officers of the King's Army at Stirling, after the Defeat at Dumbbar, he kept constant Correspondence with the English and Cromwel, and deserted his Trust in the King's Army, by joyning himself with the usurping Party. His going along with Cromwel to Worcester, and there fighting against the King in proper Person, against his Duty and Allegiance. His sitting and voicing in the pretended Parliament of England, for extirpating the King and his Family from their due Right of Government; and exercising those Offices and Places which Cromwel had bestowed on him for that Service.'

When his Indictment was read, he had a very accurate and pointed Speech in his own Vindication, and being interrogate by the Chancellor, If he had any more to say for himself? He answered not positively, but said, He knew not whether he would make Use of any Lawyers or not, seeing he walked not now by his own Will. The Parliament assigned him till the 13th Day of March, to give in peremptory Defences. By the Table of unprinted Acts I find, that the Parliament forfeited him; but the Papists at Court interposed in the Quaker's Behalf, and he had Favour shewn, tho' he had as great a Share in joyning with the Usurper as any in the Kingdom.

After the Revolution Swinton's Son published his Case in Print, wherein it seems pretty evident, that no direct Forfeiture was passed against his Father by this Parliament: But, upon a Paper formed many Years afterwards, Lawderdale possessed the Estate of Swinton until his Death. By the Passages there cited from Swinton's Defences at this Time, it appears that he went with Cromwel to England about the Time of Worcester Engagement, as a Prisoner. However, 'tis undeniable this Gentleman did openly enough joyn in with the Usurper, and had no small Management of our Scots Affairs under him.

I find by some Papers of this Time, that Sir John Chieflly was before the Lords of Articles, March this Year, and 'tis probable received an Indictment, since he was singularly active in the Work of Reformation: But I have not seen the Articles. We shall find him under Confinement after this, for many Years. Several other worthy Gentlemen and Ministers were brought to much Suffering during the After-part of this Year, before the Privy Council, who after this have much of the Persecution I am to describe among their Hands. This brings me to

S E C T. VI.

1661.

Of the Establishment and Erection of the Privy Council, their first Meeting July 13th, and Procedure against particular Noblemen, Gentlemen, and Ministers of the Presbyterian Perswasion, this Year 1661.

WE have seen the Civil Government of Scotland last Year in the Hands of the Committee of Estates, and this Year the high Court of Parliament continued sitting till the 12th of July; and the last Day of that Month, their Acts were in great Solemnity proclaimed at the Cross of *Edinburgh*, and it took from Eleven of the Clock Forenoon, till Six at Night, to publish those of a publick Nature. As soon as the Parliament was up, next Day the Privy Council met, and a vast Power was in their Hands.

Parliament rises July 12. Their Acts proclaimed with Solemnity.

The Council meet July 13.

Members of the Civil Courts at this Time.

In this Kingdom there had been a long Interruption of all our Civil Courts; and it may not be unacceptable to the Reader to give the List of the Members of the different Courts at this Juncture, and the Time of their Meeting; tho' it has no great Relation to the general Subject of this History, it will take up no great Room, and may be of some Use. Some good Time was taken up before Persons could be fallen upon to fill up the total Vacancies; and in the Beginning of *April* the Lists came down from Court.

April 5th, as many as were in Town of the Lords of the Session took the Oath of Supremacy, and *de fidei administratione*, before the Parliament; and the Parliament ordered them to sit down *June 4th*. They were as follows. 'Sir John Gilmor President, Lord Cranstoun, alias Oxenford, Sir Archibald Primrose Clerk-register, Ley, Halkertoun, Collingtoun, Carden, Tarbet, Mr. James Robertoun, Mr. John Scougal, Mr. Robert Nairn of Strathburt, Mr. Robert Burnet elder, Mr. Andrew Aiton of Kinglassie, Mr. James Dalrymple of Stairs, and Sir Robert Murray.' The Extraordinary were *Roths, Crawford, Cassils, and Lawderdale*. My Lord Cranstoun did not accept, and Mr. David Nevoy was put in his Place; and when my Lord Cassils, upon refusing the Supremacy, was declared incapable of publick Trust, *Middleton* was put in his Room.

Lords of Session.

June 10th, the Exchequer sat down, and the Lords of that were, *William Earl of Glencairn* Chancellor, *Roths, Marishal* Lord Privy-seal, *Lawderdale, Middleton, Halkertoun*, President of the Session, Clerk-register, Sir John Fletcher Advocate, Sir Robert Murray Justice-clerk, Sir James McGill of *Crawstoun*, Sir James Lockhart of *Ley*, Sir William Fleming, Sir John Wachop, Mr. Robert Burnet elder, Mr. James Robertoun, William Scot of *Airdrie*, with the Treasurer Earl of *Crawford*, or Treasurer-depute Sir William Bannantyne, one of the *Quorum*.

Lords of Exchequer.

But the Court which the Sufferers I am to account for, at least for many Years, were mostly before, was the Privy Council; and in the Intervals of Parliaments, they had all the executory Power in their Hand, and assumed little less than a Parliamentary Power. They were indeed a very sovereign Court, and therefore I shall here give the List of them. The Earl of *Glencairn* Chancellor, Earl of *Crawford* Treasurer, Earl of *Roths* President of the Council, Dukes of *Lennox* and *Hamilton*, Marquis of *Montrose*; Earls, *Lawderdale* Secretary, *Errol*, *Marishal*, *Mar*, *Athole*, *Mortoun*, *Eglintoun*, *Cassils*, *Caithness*, *Murray*, *Linlithgow*, *Hume*, *Perth*, *Dumfermling*, *Wigtoun*, *Kellie*, *Roxburgh*, *Haddingtoun*, *Tullibardin*, *Weems*, *Southesk*, *Hartfield*, (now *Annandale*) *Callender*, *Tweeddale*, *Middleton*, *Dundee*, *Newburgh*; Lords, *Sinclair*, *Halkertoun*, *Duffus*, Sir Archibald Primrose, Sir John Fletcher, Sir William Bannantyne, Sir Robert Murray, Sir John Gilmor of *Craigmillar*, Sir William Fleming, Laird of *Ley*, Laird of *Blackball*, Sir John Wachop of *Niddrie* Knight, Gibson of *Durie*, Sir George Kinnaird of *Rossie*, Alexander Bruce Brother to the Earl of *Kincardin*, Sir William Scot of *Airdrie*.

The Privy Council.

List of Scots Counsellors.

The English Counsellors added, were, Chancellor *Hyde*, Duke of *Albemarle*, Marquis of *Ormond*, Earl of *Manchester*, and the principal Secretary of State for England. Their *Quorum* is declared to be Nine; the Chancellor or President, or in their Absence, the eldest Counsellor to be one of the *Quorum*.

English Counsellors.

I come now to give some Account of the Procedure of the Privy Council, from their Registers; and in this Section I shall confine my self to the Hardships and Sufferings particular Persons of all Ranks were brought under by this arbitrary Court, during what is before us of this Year. I shall leave their general Acts, with relation to the Introduction of Prelacy, to the following Section, where I am to essay some Account of this great Turn in this Church.

Procedure of Council against particular Persons this Year.

July 13th, the Council met at *Holy-rood-house*, and, after the publick Reading of their Commission, with their Powers, all who were present took the Oath of Allegiance, which hath been above insert; and then they took the Oath of Council, a Copy of which the curious Reader will perhaps desire to see; therefore I insert it.

Oath

1661.

Oath of the Privy Counsellors.

Oath of Council.

I Swear to be a true faithful Servant to the King's Majesty, as one of his Privy Council; I shall not know nor understand of any Manner of Thing to be attempted, done or spoken against his Majesty's Person, Crown, or Dignity Royal, but I shall let and withstand the same to the utmost of my Power, and either cause it to be revealed to His Majesty himself, or such of his Privy Council as shall advertise his Highness of the same. I shall, in all Things to be moved, craved, and debated in Council, faithfully and truly declare my Mind and Opinion, according to my Heart and Conscience, and shall keep secret all Matters committed and revealed unto me, or that shall be treated of secretly in Council; and if any of the same Treaties and Counsels shall touch any of the Counsellors, I shall not reveal it unto him, but shall keep the same until such Time, as, by the Consent of his Majesty or the Council, Publication shall be made thereof. And generally, and in all Things, I shall do as a faithful and true Servant and Subject ought to do to His Majesty. So help me GOD, and the Contents of this Book.

Clerk and President.

When all present had taken this Oath, the Commission of Sir Peter Wedderburn, to be Clerk, was read, and he admitted. The Earl of Crawford is President, and the Earl of Callender to preside in his Absence. They have little before them till the Return of the Chancellor and *Rothes*, who came down on the last of *August*, with what was concerted at Court about the Change of Church-government, of which afterwards.

Earl of Tweddale proceeded before the Council, for his Vote in Mr. Guthrie's Trial.

In *September*, they have a very remarkable Process before them, with relation to the Earl of *Tweddale*. Information had been sent up, it seems, to Court, of his speaking in Favours of Mr. *James Guthrie*, when his Process was in Dependence before the Parliament; and it seems this was reckoned a high Crime for this Nobleman to speak his Light in his judicative Capacity: Therefore he is ordered to be imprisoned; and the Execution of this arbitrary Step is put in the Hands of the Council, as one of their first Works. This is so odd a Management, and forebods so much Oppression and Severity in this Reign, that I shall venture to say nothing upon it, but give the Progress of it from the original Records.

Upon the 13th of *September*, the following Letter from the King is read, ordering the Earl of *Tweddale* to be made a Prisoner.

King's Letter to the Council, Sept. 7.

RIGHT Trusty, &c. Having received Information of some Speeches uttered by the Earl of *Tweddale*, in the Trial of Mr. *James Guthrie* attainted and executed, which, as we are informed, did tend much to the Prejudice of Our Authority, We require you to commit the said Earl to the Castle of *Edinburgh*, there to remain till We have examined the Business, and declare Our further Pleasure; and that he be kept in Durance, but not as close Prisoner. Given at Our Court at *Whitehall*, September 7th, 1661.

LAWDERDALE.

The Earl imprisoned.

These Orders were immediately executed, and the Earl entred Prisoner in the Castle; And *September* 17th, he sent the following Petition to the Council.

To the Right Honourable, The Lords of His Majesty's Privy Council, John Earl of *Tweddale*

Humbly sheweth,

His Supplication to the Council, Sept. 27.

WHEREAS your Lordships have been pleased, upon a Command from his Majesty, to commit me to the Castle, and being exceedingly affected with his Majesty's Displeasure, I desire to express to your Lordships the Grief of my Heart, for whatsoever has been the Occasion of procuring such Resentment from so gracious a Prince, of whose Favour I have so largely shared, and to whose Commands I account a perfect Submission acceptable Service to GOD, and suitable to the Duty of every Subject. How observant of them I have been, and what ready Submission I have given, your Lordships can witness: Being filled with the Sense of my Obligations, and engaged in Duty, to be thus clouded with his Majesty's Displeasure, is a Burden I am unable to bear. May it therefore please your Lordships to give such an Account of mine Actings, as I may be restored to his Majesty's Favour, and to interpose for my Enlargement, that at least my Imprisonment may be changed to a Confinement, at my House at *Bothams*, in regard of my Wife's Condition, now near the Time of her Delivery.

TWEDDALE.

The Clerk is ordered to have a Draught of a Letter ready against to Morrow. Accordingly, *September 18th*, a Letter is signed by the Council to the Secretary, the Tenor of which is subjoined. 1661.

My Lord,

AT our last Meeting, which was occasioned by his Majesty's Letter, for committing the Earl of *Tweddale* Prisoner to the Castle of *Edinburgh*, we issued Orders for it; which were no sooner intimate to him, but he immediately obeyed, and entred Prisoner. From him we have since received a Petition, which we send inclosed, to be presented by your Lordship to his Majesty; and find our selves obliged to give this Testimony in his Behalf, That, in the late Meeting of Council, when the Matter of Church-government was under Deliberation, he did heartily comply with his Majesty's Commands, and carry himself as a faithful Counsellor, and loyal Subject. When his Majesty's further Pleasure shall be signified as to this Particular, we shall be ready to prosecute the same; and are, My Lord, your Lordships affectionate Friends.

Council's Letter to Lord, *Sept. 18.*

As in Sederunt.

Matters stood thus till next Council-day, *October 1st*, when was read the following Letter from the King.

RIGHT Trusty, &c. We received yours of the 7th of this Instant, and have seen the Proclamation you have published, in Obedience to what We recommended by Our Letter of the 14th of *August*; with which We are so well satisfied, That We thought fit to give you hearty Thanks. We got Notice of the Commitment of the Earl of *Tweddale*, by Our Order: You shall examine what his Carriage was at the late Vote in Parliament, which condemned *Guthrie*, and report the same speedily to Us, to the End that We may declare our further Pleasure. And so We bid you heartily Farewel.

King's Letter to Council, *Sept. 23.* ordering them to examine the Earl's Vote in Parliament.

Whitehall, September 23. 1661.

LAWDERDALE.

Joynly with this, there came a Letter from the Earl of *Lawderdale* to the Council, whereof the Tenor is;

May it please your Lordships,

IN Obedience to your Lordships Commands, I did Yesterday present the Earl of *Tweddale's* Petition. After Reading of it, his Majesty was graciously pleased to order the Change of his Prison in the Castle, to a Confinement at his House; and his Majesty hath commanded me to signify his Pleasure to your Lordships, That he be confined to the *Boothams*, and Three Miles about it, until, upon Report from your Lordships, the King shall declare his further Pleasure. This is all I have in Command, who am, May it please your Lordships,

Lawderdale's Letter, *Sept. 26.* to the Council.

Whitehall, 26 September, 1661.

Your Lordships most humble Servant.

LAWDERDALE.

After the Reading of those Letters, the Council came to the following Resolve, 'Ordered, That in Pursuance of his Majesty's Orders, the Earls of *Haddingtoun*, *Annandale*, and *Callender*, the Lord President of the Session, the Lord Register, Lord Advocate, and Lord *Lee*, do examine the Earl of *Tweddale*, in the Castle of *Edinburgh*, the Morn at Nine of the Clock, anent his Carriage at the late Vote in Parliament, which condemned *James Guthrie*, and to take his own Declaration under his Hand, upon the several Votes which passed upon that Process whereupon he is to be interrogate, and report the same next Morning.

Council ordain a Committee to examine the Earl.

This was accordingly done, and to Morrow *October 2^d*, the Lords, appointed to examine the Earl, gave in his Declaration, signed by himself and the Lord President; the Tenor whereof follows.

At the Castle of Edinburgh, October 2. 1661.

THE Earl of *Tweddale* being interrogate, What his Carriage and Expressions were at the Vote in Parliament, in Mr. *Guthrie's* Process, dated 12th of *April*, 1661. and being first interrogate upon the first Member of the Vote, concerning the first Two Articles of *Guthrie's* Dittay, wherein he was charged with the *Remonstrance* and *Causes of God's Wrath*, which were found relevant to bring the Pannel under the Compass of the Acts of Parliament mentioned in the said Vote, made against slanderous Speeches against his Majesty's Person and Authority: The said Earl of *Tweddale* doth declare, That tho' he was clear in

The Earl's Declaration when examined, *Oct. 2.*

1661.

his Judgment, and did exprefs so much, that the first Two Articles brought the Pannel under the Compass of the Law, and that the Law made him liable to the Sentence of Death; yet some Circumstances, as the Distraction and Disorder Men were then under, and the epidemick Distemper of those Times, and the restraining Power of the Law having been of a long Time sadly abated, and upon the Consideration of his Majesty's compassionate Clemency, and Construction of the Failings of those Times, which inclined him to some other Punishment than Death, he conceived and voted that Article not relevant as to Death. As to the 2^d Member, concerning the *Petition* and *Instructions* mentioned in the Vote, he declares, That, to the best of his Memory, he had no Discourse thereupon, and doth not remember what was his Vote. As to the 3^d, concerning the *Declinature*, he declares, That, having heard the Process only once read, and not having heard distinctly the Debate upon that Article, and being the first criminal Process he was ever at, he thought himself unfit to judge in a Particular of so large a Debate upon once Reading, and so could not be clear to give a positive Vote at that Time, and therefore was *non liquet*.

TWEDDALE.
JO. GILMOR P.

The Earl confined to his House, under the Penalty of 100,000 Merks.

Upon the producing of this, the Council order the Earl, 'To be put to Liberty from his Confinement, and to repair to his House, and confine himself within the same, and Three Miles about, till his Majesty's Pleasure shall be further known; he always finding sufficient Caution, under the Pain of One hundred thousand Merks, to appear, or return to the Castle, whenever his Majesty or the Council shall order the same, and in the mean while keep his Confinement.' And further, *October* 3^d, they declare, 'That all of their Number who were Members of Parliament, and present when the said Votes passed, as to all the Articles of the *Declaration* they remember, he went not along with them in the Affirmative which passed in the Parliament.'

Remarks upon this Treatment of the Earl.

That same Day, the Council send a Letter to the King, narrating all the Steps (above) they had taken, with the *Declaration*. This is all I meet with in the Registers, about this odd Treatment of a Nobleman. Towards the Beginning of *May* next, the Confinement was taken off, and the Earl was in very much Favour. What were the Springs of this Prosecution, I cannot say: Perhaps it was not so much from any special Design against the Earl, as to fright People afterwards into their Measures, by those terrible Enquiries into Votes and Speeches in Parliament. I have scarce ever met with a Parallel in History. We see this noble Lord's Reasons for what he did, in his own *Declaration*. His Imprisonment about Three Weeks, for his Vote in Parliament, and the exorbitant Bail demanded of him, are what cannot be defended, and will not endure Reasoning; and I have seen none of the Advocates of this Period, who set up for vindicating this unaccountable Procedure against the Earl of *Tweddale*.

Council's order to seize Two Ministers come from Ireland.

I come now forward, to hint at some begun Sufferings of Ministers this Year, before the Council. *September* 17th, 'A Letter is ordered to be writ to the Sheriff of *Clydsdale*, or his Depute, to apprehend Two Ministers come from *Ireland*, whose Names the Chancellor is to condescend on; and they are to be convoyed from Sheriff to Sheriff till they come to the Magistrates of *Edinburgh*.' I know no more about them than is in this Article of the Council-registers: It seems plain they were Two Presbyterian Ministers, who had fled over from the Persecution of the Prelates in *Ireland*, and probably did not know of the Parliament's Proclamation above narrated, discharging all *Scotsmen* to come over thence without Passes.

Mr. Robert Blair procecded before the Council.

The reverend Mr. *Robert Blair*, Minister of the Gospel at *St. Andrews*, was one whom Mr. *Sharp* could not bear to be any longer at his Work there, tho' he was under particular Obligations to Mr. *Blair*; and therefore Matters are so ordered as the Council must attack him, *October* 1st, this Year. He was a Minister of known Piety, Gravity, Prudence, and great Loyalty to the King; and nothing could be laid to his Charge, save that he was a Presbyterian Minister, and now stood in Mr. *Sharp*'s Way. Thus, upon some Information or other, wherein Mr. *Sharp* took Care not to be seen, the Council the foresaid Day order the Clerk to write to the Magistrates of *St. Andrews*, upon the Sight of his Letter, to go to their Minister Mr. *Robert Blair*, and in Name of the Council to command him to present himself before my Lord Chancellor at *Edinburgh*, betwixt and the 9th Instant, that by his Lordship he might know the Council's Pleasure.

Examined, Nov. 5.

I find no more about Mr. *Blair* till *November* 5th, where the Registers bear, 'Information being given of some Particulars against Mr. *Robert Blair*, Ordered, that the Earls of *Linlithgow*, *Hume*, *Haddington*, Lord Advocate, and Sir *George Kinnaird*, examine the said Mr. *Robert* upon these Particulars, and report to the next Meeting of the Council.' The next Meeting is *November* 7th, and that Day I find a Blank in the Records of near Half of the Page, and upon the Margin, *Act*, Mr. *Robert Blair*. Whether they were ashamed to insert what they went into against so great and good a Man, whom every Body almost had a Regard to, or what was the

the Reason, I cannot say. We shall meet with him again next Year, when, in September, the Council declare his Church vacant. 1661.

Last Year we heard of the reverend Mr. *William Wiseheart*, Minister at *Kinneil*, his Confinement: And now I find an Application by the Presbytery of *Linlithgow*, to the Council, November 7th, which is all I know in this Matter, and set it down, with the Council's Answer.

Anent a Supplication presented by Mr. *James Ramsay*, Mr. *Patrick Schaw*, and Mr. *John Wauch*, Commissioners, for themselves, and in Name and Behalf of the remanent Brethren of the Presbytery of *Linlithgow*, shewing, That whereas the Parish of *Kinneil*, within the Bounds of the said Presbytery, has long lien destitute of the free Exercise of the Ordinances, except what the Presbytery was able to provide for them, which was but little, having Eight Kirks besides that to provide with Preaching: And this the Presbytery's Burden of the said Parish of *Kinneil* doth ly upon them, through the Imprisonment and Confinement of Mr. *William Wiseheart* Minister there, now these 13 Months bypast. The Presbytery did consider of the Condition of the said Kirk, and Minister thereof; and having conferred with himself, have proceeded that Length, that if his Imprisonment and Confinement were taken off, Access will be had for the present Planting of the said Kirk with some other, whom the Patron shall be pleased to name: Desiring therefore that such Courie may be taken, for taking off the Imprisonment and Confinement of the said Mr. *William Wiseheart*, as may give Access to the Presbytery to proceed in the Plantation of the said Church; as the Petition bears. Whilk being at length read, heard, and considered, the Lords of Council do take off the said Mr. *William Wiseheart* his Confinement, and declare him to be free thereof, and of his Band of Caution given in by him for that Effect.

What were the particular Occasions of the Favour shown to the two following Ministers, confined August 1660. I have not learned at this Distance: But November 21st, the Council gives Warrant to the Lord Chancellor, to grant Liberty to Mr. *John Scot* Minister at *Oxenam*, to exercise the Function of the Ministry within his own Parish, notwithstanding the Restraint put upon him. And December 10th, 'The Council, upon good Considerations, take off the Restraint laid upon Mr. *Gilbert Hall* Minister at *Kirklistoun*, discharging him from Preaching; and grant him Warrant to exercise the Ministerial Function as formerly before the Restraint was put on him, he behaving himself peaceably, as becometh a faithful Minister.' Both these were very worthy Ministers, and, it seems, got some Interest made with the Counsellors. This is all I meet with before the Council, as to particular Ministers this Year.

November this Year, I find a great many West-country Gentlemen brought to a vast Deal of Trouble, for their joyning with Colonel *Strachan*, and going in with the Forces to *Niddale*, 1650: And a Fine of 2000 Pounds Sterling is laid on the Lairds of *Rowallan*, *Cuninghamhead*, *Nether Pollock*, *Earlstoun*, *Aikenhead*, *Halraig*, and others, who had appeared firm Presbyterians, and active in the Work of Reformation. But this Process not coming to a Close this Year, I shall delay it till I bring it in altogether afterwards. A good many other Gentlemen in other Parts were brought to Trouble this Year, as we may hear when I come to the Detail of their severer Sufferings, in the succeeding Years: And therefore I come now forward to the Proceedings of the Council, as to Church-government, and the Regal Introduction of Episcopacy.

SECT. VII.

Of the Regal Erection of Bishops, with some new Attacks made upon the Judicatories of the Church.

As soon as this pliant Session of Parliament rose, and the Council was constitute to manage all in the Intervals of Parliament, *Middleton* and the Courtiers haste up to *London*, where, no Doubt, they were most graciously received. The Subjects of *Scotland* were now made as obsequious as ever the former Set had been reckoned rebellious.

The Bishops of *England* in a very particular Manner caressed our Scots Peers, for procuring them another national Church among all the Reformed, to bear them Company in their Prelatical Way.

When their Report is made, and the Plan laid at *London*, formerly concerted by Mr. *Sharp*, and the other Two who went up, for modelling this Church a la mode d' *Angleterre*, Mr. *Sharp* comes down again, and the Council fall to execute the Orders and Letters sent down from *London*, and overturn one of the best established Churches since the Reformation, by their Proclamations. Mr. *Sharp* carries up with him Three of his Brethren, whom he thought good,

1661.

good, and who were as well as he thirsting after *Dominion over their Brethren*. Them we have sent down, consecrated, and impowered to make the Rest of their Order. These, with such as they adopted, were the great Authors of all the Troubles which followed for many Years upon the Presbyterians in *Scotland*. This unscriptural Office imposed by the King, and set up by the Council, is next Year confirmed in Parliament; and the Consequence is the laying desolate many Hundreds of Congregations in one Day, as we shall hear.

General Remarks upon the Election of Prelacy.

The Estates of the Kingdom of *Scotland*, as soon as they convened after the Revolution, among other Things, declare, 'That Prelacy, and the Superiority of any Office in the Church, above Presbyters, is, and hath been a great and insupportable Grievance to this Nation, and contrary to the Inclinations of the Generality of the People, ever since the Reformation, we having been reformed by Presbyters from Popery.' This being the Sense of the Representatives of this Nation, when at their full Freedom, and really themselves, and under the nearest Views, and most intimate Knowledge of Prelacy that had been rampant for Twenty seven Years, I may well represent the Introduction of Prelates by the King, without the Parliament, who had indeed put a Blank in his Hand, as a great Hardship, and one of the first Branches of the Sufferings of this Church.

Prelates the Fountain of the following Persecution.

It was contrary to the most solemn Establishments, ratified by the King himself, sealed with an Oath, and contrary to the Inclinations of the People. And from this plain Invasion upon the Right of *Scotsmen*, proceeded much of the bloody Persecution which followed. Indeed the Whole of the Severity, Hardships, and Bloodshed, from this Year until the Revolution, was either actually brought on by the Bishops, procured by them, or done for their Support.

The popular Arguments against Prelacy.

Prelacy was never popular in *Scotland*, no not in the Days of ancient Ignorance: Our Reformation from Popery, and Reformers were quite upon another Bottom. Abstracting from the Arguments from Antiquity and History, the common People in *Scotland* used to advance unanswerable Arguments, and Exceptions of a more convincing Nature to them, against Episcopacy. They had observed almost all the Bishops of *Scotland* to have been either Patrons or Patterns of Profaneness; and these few among them who had any Reputation formerly, as soon as they became Prelates, changed remarkably to the worse; and, as *Beza* had foretold, in his Letter to *Knox*, *Bishops first brought in Epicurism, and then Atheism*; Religion and Piety first withered under their Shadow, and Wickedness grew prodigiously. They used to say, Those Changelings being perjured themselves, like the fallen Angels, they endeavoured to involve as many as they could in their Guilt.

They noticed likewise visible Disasters and Curses falling upon their Persons and Families, yea, upon all such who were active in bringing in Prelates to this Church. They believed firmly, that as the Branch leads to the Root, so Episcopacy brought in Popery; and therefore Bishops, by *Scotsmen*, generally speaking, were looked upon as the *Pope's Harbingers*. Upon all those Accounts, founded upon Feeling and Experience, the Body of the People in *Scotland* were very much against their Reintroduction.

Reasonings pro and con at London, as to the setting up Prelacy in Scotland.

Upon the other Hand, some of our Noblemen were as heartily for them. When our Noblemen and Mr. *Sharp* were at Court, and had the Church-government in *Scotland* under their Consideration, the Commissioner and Chancellor were resolute for Bishops, as what would please the King, or at least some People about him, whose Favour they needed. *Lawderdale* Secretary, *Crawford* Treasurer, and Duke *Hamilton* for some Time opposed them. The Secretary with some Warmth urged, That the Introduction of Bishops will evidently lose to the King, the Affections of the best of his Subjects in *Scotland*; and Bishops would be so far from enlarging the King's Power, that they would prove a Burden upon it. Both which accordingly came to pass.

Issue of those Debates.

Those Debates, I am told, continued some Days, and it was here the Foundation of Discord was laid 'twixt *Middleton* and *Lawderdale*, which issued in the Ruin of the First. At length *Lawderdale* yielded to the Current that was against him, and his Master's alledged Inclinations. A little thereafter, the Chancellor, in a Conversation with *Lawderdale*, desired him not to mistake his Conduct in that Affair, for indeed he was not for lordly Prelates, such as had been in *Scotland* formerly, but only for a limited, sober, moderate *Episcopacy*. The Secretary, it is said, replied, 'My Lord, since you are for Bishops, and must have them, Bishops you shall have, and higher than ever they were in *Scotland*, and that you will find.' And indeed he felt it more than once in a few Years.

Reasons inducing some of the Courtiers who were for Prelacy.

The Reasons inducing the Courtiers to be so much for *Episcopacy*, after their Declarations and Engagements against it, were many. They found it necessary to gratify the prevailing Party at this Time in *England*, who were *High-fliers* in this Matter; and since the Union of the two Crowns, the prevailing Party in *England* had a vast Influence upon our Managers in *Scotland*. It was well known, that Prelates in *Scotland* had never been Reprovers of great Men, do what they would; their only Sting was against *Presbyterians*, and they had the Discretion to overlook Courtiers Faults, and were no way so strict as *Presbyterians*.

The first Article of their Creed was *Nonresistance*, and their constant Doctrine, *That Kings could do no Wrong*; ignorantly or wilfully mistaking that Brocard of the Law, as if the Meaning were, That nothing a King does is to be reckoned Wrong; whereas the true Sense of it is, That

that *jure* he can do no Wrong, that is, even the Prerogative does not impower him to do Wrong, nor can excuse him when he hath done it, and much less justify him. They were the best Tools that could be for arbitrary Government; the King was still sure of the Bishops Vote in Parliament in all ordinary Cases: And it was well known they would quickly plant the Church with a Set of Ministers, who would instil Principles of unbounded Loyalty into their People, till they were first made Slaves, and then Beggars. All of them were for the King's absolute illimitable Power, and some for his universal Property, and making him Master of the People's Purse, without the Trouble of calling Parliaments.

When I am giving some Account of the Springs of this dismal Alteration made in the Church of Scotland, I think it proper to insert here the Sentiments of that truly great Man Mr. Robert Douglas, who, for his Prudence, Solidity, and Reach, was equalled by very few in his Time; and he had Occasion to know the inmost Springs of this great Turn, and therefore I'll give the Reader a pretty large Extract from an original Paper of his, entitled, *A brief Narration of the coming in of Prelacy to this Kirk*, communicated to me by his worthy Son; and that in his own Words. I choolse rather to insert it here than in the *Appendix*, because it contains several Particulars relating to the History of this Turn, which I might have insert in their own Places before, but thought it better to leave them altogether to this Place.

'By the Mercy of God Prelacy was rejected by our Kirk, yea, all Ranks of Persons, from the highest to the lowest, were solemnly bound to extirpate it, and never to assume it again; all Judicatories Civil and Ecclesiastick were bound, and every Person engaged by Oath; and this Kirk was free of it by the Space of Twenty Two Years and more. We were certain Years indeed under the Tyranny of Usurpers; yet at that Time we had the Liberty of Preaching, and meeting in our Kirk-judicatories without Interruption, save in so far as Interruption was made to the Assembly, occasioned by our own selves, upon Design to have Power in their Hands.'

'During this Time of our Bondage, the whole Nation lying under their Feet, yea, a great many taking the *Tender*, renouncing the King and his Family, and all the rest under the Power of the Enemy's Sword, our King in a banished Condition, none to act for him, or serve him, only not joyning with the Usurper, yet not able to do any Thing for the King, but to pray, and hold up his Condition to God.'

'It was maliciously asserted, that we left off praying for him: The Truth of this is, the Ministers who all stood for the King and his Government, did never leave off praying for him, till they acquainted him by Letters, and had Advice what to do. The Return of our Letter came, shewing that it was meet to forbear for a Time, that we might be the better in Case to keep up his Interest in the Hearts of his People. After this it was resolved among us to forbear naming him publickly in our Prayers; yet, notwithstanding of that, the Prayers of Ministers were so plain for the King's Interest, that the Usurpers themselves confessed it had been better to suffer us to name him, than pray as we did, for it kept up Affection for him in the Hearts of the People: Yea, we prayed longer for the King by Name, than any did appear to fight for him; all Arms were laid aside, and no visible Opposition in all the Three Kingdoms; and as long as any Party appeared for him in *Ireland*, we prayed, and named him KING.'

'When all had left the King, we never complied with the Usurper against his Interests, as many did, who nevertheless are counted very loyal, because they can comply with all Times and Changes.'

'Thus Matters continued, till God suffered Divisions to fall in among the chief Captains of the Usurpation, *Monk* and *Lambert*. The last brought his Forces towards *Newcastle*, and *Monk* marched from *Edinburgh* to meet him, but was hindred by some Articles offered him by those in Power, which made him retire, having a Purpose to subscribe. At this Time no Man appeared: Divers Noblemen dealt with me to go and speak with *Monk*, which I did early in the Morning, before his Officers met to agree upon the Articles. By the Blessing of God, Speaking with him succeeded, and he resolved to march, and not return. It is true, I knew he had no great Inclination to bring home the King; but I was perswaded, that if they were divided, it would occasion at last the King's bringing home. *Monk* went to *London*, and *Lambert's* Forces evanished. When he came to *London* he discovered his Averseness to bring home the King; only the People desired it, and a Letter was writ to him from *Scotland*, pressing him to fall in with every Body's Desires, which were so earnest, that it was thought a Call from God. The Return to this Letter declared his Averseness from the Thing.'

'At that Time, the best affected in *Ireland* had sent Letters, requiring us to be stedfast to the King, and promising all Assistance. These I shewed to the Chief in this Land, and wrote another Letter to *Monk*, requesting him to undertake for the King, and if he did it not, that it would be done to his Hand; but I did not write by whom. Whatever was his Averseness, God over-ruled him and others there, so that, upon some Discontentment General *Monk* met with, he inclined to be for the King.'

Mr. Robert Douglas's Account of the Springs of the introducing of Prelacy, in his own Words.

State of Matters before the Restoration.

Presbyterian Ministers, under the Usurpation, scarce not to pray for the King, till he allows them.

Their constant Loyalty.

Mr. Douglas deals with *Monk* in the King's behalf.

Monk goes to *London*, where Mr. Douglas again writes, to quicken him to bring home the King.

Another Letter to *Monk*, intimating, if he appeared not for the King, others would.

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Application
from Scotland
to the English
Parliament
for the King.

The English
bring in the
King without
Conditions.

Mr. Sharp
goes over to
the King.

Letter from
Edinburgh to
Presbyterian
Ministers at
London.

Prelacy set up
in England.

Mr. Sharp hind-
ers Remon-
strances against
this from
Scotland.

King's Letter to
the Presbytery
of Edinburgh.

Which must
be a demolition
of the Presbyterian
Government.

Mr. Sharp, when
he came down,
continues to
juggle.

Mr. Douglas's
free Dealing
with Middleton.

Further Rea-
soning about
the Letter to
the Presbytery
of Edinburgh.

Presbytery of
Edinburgh's Op-
position to the
Act Refusing

'The Parliament of England meeting, when Scotland might call neither Parliament nor Meeting, being under the Feet of the *Usurpers*, some King-men from Scotland did write to that Parliament, before they had resolved to call the King, dealing earnestly for King and Covenant; and a Paper, entituled, *The Judgment of sober-minded Men in Scotland*, was sent up,' (as hath been noticed in the *Introduction*; and the Paper is inserted there, App. No. 5.)

'Now all being ready to call in the King, all the Well-wishers to the King and Kirk wished that he might come in upon the Terms of the *Covenant*; but the *English* who had a Hand in his coming Home, would have him brought in without Conditions and Limitations, giving out that he would satisfy all his Subjects in their Desires.'

'Our *Scotsmen*, not being a free Nation at this Time, did not much meddle in any Messages to the King. Mr. Sharp, at this Time at London, is pitched upon, at the Charges of honest Men, to go to the King with Letters from Presbyterian Ministers here; and Monk was writ to, that he might have Liberty and a free Passage to the King. He went, delivered our Letters, and wrote back the King's gracious Reception of our Letters, assuring us of a satisfactory Answer.'

'Upon this we wrote a Letter to our Brethren in London, That we were assured of their Stedfastness, and gave them our Advice then to care for the Presbyterian Interest, when the King came to London; which was delivered by a Person of Quality, Sharp not being returned. From Time to Time he wrote, That we needed not doubt of the King's Favour to our Presbyterian Government.'

'The King was brought Home with Joy, and if his Majesty had kept his *Covenant-engagements*, he had been the happiest King that ever reigned since the Days of Christ: But this was marred by the Liberty Episcopal Men took, and the Parliament's Inclination to bring in Bishops or Prelates, which saddened the Hearts of many, and Prelatical Government was established in England.'

'Mean while, we wrote Exhortations to our Brethren in England to Stedfastness; and Mr. Sharp wrote to us, that Bishops would be set up in England, but we needed not fear Episcopal Government in Scotland, since the King had given Assurances to the contrary; and he did earnestly intreat, that we would not meddle with England, for it would be provoking, and it were enough to have our own Government settled: But we did not believe, if Episcopal Government were settled in England, we could be free of the Temptation of it now, more than in former Times.'

'The King, to give us Assurance, wrote a Letter to the Presbytery of Edinburgh, which was communicated to other Presbyteries: And the most Part of Presbyteries and Synods made a Return, expressing their Thankfulness for his Majesty's Favour to the established Government of Presbytery. It was said, That Sharp alledged the Letter spoke of the *Government settled by Law*, which was *Episcopal*. Indeed this was objected to some of us Ministers of Edinburgh; but it was clearly shewn, that the King's Letter could have no other Meaning than the present Presbyterian Government, because it mentions *Good Services done by Presbyterians*, and the General Assembly at St. Andrews countenanced by his Majesty's Commissioner, and afterward by himself. And it was told them, To give another Meaning, was an intolerable Reflection upon his Majesty's Honour and Reputation.'

'Besides those Letters from Sharp, giving Assurance of no Change with us, when he came down, he dealt with all not to meddle with the Government in England, seeing our own was made sure.'

'When the Parliament met, Middleton sent for me at his Coming, telling me the King had commanded him to do so. We spoke at large about the Condition of our Kirk; and I told him my Mind freely, If the King would not break the *Covenant*, nor alter our Government, I could assure him his Majesty would get as much as his Heart could wish, with the Affections and Love of all the People; but many Inconveniencies would follow, if there were a Change of Government; for Prelates never yet proved profitable to Kirk or Commonwealth. He assured me, and I think it was true, he had no Instructions for the Change of the Government, and we were still born in Hand that there would be no Change.'

'In the mean Time Sharp fearing *Supplications*, dealt earnestly there should be none; but finding himself disappointed, he caused the Commissioner send for some of us. The Commissioner, Chancellor, and some others present, did alledge, That the King's Letter did not bear any Thing of Presbyterian Government settled, but the *Government settled by Law*, which was *Episcopal*. The Answer to this was what I told already, That it could have no other Meaning; and most Part of the Church had returned Answer according to that Meaning. Always we were still born in Hand, that there was no Warrant from the King for this Change.'

'And upon this the Presbytery of Edinburgh was dissolved without doing any Thing. Yet in the Afternoon, hearing they were upon a *Rescissory Act* in the Articles, the Presbytery were convened, and that same Day the Supplication was read, and approved by all present, Ministers and ruling Elders, for keeping the Covenant and Presbyterian Government. This

'was

was sent to the Commissioner by Mr. John Smith, and Mr. Robert Lawrie Ministers of **1661.**
Edinburgh, and Mr. Peter Blair Minister of the *West-Kirk*. They went to the Commis-
 sioner and delivered it, but he in Wrath rejected it. And after that, the Parliament passed
 the *Act Refectory* of all that was in Favours of the *Covenant*, or *Presbyterial Government*.
 So here was a Deed wherein a *Covenant Kirk-government*, solemnly settled in the Land, is
 solemnly broken; a *Covenant* taken before God, Men and Angels, broken before God, Men
 and Angels: This was the Day of the Beginning of our Sorrow, by breaking *Covenant*, and
 dissolving Government; and it was known that the King's Consent was given after that *Act*
 was passed.

Observe on
the Act Refectory.

A little after Bishops were brought in, and *Sharp* and others sent for to receive new Or-
 dination, that the *Presbyterian Stamp* might be abolished, and a new *Prelatical Stamp* taken
 on. Our Kingdom lately held of Usurpers, now our Kirk must hold of an usurping Kirk.
 Those are the Men, *Sharp*, *Fairfowl*, *Lightoun*, and *Hamilton*, that betrayed the Liberties
 of the Kirk of *Christ* in *Scotland*.

Bishops are
brought in.

Sharp came to me before he went to *London*, and I told him, The Curse of God would
 be on him for his treacherous Dealing. And that I may speak my Heart of this *Sharp*, I
 profess I did no more suspect him in reference to *Prelacy*, than I did my self. What tol-
 lows I have formerly given in the *Introduction*, p. 25th, and then Mr. *Douglas* goes on.

Mr. Douglas's
Declaratory
against Mr.
Sharp.

I profess I blame not the King, for he was not well acquainted with our Government;
 and for any Acquaintance he had, he met with some hasty Dealing: But our Evil proceeded
 from our selves; some Noblemen thinking to make themselves great by that Way, were
 very instrumental in the Change, and being wearied of *Christ's Yoke*, they promised unto
 themselves Liberty, they themselves becoming Servants of Corruption. They thought
 they would have more Liberty under that loose Government, than under *Presbytery*, which
 put too great a Restraint upon their Vices. And with them were Ministers who loved the
 World, especially that *Sharp*, who, as *Peter* speaks, 2 *Epistle* 2. 15. 'He went astray, fol-
 lowing the Ways of *Balaam* who loved the Wages of Unrighteousness.' Yea, he was in a
 worse State than *Balaam*, for God restrained *Balaam*, so that he confessed he durst not, for
 a House-full of Gold, wrong God's People: But God put no Restraint on that covetous Person;
 but he curied whom God bleisseth, and he betrayed the People of God for Promotion and
 Gain. That of the Apostle is verified in him. *The Love of Money is the Root of all*
Evil, which some having coveted after, have fallen from the Faith, and pierced themselves
through with many Sorrows.

The Erection
of *Prelacy* pro-
ceeded chiefly
from some
Noblemen and
corrupt Mini-
sters.

Yet we must not look on this Man as alone guilty; he was the chief Apostate and prime
 Leader to this wicked Course, but others are guilty, even all who followed his Vices, ma-
 king the Truth of God to be evil spoken of. God himself will be avenged upon them, for
 they dealt treacherously in his Covenant.

And that I may further free the King's Majesty of this Thing, whatever his Opinion might
 be of *Episcopal Government*, and his With and ardent Desires to have it, yet he was sparing
 to impose it in this Kingdom, as is evident by this one Thing.

When we heard the King was dealt with to set up Bishops in *Scotland*, we did write a
 Letter to the Secretary to be communicate to his Majesty, sign'd by Five of our Hands, per-
 suading him that they were very considerable who were against *Prelacy*, if he would take
 the Trial of it by a General Assembly; and told him, If he made a Change in the Govern-
 ment, his Majesty would be forced to trouble the best Men, who were his best Friends in
 his low Estate, Men who had all due Respects towards him, and were most loyal, only they
 could not in Conscience admit of the *Prelatical Government*, as being against the Mind of
Christ, and their own Engagements. I know that when this Letter was read in the *Scots*
 Council, his Majesty was at a Stand: But those Noblemen, with *Sharp*, did bear in upon him,
 that it was the Desire of his Nobles, and the Generality of the Kingdom, and only a few in-
 considerable Persons against it.

The King put
to a Stand, by
the Letter from
the Ministers
of *Edinburgh*.

All this being done, we must have *Episcopacy*; and *Prelates* are set up by the Ordination
 of Bishops of another Nation. Thus I have brought those Men to the Chair of worldly
 Estate. I must in the next Place shew you what Means were used to keep them in the
 Chair. Mr. *Douglas* goes on to narrate the several Acts of Council made this and the
 next Year, and to make Reflections upon their Unaccountableness. In our Progress we will
 meet with those Acts of Council, and I shall take Notice of any Thing needful from his Re-
 marks, as I go through them.

We have seen the Parliament putting the whole Power, as to Church Affairs, into the
 King's Hands, by their 16th Act, which was passed March 29th. I have formerly made Re-
 marks upon that Act, and it is really of an odd Tenor, for it is only declaratory, That the King
 resolves, and will do, as in the Act, and particularly settle the Government as he finds most a-
 greeable to Scripture and Monarchy. The Parliament does not desire or empower the King
 to do so, but only consent to his Declarations, that he will do so: So that I really know not
 what Foot the Introduction of *Episcopacy* stands upon by this Act. The King declares what
 he is to do, declares so with Advice and Consent of Parliament; but I do not see that the Par-
 liament

Observations
upon the Par-
liament's Act,
putting
Church affairs
into the King's
Hand.

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liament can be said either to impower him to make this Change, or do it themselves. Indeed next Session they actually put all Church Power in his Hand, after Episcopacy is settled by the Council, in pursuance of the King's Letters to them: But still Prelacy does not appear a proper Parliamentary Settlement in *Scotland*, but a mere Act of the King's assumed Power. But I shall leave this to the Gentlemen skilled in Law.

Proclamation,
June 10. con-
cerning
Church Affairs,
App. N^o 24.

The King, by this Power which he is pleased in Parliament to declare he hath, emits a Proclamation concerning Church Affairs, *June 10th*, even when the Parliament is sitting, which I have annexed App. N^o 24. And there, after narrating the foresaid Act, is graciously pleased to declare his Acceptance of the Parliament's Duty and Affection, in consenting, as I take it, to his own Declaration of his Power; and that he purposes to settle the Government of the Church, as he sees good; and discharges all Petitions to him with relation to this.

Remarks
upon it.

To me there appears a very remarkable Inconsistency in this Proclamation. It is promised, the Government of the Church shall be settled to the Satisfaction of the Kingdom: And yet a few Lines after, all Subjects, Ministers or others are discharged to meddle with the Government of the Church, or address him thereanent. One must think the King had no great Mind to know what was satisfying to his Subjects, when he so peremptorily discharges all Application to him: Certainly he was already determined what to do, to whatever Side his Subjects Inclination ran. There is another Piece of the Proclamation I cannot easily knit together. The King allows Synods, Presbyteries and Sessions to meet for the present, and yet peremptorily discharges them to meddle with the publick Government of the Church any Way, particularly by Petitioning.

Mr. Douglas's
Observe upon
it.

Here Mr. Douglas remarks, 'That the like has not been heard, that Subjects should be debarred from shewing their Grievances to competent Judicatories, to be redressed. This Way the King was to be kept from Information, and the Managers were without Controul, and honest Men were born down without Remedy.' It is plain, that the Freedom of addressing and petitioning the Sovereign is never discharged, but when some scandalous and unhappy Measures are concerting to enslave them, in which no Interruption is desired.

The Allowance in the Proclamation for Synods, &c. to meet and act, was a mere Jest. It was well enough known Synods did not now meet, and before their ordinary Time of Meeting in *October*, Care was taken about them. By this Proclamation the Church-government is brought entirely to depend upon the Royal Supremacy, by virtue of which the King is pleased to allow Judicatories to meet. However, Ministers did not reckon themselves bound to regard this Procedure, but went on in their ordinary Work; this being a plain Force put upon them, which, as they did not approve, so they could not help.

Debates at Lon-
don about erect-
ing Prelacy en-
ded, by the
King's Author-
itative Inter-
posing.

Thus Matters stood till the Parliament was up. We have heard of the Debates at *London*, about a new Settlement in this Church. I am told they were not like to have ended peaceably, had not the King, pushed forward by Mr. Sharp and his Supporters in *England*, interposed, and signified, he would not reckon them his Friends who were not for establishing Prelacy in *Scotland*. After this there was no more Reasoning; the King's Friends, they all resolved to be at all Hazards.

Upon the last of *August*, the Earls of *Glencairn* and *Roths*, with Mr. Sharp, returned from Court, and the next Council-day, *September 5.* after the Earl of *Dumfries* and Sir *Robert Murray* had been admitted Counsellors, the Lord Chancellor presented a Letter from his Majesty, for establishing of the Church-government in *Scotland*; which was read, the Tenor whereof follows.

CHARLES R.

King's Letter
to Council,
August 14. for
establishing
Church go-
vernment.

'RIGHT Trusty and well Beloved Cousins and Counsellors, We Greet you well. Where-
'as in the Month of *August*, 1660. We did, by Our Letter to the Presbytery of *Edin-
burgh*, declare Our Purpose to maintain the Government of the Church of *Scotland* settled by
'Law; and Our Parliament having since that Time, not only rescinded all the Acts since the
'Troubles began, referring to that Government, but also declared all those pretended Par-
'liaments null and void, and left to Us the Settling and Securing of Church-government: There-
'fore, in Compliance with that Act Rescissory, according to Our late Proclamation dated at
'*Whitehall* the 10th of *June*, and in Contemplation of the Inconveniencies from the Church-
'government as it hath been exercised these 23 Years past, of the Unsuitableness thereof to
'Our Monarchical Estate, of the sadly experienced Confusions which have been caused during
'the late Troubles by the Violences done to Our Royal Prerogative, and to the Government
'Civil and Ecclesiastical, settled by unquestionable Authority, We, from Our Respect to the
'Glory of God, and the Good and Interest of the Protestant Religion, from Our pious Care and
'Princely Zeal for the Order, Unity, Peace, and Stability of that Church, and its better Har-
'mony with the Government of the Churches of *England* and *Ireland*, have, after mature
'Deliberation, declared to those of Our Council here, Our firm Resolution to interpose Our
'Royal Authority for restoring of that Church to its right Government by Bishops, as it was
'by Law before the late Troubles, during the Reigns of Our Royal Father and Grandfather
' of

of blessed Memory, and as it now stands settled by Law. Of this Our Royal Pleasure concerning Church-government you are to take Notice, and to make Intimation thereof in such a Way and Manner as you shall judge most expedient and effectual. And we require you, and every one of you, and do expect, according to the Trust and Confidence we have in your Affections and Duty to Our Service, that you will be careful to use your best Endeavours for curing the Distempers contracted during those late evil Times, for uniting Our good Subjects among themselves, and bringing them all to a cheerful Acquiescing and Obedience to Our Sovereign Authority, which We will employ by the Help of God for the maintaining and defending the true Reformed Religion, Increase of Piety, and the Settlement and Security of that Church in her Rights and Liberties, according to Law and ancient Custom. And in order thereunto, Our Will is, That you forthwith take such Course with the Rents belonging to the several Bishopricks and Deanries, that they may be restored and made useful to the Church, and that according to Justice, and the standing Law. And moreover you are to inhibit the assembling of Ministers in their several Synodical Meetings through the Kingdom, until Our further Pleasure, and to keep a watchful Eye over all who, upon any Pretext whatsoever, shall, by Discouraging, Preaching, Reviling, or any irregular or unlawful Way, endeavour to alienate the Affections of Our People, or dispose them to an ill Opinion of Us and Our Government, to the Disturbance of the Peace of the Kingdom. So expecting your cheerful Obedience, and a speedy Account of your Proceedings herein, We bid you heartily Farewel. Given at Our Court at *Whitehall*, August 14th 1661, and of Our Reign the 13th Year. By His Majesty's Command.'

1661.

LAWDERDALE.

To this Diet of the Council, all the Counsellors had been called by Letters from the Clerk: And they were pretty well convened. After reading the King's Letter, the Clerk is ordered to draw up an Act in obedience thereunto, to be proclaimed and made known to all his Majesty's Lieges, that none pretend Ignorance. Accordingly the Clerk presents the Draught next Day, *September 6th*, and the Council approve it, and order it to be printed and published; and it was proclaimed over the Cross with great Solemnity, by the *Lyon King at Arms*, with all the Trumpets, and the Magistrates of *Edinburgh* in their Robes. The Proclamation I have insert *App. No. 25*. It is very near a resumming of the Letter just now insert, with some little Alterations in Form, and the Addition of the Penalty of present Imprisonment, in case of Failzie. And in making Remarks upon the Proclamation I'll have Occasion to set all the Parts of the Letter in their due Light.

Act and Proclamation of Council in consequence of it, *September 6.*

App. No. 25.

This Letter, Act, and Proclamation, being the Foundation of the setting up of Episcopacy in *Scotland* at this Time, and Presbytery having only lived about Two Months under the Shadow of the Royal Supremacy; and what is contained in the King's Letter and this Act being so singular, and of such Importance, the Reader will bear with me in making some Observes upon them, and this great Turn in Church Affairs. It will have been already observed, that the Parliament for as far as they went, yet would not venture upon the direct Introduction of Prelates; this might have had Inconveniencies. And till once Matters were prepared by the Interposition of the King's Credit and Authority, I question if it would have carried in the House.

Observations upon both.

Now we have a plain Gloss upon the Letter to the Presbytery of *Edinburgh*, which indeed the Text cannot bear: From which it appears that many Ministers and others were shamefully bubbled by that Trick of Mr. *Sharp*. However it deserves our Notice, that in the Resumption of that Letter at this Time, the little mighty Word *As*, upon which so much Weight was laid, is left out, that there might be the fairer Room to bring in Bishops upon that very Ground, which so many took to be an Assurance given against them.

They are a plain Commentary on the Letter to the Presbytery of *Edinburgh*.

We have next a clear View here of the real Design of the *Act Rescissory*, passed by the Parliament, as we have seen, to unhinge Presbytery, and take away the Hedge from about it, and leave it to Mr. *Sharp* and his Associates, their Will. And by Mr. *Sharp*'s Spite against Presbyterian Government of Christ's Institution, and his Ambition, *Scotsmen* must be deprived of many excellent Laws about Civil Things, as well as religious, made from the 1640 to the 1651. Indeed *Religion* and *Civil Liberty* stand and fall together.

And discover the Design of the *Act Rescissory*.

It appears further from this Letter and Proclamation, that the Settlement of Episcopacy in *Scotland* is the Child of the Regal Supremacy, one of the first Fruits of absolute and arbitrary Power, and the mere Effect of Royal Pleasure. The King is so tender of this, that he neither advises with his Council in this Matter, nor seeks their Consent, but requires their publishing of his Pleasure in this Point; and the Council themselves put it upon this Foot, and lay the Burden off themselves upon the King's Letter.

Episcopacy in *Scotland* the Child of Regal Supremacy.

Episcopacy was still thus brought in upon us in this Church, and crammed down our Throat in *Scotland*, not from convincing Reasons, or Pretext of Divine Right, but merely as the Sovereign's Will; yea, it never had the Shadow of Parliamentary Authority, till the King's Honour was once pledged and engaged; which, we may easily believe, went very far afterwards in Parliament, with such who had no Principle, and as little Concern about Church-

166 I.

Alledged
Grounds for
Prelacy, in the
Letter, consid-
ered.

government: And our Episcopalians have the less Ground to object against the throwing out of Prelacy at the Revolution, by a King and Parliament jointly acting, and in the fullest Freedom.

A Heap indeed of alledged Grounds for bringing in of Bishops are cast into the *Letter* and *Act*, which might be at much Length exposed, were not this a little foreign and wearisome in a History. The *Inconveniencies* accompanying and issuing from the Exercise of Church-government these Twenty three Years past, are put in the Front. *Inconveniencies*, I own, is a softer Term than I expected at this Time; those may, and do accompany the best Constitutions, the Exercise of just Power, and the Execution of the most excellent Laws; what they were I shall not affirm: But this I am sure of, much real Piety, Conversion of Multitudes, a signal bearing down of Profaneness, and a great Reformation of Manners accompanied Presbytery in the Interval spoken of, to the Observation of all the Reformed Churches. Perhaps some People now might reckon these *Inconveniencies*, at least their Practice seemed to speak out this.

Presbytery not
contrary to
Monarchy.

Presbytery, tho' never named, is next supposed contrary to Monarchy: The Reasons of this Cry have in part been already noticed. King *JAMES VI.* whose Apophthegm seems here pointed at, was of another Opinion, till he had the Gaining and Gratifying the *English* Prelates in his Eye; and if the Two Crowns had not been to be united, I cannot help thinking he would have continued in his first and justest Sentiments: Yea, King *CHARLES I.* did not stifle the Conviction he had, *That the Covenanters were his best Friends*, when he wrote his Sentiments to his Queen, without any Biass, and for the Benefit of his Children: And since the Revolution, as the Presbyterians, by their unshaken Loyalty, have demonstrate the Falseness of this Calumny, so the repeated Acknowledgments of the Consistency of their Carriage to their Principles, and of their real Regard to our limited Monarchy, now during Four Reigns, from our Sovereigns themselves, almost every Year to our Assemblies, do abundantly prove the same.

Confusions of
the late Times
not owing to
Presbytery.

The Confusions of the late Times, and other Things in the *Letter*, can never be charged upon Presbyterian Ministers, without the greatest Impudence, since they were the only Body in the Three Kingdoms, who stood out against the Usurper; and their Loyalty since the Reformation, and in the Period here spoken of, hath been lately made evident in more Books than one, and fully vouched.

The Motives
for Change of
Government,
in the Letter,
considered.

I do not enter upon the Motives made up by some Body for the King, and in the *Letter* alledged to sway him in this Change. How far there was Regard to the Glory of God, in acting contrary to the solemn *Oath*, wherein God's Name was called in, when Presbytery was overturned, the World must judge. In the next Clause, the Religion of *England* and *Ireland* ought to have been put instead of the Reformed Religion, and then the Sentence would have run agreeably to Truth; since no other Reformed Church save these Two, ever thought their Good or Interest consisted in having Bishops. Whether Unity, Order, or Peace followed upon this Prelatical Establishment, the Reader will be in case to form some Judgment, after he has perused this History: Indeed Confusion, Division, and Cruelty were still the Produce of Prelacy in *Scotland*. The true and real Reason, tho' but a partial one, of this Change, comes last, That there may be a *Harmony* 'twixt the Government of *England*, *Ireland*, and *Scotland*. The Altar at *Damascus* was a Model of old, and now the *English* Constitution in Church must be *Scotland's* Model. Our Civil Affairs were very much henceforth to be under *English* Influence, and as a Step to this, and to gratify the high-flying Party in *England*, and Bishops there, our excellent Church-government, legally and solemnly settled, must be overturned. The Days have been when this would not have gone so well down in *Scotland*, as it did at this Juncture.

Many Reasons
since that
Time much
urged for Prelacy,
not insisted
upon.

These are the Reasons, such as they are, given in the *Letter*, for this vast Alteration in the Church of *Scotland*. It is good in so far, that neither a *Jus divinum*, first the *Tridentine*, and then the *Laudean* Scheme of Episcopacy, neither *Scripture*, nor *uninterrupted lineal Succession from the Apostles*, nor *boasted Antiquity*, are so much as pretended. Our Noblemen, thro' whose Hands this Letter was to come, were of better Sense than to insist on those; and if they were in Mr. *Sharp's* first Draught, they found it proper to drop them.

Further Re-
marks on the
Letter and
Proclamation.

Perhaps I have been too long in my Remarks on this *Letter*, and therefore I only further take Notice, That Episcopacy, *As in the Reign of the King's Father and Grandfather*, is set up; and so *Perth Articles* are brought in, and the Encroachments upon Religion and Liberty begun again, which were the true Inlets to what is so much talked of now, *The Troubles of the late Times*. The solemn Charge given unto all Subjects, *to compose themselves to a cheerful Acquiescence and Obedience to the King's Will*, in this Imposition, says, That it was scarce expected this Change of Government would be acceptable, yea, that it was against the Inclinations of the most Part. The positive Requisition of Obedience to *the King's Sovereign Authority*, in this very Thing exercised now in *Scotland*, lets us see again, that Bishops came in here from the sole Exercise of the Prerogative, and all who subjected to them homologated the *Supremacy*. To support this Establishment Persecution is begun, and Iniquity established by a Law. Imprisonment is ordered for all who speak according to their Conscience,

known

known Principles, and solemn Engagements, or preach against Episcopacy, or any Thing now enacted. Men must either be silent and dumb; or, if they have any Principles and Conscience, and this Court very much under the Management of the Bishops, and most arbitrary. And all in Civil Offices are required to begin this Persecution upon their Allegiance to his Majesty. This was the first remarkable Act of our new constitute Council, and the Preface to many severe Processes and Oppressions, as we may hear. That same Day, September 6th, the Council order a just Double of the above Act and Proclamation to be forthwith transmitted to his Majesty, with the following Letter.

Most Sacred Sovereign,

WE no sooner perused Your Majesty's Letter, of the Date the 14th of August last, but in the Acknowledgment of your Majesty's Piety and Care for the Preservation of the Protestant Religion, the Establishment of the right Government of the Church, and Peace and Happiness of all your Subjects, we did immediately issue a Proclamation, to be printed and published, fully relating to all your Royal Commands; whereof we have sent a Copy herewith inclosed. We hope all your Majesty's good Subjects will acquiesce and give due Obedience to them, and thereby testify their Faithfulness and Affection to your Majesty's Government and Authority. We shall endeavour to have a watchful Eye over all Persons, and be ready to prosecute your Majesty's Commands, in order to what is enjoined, as becomes,

Most Sacred Sovereign,

Your Majesty's most humble, dutiful,
and obedient Subjects and Servants,

Tweddale,
Sinclair,
Dundee,
Duffus,
President of the Session,
Register,
Advocate,
Ley,
Blackhall,
Niddry,
Alexander Bruce,
Sir George Kinnaird,
Sir Robert Murray,

Glencairn Chancellor,
Roths,
Montrose,
Mortoun,
Hume,
Eglintoun,
Murray,
Linlithgow,
Roxburgh,
Haddingtoun,
Southesk,
Weemyss,
Callender.

The King, as we have seen above in his Letter about the Earl of Tweddale, approves of, and returns his Thanks for this Proclamation, September 23^d. Thus Episcopacy is brought in again to Scotland, and every Thing now must be done for supporting the Prelates, and taking away any Power Presbyteries yet essayed to exercise.

Accordingly, December 10. the Council desire the Chancellor to send the following Letter to the Presbytery of Peebles, upon Information they were about to ordain a Minister.

Council's Letter to the Presbytery of Peebles, Dec. 10.

R. R.

THE Lords of his Majesty's Privy Council, being informed, that you are about to proceed to the Admission of Mr. John Hay, Student of Divinity, to the Kirk of Maner, which is within the Diocese of the Archbishop of Glasgow, and so cannot be admitted by you, since the Archbishop is restored to all the Rights and Privileges belonging to any of his Predecessors since the Reformation, have therefore desired me to intimate to you, in their Name, That you do not proceed to the Admission of the said Mr. John, but continue the same until the Return of the Archbishop, which will be in a very short Time. I doubt not but you will obey this Command, signified to you from

Your affectionate Friend,
Glencairn Chancellor.

At their next Sederunt, they go on to make a general Act to reach all Presbyteries and Patrons, That no Ministers be ordained unless their Presentation be directed to the Bishop. This Act I have not seen in Print, and therefore insert it here.

Apud

1661.

Apud Edinburgh, Dec. 12. 1661.

Council's Act
for discharging
Presentations
to Presbyteries.

FORASMUCH as by an Act of Privy Council, dated September 6th last, His Majesty's Royal Pleasure, to restore the Church of this Kingdom to its Government by Bishops, as it was by Law before the late Troubles, during the Reigns of His Majesty's Royal Father and Grandfather of blessed Memory, and as it now stands settled by Law, was made known to all the Subjects of this Kingdom, by open Proclamation at the Market-cross of all Royal Burghs: And that it is statute by the Act 1. Parl. 21. James VI. That all Presentations to Benefices should be directed thereafter to the Archbishop or Bishop of the Diocese, within the Bounds whereof any vacant Church lieth; so that since their Restitution to their former Dignities, and Privileges, and Powers settled upon them by Law and Acts of Parliament, no Minister within this Kingdom should be admitted to any Benefice, but upon Presentations directed as said is. And yet notwithstanding hereof, 'tis informed, That, upon Presentations directed to Presbyteries, they do proceed to admit Ministers to Kirks and Benefices, albeit the Bishops be restored to their Dignities, some of them already consecrated, and all of them in a very short Time will be invested in their Rights and Benefices, and impowered to receive Presentations, and grant Admissions thereupon. Therefore the Council prohibits, and by these Presents discharges all Patrons to direct any Presentations to any Presbytery: And also discharges all and sundry Presbyteries within this Kingdom to proceed to the Admission of any Minister to any Benefice or Kirk within their respective Bounds, upon any such Presentations, as they will be answerable. With Certification, if they do otherwise, the said Presentation and Admission shall be void and null, as if they never had been granted. And ordains these Presents to be printed, and published at the Market-crosses of the Head-burghs of the several Shires within this Kingdom, That none pretend Ignorance.

That same Day the Council make the following Act concerning the Presbytery of Peebles, who, it seems, either had not received the Chancellor's Letter to them, of the 10th, or could not stop the Ordination, having all necessary to the Gospel-settlement of a Minister.

Apud Edinburgh, Dec. 12. 1661.

Act of Council
against the
Presbytery of
Peebles.

FORASMUCH as the Presbytery of Peebles have proceeded to the Admission of one Mr. John Hay to the Kirk of Manner, notwithstanding of the Letter and Command to the contrary from the Lords of Council, of the 10th Instant; the Council do therefore Ordain Letters to be directed against the haill Members of the said Presbytery, who were present at the said Admission, viz. Mrs. Richard Brown Minister at Drumelzier, Robert Brown of Lyne, Robert Eliot at Lintoun, Hew Craig at Railey, David Thomson at Dask, Patrick Purdie at Newlands, and Patrick Fleming at Stobo, to compare and answer to the Premises, under Pain of Rebellion.

Remarks upon
it.

I have nothing further of this Matter, but what is now insert from the Registers, where I do not find any more concerning this Presbytery: But next Year we shall find some other Presbyteries writ to by the Council; and in a little Time all Presbyteries were suppressed, save such as came and subjected to the Bishops. This Procedure against Presbyteries was a Stretch beyond the King's Letter in August, and the Council's own Act, September 6th, which only discharged Synods. They might have as well prohibited Presbyteries to cognosce upon Scandal, and have abrogate all Discipline, to which indeed many were obnoxious, as limit them in Point of Ordination, which is one great Part of their Ministerial Function, yet reserved to them by the King's last Letter: And in this the Council, without any Warrant from the King or Parliament, turn Law-makers, and go beyond their Power, which was only to execute the Laws made; but of this we shall have more flaming Instances afterwards. Perhaps they thought nothing beyond their Sphere, which might be a Service to the Prelates, and they would rather suffer many Congregations to ly vacant, than hazard the Admission of one who might happen to be averse from Episcopacy.

Some Account
of the Prelates
now advanced.

Thus I have gone through what I find done by the Council this Year, for the Erection of Episcopacy, by the King's Orders, and their abridging Church-judicatories in their Liberties; I shall now shut up this Section, with some Account of the Bishops themselves now set up, their Character and Reordination in England.

Many Solicita-
tions for Bi-
shopricks.

When Law, such as it was, had made Way for the Prelates, Solicitations begin apace for Bishopricks. No great Disliker of Prelacy observes, "In September and October this Year, many of the Ministry were seeking after the Episcopal Dignity, while in the mean Time a great

"great many others spoke and taught against it as unlawful." Such apostate, ambitious, and aspiring Ministers as had most Friends in Court, carried them. Mr. *James Sharp* had secured the Primacy and Archbishoprick of *St. Andrews* to himself: 'Tho' he wanted not the Impudence and Dissimulation to make Offers of it to some eminent Presbyterian Ministers, one of which told him, He doubted not but he designed that for himself, and he would receive the Curse of God with it.

1661.

Our Bishopricks in *Scotland* are far from the Fatness and Opulency of those in *England*. An Account before me bears, that in Bulk they came but to 4 or 5000 Pounds *Sterling* a Year, in ordinary Years, much of their Rent being in Victual. I suppose I will not be much out, when I say the Bishoprick of *Winchester* is better than all our *Scots* Bishopricks put together. Some of them are very mean; the Revenue of that of *Argyle* is but about 130 Pounds a Year. That of *Dumblain* is about 120. But a weak Temptation goes far, where there is a strong Corruption. Surely it was violent Avarice and Ambition, which could persuade them to accept an Office so odious, and of so inconsiderable Incomes.

Tho' they be far from the Opulency of those in *Engl.* laid.

For the Honour of the first and great Authors of all the ensuing Sufferings of Presbyterians, I thought it not improper to give here a short Hint of the Persons the King was pleased to pitch upon for the first Set of our Bishops; and as they were Persons abundantly obsequious to the Designs now on Foot, so it will easily appear that none of them were any great Ornaments to their Office, which was so much hated in *Scotland*, neither any great Credit to their Brethren in *England*.

Mr. *James Sharp* was Metropolitan, and placed as Primate at *St. Andrews*. I shall not offer any large Character of him; somewhat has been narrated, and more is yet before us. His Life, until his arriving at the Top of his Ambition, I have read, written by one of the After-sufferers, a worthy Gentleman; and should I give an Abstract of it, the Portrait would be very black and surprising. His Dream, when at the University, his taking the *Tender*, his Proposal to *Oliver Cromwel*, which made the Usurper to assert him very publicly to be an Atheist, his betraying Presbyterian Ministers when at Court, and afterwards pursuing them for his Charges, his Baleness with *Isobel Lindsay*, as she declared in his Face openly enough, and Share in the Murder of the poor Infant, his Perjury in Mr. *James Mitchel's* Case, his cruel Life and strange Death, would make up a very black History; and as they were commonly talked of, so I find they were generally believed by those who lived with, and had Accesse to know him. But this is not a Place to insist on them.

Mr. *James Sharp* Archbishop of *St. Andrews*.

His great Talents were Caution, Cunning, and Dissimulation, with unwearied Diligence; these very much qualified him for his terrible Undertakings. He got himself into the Archbishoprick of *St. Andrews*, as a Reward for betraying this Church. Indeed when he first came down, *August* 1660. as we have heard, with the double-faced Letter to the Presbytery of *Edinburgh*, and gave a Narrative of his Pains at *London*, the Cheat was not perceived, and the Suspicions the protesting Ministers had about him, were not regarded: But very soon he opened out, and at length appeared in his true Colours; and none were more grieved at his base Dealing than the Reverend Mr. *Douglas*, and the Ministers of *Edinburgh*, who had formerly so much confided in him; and we have seen Mr. *Douglas's* Thoughts of him. However, he got his Ambition satisfied, and his Patent and Gift under the Great Seal in *November* this Year, of which some Notice may be taken afterwards.

Mr. *Andrew Fairfoul* got the Archbishoprick of *Glasgow*; a Man of some Learning and neat Expression, but never taken to be either serious or sincere. He had been Minister first at *Leith*, and at this Time was at *Dunee*, and in that Country there was no small Talking of his Intrigues with a Lady, who shall be nameless; but Death cut him off in little more than a Year after his Promotion, as will be noticed afterwards.

Mr. *Andrew Fairfoul* Archbishop of *Glasgow*.

Mr. *George Wiseheart* is placed at the See of *Edinburgh*. He had been laid under Church Censure by the old Covenanters, about the Time of the Encampment at *Duncelaw*, in the Year 1639. and this probably recommended him now. This Man could not refrain from profane Swearing, even upon the Street of *Edinburgh*; and he was a known Drunkard. He published somewhat in Divinity; but then, as I find it remarked by a very good Hand, his lascivious Poems, which, compared with the most luscious Parts of *Ovid*, *de arte Amandi*, are modest, gave Scandal to all the World.

Mr. *George Wiseheart* Bishop of *Edinburgh*.

Mr. *Thomas Sideferf* is fixed at *Orkney*. He had been Bishop of *Galloway*, and deposed in the Year 1638. for the common Faults of the Prelates at that Time, and in particular for erroneous Doctrine; and now he is translated to a better Benefice.

Mr. *Thomas Sideferf* at *Orkney*.

Mr. *David Mitchel*, once Minister of *Edinburgh*, but deposed by the General Assembly for Heresy, and thereupon going to *England*, was made one of the Prebendaries of *Westminster*, is named for *Aberdeen*, but enjoyed it not a full Year.

Mr. *David Mitchel* at *Aberdeen*.

Mr. *James Hamilton*, Brother to the Lord *Belhaven*, Minister at *Cambusfuehan*, is placed at *Galloway*. His Gifts were reckoned every Way ordinary; but he was remarkable for his cunning Time-serving Temper.

Mr. *James Hamilton* at *Galloway*.

1661.

Mr. Robert
Wallace Bishop
of the Isles
Mr. David
Fletcher Bishop
of Argyle.

Mr. Robert Wallace, Minister at *Barnwell* in the Shire of *Air*, famous for his large Stomack, got the Bishoprick of the *Isles*, though he understood not one Word of the Language of the Natives. He was a Relation of the Chancellor's, and that was enough.

Mr. David Fletcher, Minister at *Melrofs*, a remarkable Worldling, was named for the Bishoprick of *Argyle*: I doubt if he understood the *Irish* Language either. *Melrofs* was a good Stipend, and he continued a while preaching there, and because of his Preaching there, he boasted of his Diligence beyond the rest of his Brethren, who, it must be owned, for the most Part preached little or none; mean while I don't hear any of them, save he, took Two Stipends.

Mr. George
Haliburton at
Dunkeld.

Mr. George Haliburton, Minister at *Perth*, had the Sec of *Dunkeld*. His Character at that Time was, A Man who had made many Changes, and was sincere in none of them.

Mr. Patrick
Forbes at Caith-
ness.

Mr. Patrick Forbes, the degenerate Plant of the excellent Mr. John Forbes, who kept the Assembly at *Aberdeen*, 1605. was fixed at *Caithness*.

Mr. David
Strachan at Bre-
chin.
Mr. John Pa-
terson at Ross.

Mr. David Strachan Minister at *Fettercairn*, the Commissioner's Minister, got the small Bishoprick of *Brechin*.

Mr. John Paterfon, Minister at *Aberdeen*, got the Bishoprick of *Ross*. His Son made a greater Figure than he did.

Mr. Murdoch
Mackenzie at
Murray.

Mr. Murdoch Mackenzie, Minister at *Elgin*, was placed at *Murray*. While a Minister, he was famous for searching Peoples Kitchens on Christmas-day for the superstitious Goose, telling them, That the Feathers of them would rise up in Judgment against them one Day; and when a Bishop, as famous for affecting always to fall a preaching upon the Deceitfulness of Riches, while he was drawing the Money o'er the Board to him.

Mr. Robert
Leighton at
Dumblain.

Mr. Robert Leighton, once Minister of *Newbottle*, and at this Time Principal of the College of *Edinburgh*, Son to Mr. Leighton in *England*, the Author of *Zion's Plea against Prelacy*, who was so severely handled by the Prelates there, made Choice of the small Bishoprick of *Dumblain*, to evidence his Abstractedness from the World. His Character was by far the best of any of the Bishops now set up: And to give him his due, he was a Man of very considerable Learning, an excellent Utterance, and of a grave and abstracted Conversation. He was reckoned devout, and an Enemy to Persecution, and professed a great Deal of Meekness and Humility. By many he was judged void of any doctrinal Principle, and his close Correspondence with some of his Relations at *Doway* in Popish Orders, made him suspected as very much indifferent as to all Professions, which bear the Name of Christian. He was much taken with some of the Popish mystick Writers, and indeed a *Latitudinarian*, and of an over extensive Charity. His Writings published since the Revolution, evidence his Abilities, and that he was very much superior to his Fellows.

His Character.

This Set of
Men not im-
proper to the
Design of set-
ting them up.

This is the Set of Men pitched upon to lord it over the Church of *Scotland*. They were, it must be owned, very well chosen for their Work, and agreeable enough to the Design of setting them up; unless it was, that the *Primate* turned too heavy for several of our Nobility, who would have only had a moderate Prelacy brought in: But when considered as to their personal Character, they made good the Countryman's Remark, 'That the Bishops of *England* were like the Kings of *Judah*, some good, some bad; but the Prelates in *Scotland* were like the Kings of *Israel*, not one of them good, but all of them Followers of *Jeroboam*, the Son of *Nebat*, who made *Israel* to sin.'

Necessary of
their being or-
dained in
England.

There were no Bishops, before the 1638. alive in *Scotland*, save *Sydeserf*; and so it was necessary these Persons receive their Orders somewhere else: None of the Reformed Churches, except *England* or *Ireland*, could help them in this Matter. It was not so fit, and perhaps not practicable, that the whole Fourteen should be brought up to *England*, therefore the Court pitched upon Mrs. Sharp, Fairfoul, and Hamilton to come up to *London*, and learn the Service of that Land, and receive Episcopal Ordination. Mr. Leighton, I think, was in *England* this Summer and Harvest, and October 18. the other Three go up.

Tenets as to
this advanced
by the English
Bishops.

At this Time the Unchurching of all the Protestant Churches who had not Prelatic Ordination, the casting and voiding their Ministry, and consequently their Sacraments, with the *jus divinum*, and absolute Necessity of Episcopal Ordination, were Doctrines mightily coming in Request. From those abominable Principles came the Application about this Time made by some great Names in the *English* Church to the King, That his Ambassador in *France* might be discharged to hold Communion with the Protestants there, because they wanted Prelatic Ordination, and that he might no more go to the Seat he had appointed for him in the Protestant Church at *Charentoun*, and that he might have a Chapel of his own.

They insist up-
on the Re-ordi-
nation of our
Scottish Bishops.

Hence it was insisted upon, That our *Scots* Bishops must be re-ordained, having only formerly had Presbyterian Ordination. This was a proper Juncture for High-fliers to insist in this Matter; and a Commission under the Great Seal of *England* was directed to Doctor Sheldon Bishop of *London*, the Bishop of *Worcester*, and some other Suffragans of the Diocese of *Canterbury*. The Two Archbishops in *England* declined to be put in, upon what Views I shall not say: But one would have thought, that our old Prelate *Sydeserf* might have been joyned in Commission with them. The Royal Prerogative from which all their Power came in this Consecration, might have sufficiently authorized a *Scots* Bishop to have acted

acted in this Matter in *England*; but this was not done: Whether the *English* Prelates refused to act in a Concert with a deposed and excommunicate Bishop, tho' restored by the King, or what the Reason was, I cannot say.

1661.

When Doctor *Sheldon* made the Proposal, That they must be first ordained Deacons, and then Presbyters, before they could be consecrate Bishops; Mr. *Sharp* made some Bustle, and urged the sustaining of *Spotiswood's* Presbyterian Ordination, 1610. by the *English* Bishops, when he was consecrate; with some other Arguments. But the Doctor was peremptory, and abundantly fixed in this Point. The others very soon yielded, when they found this would be insisted upon; which made the Bishop of *London* to tell Mr. *Sharp*, when he came to acquaint him with their Consent to Re-ordination, *That it was the Scots Fashion to scruple at every Thing, and to swallow any Thing.*

Debate on this Point 'twixt them and the Bishop of London.

Thus they were justly reprov'd, but they resolv'd to bogle at nothing in their Way to the Prelacy; and one of them frankly declared, He would be ordained, re-ordained, and re-ordained again, if it was insisted upon. So our first Prelates cast a Slur upon, yea, on the Matter nullity all they had done as Gospel-bishops; they must become the King's Creatures, and renounce their Presbyterian Ordination, before they can receive the Episcopal Dignity and Consecration.

In *December*, these Four, with a great Parade at *Westminster*, before a great Confluence of *Scots* and *English* Nobility, were dubbed, first Preaching-deacons, then Presbyters, and then consecrated Bishops in one Day, by Doctor *Sheldon* and a few others. The Ceremony was performed in all the Modes of the *English* Church, with Vestments, and all their Cringes and Bows; at which, 'tis said, some Indecencies fell out, and after they had received the Sacrament kneeling, in all Points they were ordained according to the Office and Form there. After the Consecration, the Bishops and Peers were feasted at *Westminster*, and then went again to Church, and heard another Sermon.

In *December* Mrs. *Sharp*, *Easton*, *Hamilton* and *Leighton* were consecrated at *London*.

Being thus impowered, early next Year they come down, and lay on their Episcopal Hands upon their Brethren in *Scotland*, named by the Court for the different Sees, as we may afterwards hear. Thus our *Scots* Prelates are set up; and some obvious Reflections rise from this, with which I shall end this Section.

Our *Scots* Bishops, by submitting to be re-ordained as Presbyters, declared to all the World, That they did not believe their Presbyterian Ordination to be valid; and yet when they came down to *Scotland*, and entred upon the Exercise of their Episcopal Office, they did not re-ordain such of the Ministers as complied with them.

Remarks on the Re-ordination of our *Scots* Bishops.

The natural Question upon this, which offers to the Episcopal Party, is, Whether such Compilers, not having Episcopal Ordination, were true Gospel-ministers? If they were not, as is certain by the Episcopal Principles they could not be; was it not the most barbarous Thing in the World, to persecute People for not owning them as Ministers, who by their own Principles were indeed no Ministers?

It is in vain to say, That the Bishop's Allowance of them was equivalent to Ordination, by the Imposition of his Hands: For if so, why were they themselves reordained by Imposition of Hands; and thereby gave Scandal to all the Reformed Churches? I must leave the Party to answer this at their Leisure, the best Way they can; I am sure they have Reason to find a good Answer to it if possible, upon more Accounts than one; for I don't see how the Sacraments dispensed by them could be valid, any more than how their Harassing the Presbyterians can be justified.

Perhaps the curious Reader may be willing to have the Tenor of the *Letters Patent*, and Royal Gift, establishing those first Prelates after the Restoration; and therefore I subjoin here an Abstract of these for Mr. *Sharp*, of the Date *November* this Year, from which we will easily guess at the Form of the rest; and they run,

Tenor of the Letters Patent for making Mr. *Sharp* Archbishop of *St. Andrews*.

'That during the Tumults in the Kingdom for Twenty three Years preceeding, Laws were made for the Extirpation of the Church-government by the Archbishops and Bishops, against the established Law and Government of the Church of this Kingdom, in Prejudice of his Majesty's Power and Prerogative, which are rescinded by the current Parliament; so that the Authority Civil and Ecclesiastick is redintegrate, according to the Laws in Force before the Rebellion.'

'And because at this Time the Deans and Members of Chapters are for the most Part dead, and their Offices vacant; so that Archbishops and Bishops cannot be nominated, presented, and elected according to the Order prescribed by Act of Parliament, 1617.'

'And that his Majesty considereth, that the Offices of the Bishops and Archbishops in this Kingdom do vaik in his Majesty's Hands, by the Death and Dimission of the last Incumbents, particularly the Archbishoprick of *St. Andrews*, by the Decease of the last Bishop thereof, to wit, Mr. *John Spotiswood*.'

'And his Majesty being informed of the Piety, Prudence, &c. of Mr. *James Sharp*, Doctor in Divinity, therefore his Majesty, *ex autoritate regali, & potestate regia, certa scientia, proprioque motu*, makes, creates, and ordains the said Doctor *James Sharp* Archbishop

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Mistake of the
English Histori-
ans, as to
the Reintroduc-
tion of Pre-
lacy, noticed.

Remarks on
the Complete Hi-
story of England
Vol. 3. p. 253.

of the said Archbishoprick of St. Andrews, and Primate and Metropolitan of all Scot-
'land.'

Before I end this *Section*, let me take some Notice of the Mistakes, not to say designed Mis-
representations of some of the most celebrated *English* Historians, when they give the Ac-
count of the Reintroduction of Prelacy to *Scotland*. More than once I shall have Occasion
to observe their gross Blunders in plain Facts, for which the best Excuse I know of, is, our
own unaccountable Negligence in giving the World and our Neighbours just Accounts of
Scots Affairs. I hope after this they shall do us more Justice.

The Author of the *Complete History of England*, generally reckoned to be Bishop Ken-
net, Vol. III. p. 253. *first Edition*, sets this Affair in a quite wrong Light. He would have
us believe, that in *Scotland* *Presbytery* began to vanish upon the first Appearance of *Monarchy*.
Some few Sheets before, he had done the *English* Presbyterians the Justice to own they were
heartily for *Monarchy*, while the Independents, according to him, were for a Commonwealth.
The *Scots* Presbyterians were not a whit behind them; so that if *Presbytery* vanished upon
the Return of the King, the Reproach of Ingratitude must fall, where perhaps the Author
did not design it; and how agreeable this was to Promises and Engagements the King and his
Party were under, he cannot be ignorant. I am sorry there is such Ground given from the
unfair Narrative of the Act of Parliament he cites, and other Acts of Parliament after the
Restoration, to say that the Miseries of *Scotland* in the former Period, came from the Kirk-
party. But as an Historian he might have known and observed, that those Narratives were
not agreeable to Truth, and nothing else but partial and unjust Representations, to serve the
Designs of a prevailing Party, vamped up by the Earl of Middleton and Mr. Sharp, as a Pre-
text for introducing Prelacy and arbitrary Power in *Scotland*. Indeed I suspect these unhappy
Narratives have misled many of the *English* Writers into much of their foolish Satyr against
the Presbyterian Establishment; but had they been so equal as to have considered the publick
Papers of the Kingdom, and Church of *Scotland* from the 1638. to the Usurpation, and the
fair Accounts of that Period in the Marquis of Argyll's Case and other Papers, much of this
might have been prevented, and the World would not have been so much imposed upon in
this Matter.

He adds, *The Kirk had an Establishment by Law*, which is an Evidence of the Author's
Candor, and more than our Episcopal Writers will allow, and confirms the Remarks before
made upon the base Treatment of this Church, in the double-faced Letter to the Presbytery
of *Edinburgh*. A Writer who is heartily upon the Revolution-bottom, cannot in any Con-
sistency with himself, treat the Procedure of the *Scots* Nation after the 1637. as illegal. What
follows, *but weak in the Hearts of the People*, is apparently a most groundless *Innuendo*; Wit-
ness the insuperable Backwardness of the Body of the People for Twenty seven Years to Pre-
lacy; which could not be rooted out from such who were not either indifferent about every
Thing of this Nature, or plainly under the Influence of the Nobility and Gentry, who set up
for Prelacy, especially in the *Northern* Shires. He adds, *Especially the Nobles and Lairds*.
That great Numbers of those fell in with *Middleton's* Projects, in his two Sessions of Parliament,
I do not deny: But then as to the *Lairds*, no small Care had been taken to keep out of the
Parliament the most substantial and sensible Gentlemen, at least in the *East, South* and *West*,
as much disaffected to Prelacy. And our Nobility in *Scotland* were generally against *Episco-
pacy*, save such who were in Places of Power, and some of their Relations whom they in-
fluenced, and those who were of broken Fortunes, and inclined to mend them. Some few
indeed, once of other Sentiments, when grated by the faithful Exercise of Discipline under
Presbytery, turned Favourers of Prelacy, and with those joyned many of our younger Noble-
men, who knew little but Slavery and Oppression under the Usurpation, and were taught to
speak against the Presbyterian Establishment.

Thus, concludes he, *Presbytery was to fall without the Honour of a Dissolution*. I imagine
the Author did not know, that the Commissioner *Middleton*, notwithstanding all his Numbers,
durst not venture upon a direct Dissolution of *Presbytery*: It was thought safest to make a
Change, so contrary to the Inclinations of the best Part of the Nation, as gradual and insensible
as might be; and when different Measures were taken in the Act at *Glasgow*, they soon felt
the Mistake, and with some Difficulty Mr. Sharp retrieved it. The *Falling of Presbytery* then,
without what the Author calls the *Honour of a Dissolution*, was from Necessity and Fear, and
not Choice. In short, according to this Author's expressing himself, one would think that
Presbytery remained the legal Establishment during the Two Brothers Reigns. He owns it
was established by Law, and that these Laws were not dissolved and repealed; and in some
respect this was indeed the State of the Case, as may afterwards be observed.

Upon the Prospect of this favourable Turn, adds the Doctor, *some of the most worthy of the
Scots Presbyters, Mr. James Sharp, Mr. Hamilton, Mr. Farewel, and Mr. Logtoun, were consecra-
ted by the Bishop of Winchester*. His Mistake of *Farewel* for Mr. *Fairfoul*, and *Logtoun* for
Leightoun, may be an Error of the Press; and yet the following Historians, Mr. *Collier*, and Mr.
Eachard, and other *English* Writers have copied after him. The Worth of those Presbyters is
well enough known in *Scotland*, and their Character hath been already given. He further ob-
serves

erves very justly, That those Four obtained the Proclamation, September 6. for restoring 1661.
Archbishops and Bishops. This indeed was not the Deed of Scotland, but impetrate at London, by the Influence of the *High-fliers* there, and chim'd in with next Year by our obsequious Parliament. His Remark in the same Place, of the Inconsistency of Patronages with Presbytery, is also very just.

This great Change in Scotland the Author attributes to the Earl of Middleton, and so he well might; but what follows is such a Blunder as gives us a full Proof how little Acquaintance the best of our *English* Writers have with our *Scots* Affairs: 'But, 1663. Middleton was removed, and the Earl of *Rothes* appointed High Commissioner of Scotland, a Ringleader of the Presbyterians under King *Charles* I. and even the Principal of the Conspirators who subscribed a Letter *au Roy*, to aid their Kirk and Covenant. And now the Presbyterians lost Ground more and more.' The Letter here pointed at, to the *French* King, I hope will be set in its due Light by those who write the History of that Period; and the Memory of that extraordinary Person the Earl of *Rothes*, and others upon whom it is charged, may be easily vindicated from the Conspiracy this Author talks of. Since he wrote the History of the former Reign, he ought to have known, that that excellent Person, the Earl of *Rothes*, was got to Heaven many Years before the Restoration; and the Earl who was Commissioner at this Time, was never so unlike his Father and himself, as when serving the Interests of Prelacy, and under Bishop *Sharp's* Management, at the Top of the High Commission.

What this Author incidentally drops afterwards, p. 405. comes in the last Room to be considered here. In giving the Duke of *Lawderdale's* Character, among other Things, he makes him the Underminer of *Episcopacy* in Scotland, by laying it upon a new Foundation, The Pleasure of the King. This is not a Place to enquire how far the Establishment of Prelacy in the Christian Church was still from the Pleasure of the Civil Magistrate, and was brought in to model the Church-government, and Governors, in a Dependence upon the State: At least this seems plain enough, that the Continuance of the Hierarchy in Protestant Churches since the Reformation, is very much owing to this Spring. But the Doctor is certainly mistaken, when he calls this a new Foundation in Scotland, since it must be owned, by all who know any Thing of our *Scots* Affairs since our Reformation from Popery, that Prelacy here had never any other Foundation save the Pleasure of the King.

What hath been said upon this Historian, may serve upon the Matter, as Remarks upon the other *English* Writers, who have very much copied after *The Complete History of England*, in our *Scots* Affairs, and frequently keep by this Author's Words. Remarks upon other English Historians.

Mr. *Collier*, in his Account of this Turn, has nothing different from the former, unless it be an Insinuation, That the Presbyterians had seized Patronages: What he means, seizing them, needs to be explained. Presbyterian Ministers still complained of them since the Reformation, and a Presbyterian Parliament abolished them, but Presbyterians never made Use of them themselves. Mr. Collier.

Mr. *Eachard* very faithfully copies the two former, without observing that Distinctness, as to the Years, he might have done. His Reader will very readily imagine from his Account of this, that the Act of Parliament, restoring Bishops, was May 8th, 1661. especially since it stands so upon the Head of his Page; and several Acts he mentions, as well as the Proceedings against the Marquis of *Argyle*, were during that Year. Mr. Eachard.

S E C T. VIII.

Of several other Remarkables; which come not in upon the former Sections, during this Year 1661.

HAVING thus gone through the great Turn of Affairs in Scotland this Year, and such general Heads as appeared to me most proper, I have, in holding close by them, overlooked several Things remarkable enough, and not altogether alien from the Design of this History, which I am now to gather up here, and so end what I have upon this Year. And I take the greater Liberty to notice these incidental Matters, in this and the following Years, that we have yet almost nothing of a History of this Period I am upon. Some other Remarkables this Year.

Last Year, this Kingdom was delivered from the *English* Army, under the Fear of which, and an absolute Subjection, Scotland had been for a good many Years; and I find some Remarkables which were applied, perhaps without any Ground, to this Turn, in several Papers come to my Hands. I only hint at Two, which seem most observable. When the *English* subdued Scotland, the *Swans* which were in the Loch on the North-side of *Lintithgow*, left it, Observables at the King's Return.

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it, and, as it was then termed, took Banishment on them; but last Year, or the Beginning of this, they came back upon the King's Return; and upon the Citadel of *Perth*, where the Arms of the Commonwealth had been put up, in *May* last Year, a Thistle grew out of the Wall near the Place, and quite overspread them, which was much observed, and our old *Scots* Motto, *Nemo me impunè laceffet*. Both these may be, without any Thing extraordinary, accounted for; but they were Matter of Remark and Talk, it may be, more than they deserved.

Solemn Interment of the Bones of the Marquis of *Montrose*.

At the first Session of Parliament this Year, when the Forms were over, *January* 4th, the Commissioner signified to the House, That it was his Majesty's Pleasure, that the Bones of the Marquis of *Montrose* should be gathered together to one Place, to be interred with the funeral Honours due to One who had died in his Majesty's Service. Accordingly, *January* 7th, all the Remains of his Body were gathered from the Places where they were placed, *May* 1650. His Corps was raised from the *Burrow-muir*, put in a fine Coffin, and carried up under a rich Canopy to the Tolbooth; where all being ready before, his Head was taken down, and put into the Coffin, with Colours flying, Cannons shooting, and Trumpets sounding, and carried down to *Holy-rood-house*, and depositate in the Isle, till afterwards what of his Members had been at *Glasgow*, *Stirling*, *Perth* and *Aberdeen*, had been taken down, and brought to *Edinburgh* beforehand: And *May* 11th, the Solemnity of the Funeral was performed in a vast Deal of State, and the Coffin was brought up to *St. Giles's Church*, with Mourners, led Horse, the Lyon, Heralds, and all the Members of Parliament attending, and the Commissioner in a Mourning Coach.

Appointment of the King's Life-guard.

Upon the 2^d of *April*, the King's Life-guard was formed. By their Constitution they were to consist of Noblemen and Gentlemens Sons, and they were to be One hundred and Twenty in Number, under the Command of the Lord *Newburgh*. After their taking an Oath to be loyal to his Majesty, they made a Parade through the Town of *Edinburgh*, with Carbines at their Saddles, and their Swords drawn. Whatever was their first Settlement, the Scum of the Nation was taken in to them; and we shall afterwards meet with them as ready Instruments in the Persecution which followed.

King's Coronation, *April* 25. observed.

April 23^d. was the Day of the King's Coronation at *London*; and it was solemnized at *Edinburgh*, by Preaching in all the Kirks; and Care was taken to have it kept with great State through all the remarkable Places in the Kingdom. There was Sermon in the Parliament-house, and great Rejoycings at the Cross, a sumptuous Feast at the *Abbey*, Ringing of Bells, Bonfires, and all other Demonstrations of Joy.

May 13. *Waristoun's* Forfeiture intimate.

May 13th, by Order of Parliament, My Lord *Waristoun's* Forfeiture was publicly intimate at the Cross by the Heralds, his Arms torn, and set up most contemptuously upon all the publick Places in *Edinburgh*. *May* 15th, the Proclamation for keeping the 29th of *May* was intimate by the *Lyon* with great Solemnity.

May 22. the Covenant burnt at *London* by the Hangman.

May 22^d, the Covenant was burnt with great Solemnity at *London*, by the Hand of the common Hangman, with all the Spite and Contempt that could be devised, and several senseless Roundels and Ballads were printed and spread, particularly one, entituled, *The Execution of the Covenant burnt by the common Hangman*, *London May* 22^d, 1661. One needs not be so much surpris'd at this by the High-fliers in *England*, since we shall just now meet with little less Contempt poured upon it in *Scotland*.

May 29. observed with Solemnity.

According to the Act of Parliament lately made and published, the 29th of *May* this Year was observed with the greatest Solemnity at *Edinburgh*. Sermons suitable to the Occasion were preached by Time-serving Ministers, in all the Kirks there. After Sermons a great Feast was prepared by the Town, in the great College-hall, at which the Commissioner, the great Nobility, and principal Members of Parliament were present: The Bells were rung, the Cannons discharged, and every Thing else that could be contrived to grace that Solemnity.

Reasons why the Church of *Scotland* were still against Anniversary-days.

Some Observations have been already made upon the Act of Parliament for keeping this Day. The Church of *Scotland*, since the Reformation, had still vigorously opposed the Observation of Anniversary Holy-days. They kept the holy *Christian Sabbath* with the most religious Strictness, and from Principle refused to keep any other stated Holy-days: And when upon very good Reasons they could not observe *Christmas* and *Pasch*, they could never think of doing that for their King, which their Saviour had not required to be done for himself.

This Day not kept to the Lord.

Certainly many who kept this Day, kept it not to the Lord, but it was solemnized with almost as much Riot, Revelling, and Madnefs, as if it had been one of the heathen Holy-days. For all these Reasons, the true Children of this Reformed Church refused this Impostition, as what by their Reformation-rights and Principles, as well as their solemn Vows, they were bound up from.

A melancholy Day this Year.

However this was a most melancholy Day to *Scotland*, being the Triumph of the Wicked, betwixt the Days of the Execution of the noble Marquis of *Argyle*, and Mr. *James Guthrie*; which made a very eminent Minister in the West of *Scotland*, yet in his Church, choose that

Text to preach upon this Day, it being his stated Week-day for Sermon, *Esth. 3. 15.*—And the King and Haman sat down to drink, but the City Shulshan was perplexed.

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July 10th, Sir Alexander Durham Lord Lyon, was, with a great Deal of Solemnity, crown'd Lyon King at Arms. In the Face of Parliament there was a gold Crown put upon his Head, and the Commissioner had a Speech to him, and the Lord Register another. Before the Solemnity Mr. Robert Lawrie had a Sermon in the House, from that Text *Esth. 6. 6.* *What shall be done to the Man whom the King delights to honour?*

Lyon King at Arms crown'd in Parliament.

When the Parliament arose, and the Council sat down, with the whole executive Power in their Hands; at their first Meeting July 13th, they order the Citadels built by the English, to be demolished: And the Earl of Murray is appointed to sight and demolish that of Inverness, the Earl of Eglintoun that of Air, the Lord Bellenden that at Leith, and the Magistrates of Perth, with Sir George Kinnaird, that at Perth.

English Citadels ordered to be demolished, July 13.

July 25th, Mr. David Dickson applies the Council for their Licence and Privilege to print his *Therapeutica Sacra*, now translated into English by himself. The Council appoint Mr. Andrew Fairfoul to revise it, and report to the Council, whether it is fit to be reprinted. Now indeed the World was changed in Scotland, when Mr. Fairfoul is pitched upon to revise Mr. David Dickson, Professor of Divinity, his Books.

Application for a Licence to Mr. Dickson's *Therapeutica Sacra*.

This Year and the next, there are vast Numbers of Commissions granted by the Council to Gentlemen in every Shire, and almost in every Parish, especially in the North and East-country, to try Persons for Witchcraft: And great Numbers of these Wretches confess; clear Probation is found against others, and they are executed. The Numbers of these Commissions for Trial of Witches for several Years, surprised me when I met with them in the Registers.

Trial of Witches.

August 1st, the Council order that Day to be kept with such Solemnities as were formerly used before the late Usurpation, in Commemoration of the Deliverance of his Majesty's Grandfather JAMES VI. of ever Blessed Memory, from the Conspiracy intended by the Earl of Gowrie, conform to the late Act of Parliament made thereanent; and direct their Orders to the Magistrates of Edinburgh, and Governor of the Castle, to see to this. And, October 3^d, the like Orders are given, but more timeously, for the keeping of the 5th of November.

August 1. order'd to be kept, for the Discovery of Gowrie's Conspiracy.

September 17th, the Clerk is ordered to draw up a Proclamation, discharging the electing of any Person to be Magistrate or Counsellor within Burgh, but such as are of known Loyalty and Affection to his Majesty. To Morrow, September 18th, it was approv'd, and the Tenor of it follows.

WHEREAS, during the late unhappy Troubles, some Persons who were of Phanatical Principles, and Enemies to Monarchical Government and his Majesty's lawful Authority, to attain their ambitious Designs, did so comply with the Usurpers of the Government for the Time, and join with them, to secure their Tyranny and Usurpation, that by their Assistance and Countenance they did screw into their own Hands the sole Administration of Affairs and Jurisdiction within the most Part of the Burghs Royal in this Kingdom, and in Time did so settle their Interest, that none were chosen to be Magistrates, or of the Council, but such as adhered to them: And lest those Practices may be endeavour'd to be set on Foot again, and Attempts made to have such Persons elected, and the Power and Government continued as of late; which if not remedied, may be of dangerous Consequence, and prejudicial to his Majesty's Service and Authority, by obstructing these who are of known Integrity and Loyalty, to exercise his Majesty's Laws and Commands, in order to the securing his Royal Interest, and the Peace of the Kingdom, which is now necessary to be taken Notice of, when the Time of Election of Magistrates for Royal Burghs is approaching. Therefore the Lords of his Majesty's Privy Council, inhibit and discharge the electing of any Person to be Magistrate or Counsellor within Burgh, but such as are of known Loyalty and Affection to his Majesty's Government, qualified as is express in the late Acts of Parliament, and others made for that Effect, and whose Carriage, during the late Troubles, has been no Evidence to the contrary: With Certification, if any Elections be otherwise made, the said Elections shall be declared null and void, and the Persons elected, and these who shall elect them, shall be censured with all Rigour as Persons disaffected. These Presents to be forthwith published at the Market-cross of Edinburgh, and all other Royal Burghs.

Proclamation, September 17. about Elections of Magistrates and Counsellors.

I'll have frequent Occasion, in this History, to observe the strict Chain 'twixt Religious and Civil Privileges and Liberty; when the one is attacked, the other readily sinks. Last Year in September, Matters were a little more smoothly managed. The Chancellor wrote to the Meeting of the Royal Burghs, and that Convention wrote to each of their Number, giving them what they call *Caveats* in their Elections, that none be chosen but well affected Persons to his Majesty and his Government, whether on the Council or Magistracy. They forbid likewise the Choosing any who had subscribed the *Remonstrance, Association*, or who concur-

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red in any Course for promoting the Ends thereof, or who protested against any publick Judicatories or their Determinations, since the Year 1650.

But now the Managers grow in these Attacks, and, beyond what the Act of Parliament ordains, declare the Elections void, if they be not of such Persons who shewed their Loyalty during the Troubles, and other Conditions spoken of in the Proclamation. I need make but few Remarks on it; several new Ways of speaking are in it, *the King's Laws*, and the like. In short the Design of this Proclamation was to exclude all from any Management of Burghs, those who were any ways Favourers of Presbytery, or were not fully and heartily for the Bishops, and the King's arbitrary Power, and to bring the Royal Burghs entirely under Yoke to the Courtiers: And they begin with *Edinburgh*, as a Pattern to all the rest; and when they were thus treated, none of the rest could think to stand out.

Thus *October 3^d*, the Council, understanding, that since their last Proclamation anent the Elections of Magistrates, these of *Edinburgh* are chosen, do ordain one of their Macers to warn the hail Magistrates, Counsellors, and Deacons of Crafts who are elected, as also these who did vote, or should have voted at the said Election, to compear before the Council *November 1st*, and give an Account of their Carriage, as they will be answerable. Accordingly, *November 1st*, the Council find the Election good, and the present Magistrates of *Edinburgh*, *Canongate*, and *Portsburgh*, lawfully elected, and authorize the same. They declare against some Protestations made by the Crafts. Thus we see the Liberty of the Royal Burghs overturned; and if the Council please, they may, by Citations and otherwise, harass all the Electors, and elected, if not according to their Scheme; and we shall find other Attacks made upon them afterwards.

At that same Diet, *September 18th*, the Council order that such suffering Ministers as petition for Redress, and are recommended, by his Grace the Lord Commissioner and Parliament, to the Council, shall have Precepts on Mr. *John Wilkie*, Collector of the vacant Stipends, for such Sums as shall be modified and allowed by the Council, notwithstanding any former Act. This was only meant of *Episcopal* Ministers; if *Presbyterians* had been allowed a Share, the Fund would have soon been exhausted: And a Provision is not only made for Ministers, but others reckoned Sufferers for the King's Interest. Accordingly, *November 7th*, I find *Andrew Glen* late Provost of *Linlithgow*, and *James Glen*, represent their Losses for Adherence to his Majesty's Interests, and constant Affection to his Service. Last Council-day a Committee had been appointed to examine their Losses, and upon Report, the Council find their Losses extend to 7834^{lib.} 5^{sh.} 8^{d.} and recommend them to his Majesty's Favour. I could name *Presbyterian* Ministers who lost as much as any of them, by standing up for the King, and yet now they are harassed, turned out, and persecuted: Whereupon I may safely enough apply the Learned and great Doctor *Barrow* his Distich he wrote on such Treatment in *England*, common to him and many good Men.

*Te magis optavit rediturum, Carole, nemo;
Et nemo sensit te rediisse minus.*

October 3^d, the Council ordain the President of the Session, Lord Register, and Lord Ley, and such of the Counsellors as shall be present, to be Auditors for taking away and composing the Differences 'twixt the Moderators of the University of *Glasgow*, and Mr. *Patrick Gillespie*: And in case of Variance 'twixt the said Auditors, the Lord Chancellor is to be Overlman; and give Power to the Lord Chancellor to grant Warrant to the said Mr. *Gillespie* to repair to *Edinburgh* for that Effect, notwithstanding of his Confinement.

November 7th, Information being given, 'That *George Swinton*, and *James Glen*, Booksellers in *Edinburgh*, have caused print several seditious and scandalous Books and Papers, such as *Archibald Campbel's* Speech, *Guthrie's* Speech, the *Covenanters Plea*, &c. Ordered, that the Lord Advocate, and Provost of *Edinburgh* seize upon these Books and Papers, and discharge them and the Rest of the Printers to print any more Books or Papers, till they have Warrant from the King, Parliament, or Council.' And, *December 5th*, they grant Liberty to *Robert Mein*, Keeper of the Letter-Office at *Edinburgh*, to publish the *Diurnal* weekly, for preventing of false News.

When at this Time the Council are prosecuting the worthy Mr. *Robert Blair* and other *Presbyterians*, for Shame they could not but do somewhat against trafficking *Papists* now mightily increasng; and indeed for some Years, as we shall see, the Council shew pretty much Zeal against *Papists*, but are retarded by the Backwardness of the *Prelates* in this Affair. Therefore, *November 7th*, the Chancellor reports, That, upon Information several trafficking *Papists* were come into this Kingdom, and that *John Inglis* was one of them, he had caused seize him, and found two Letters upon him, which were read in Council, and had caused commit him to Prison. The Council, finding that the said *Inglis* and *William Brown* had brought into this Kingdom several Books and Papers, order the Provost of *Edinburgh* to secure their Persons in the Tolbooth, till further Order, and cause seize all their Books and Papers, which are to be revised by the Earl of *Linlithgow*, Lord President, Mr. *Bruce*, and the said Provost of *Edinburgh*, who are to report; and that the President, Advocate, and Clerk draw up a Proclamation against trafficking *Papists*.

Novem-

Treatment of
the Town of
Edinburgh, in
their Election.

Suffering Mini-
sters have a
Share of the
vacant Sti-
pends.

Others apply
for a Share
in them.

A Committee
for Mr. *Patrick
Gillespie's* Ac-
counts with the
College of
Glasgow.

Booksellers
brought to
Trouble for
Argyle and Mr.
Guthrie's
Speeches, and
Covenanters
Plea.

Council pro-
secute *Inglis*
and Brown traf-
ficking *Papists*.

November 14th, the Lords abovenamed report, That *William Brown* was content to take voluntary Banishment upon him; that *Inglis* acknowledged himself a trafficking *Papist*, and that he had brought in *Popish* Books, and refused to give any Account of *Popish* Priests lately come into the Kingdom, or to relinquish his Profession. Both of them are banished, and ordered to remove in Three Weeks, and never return, under the Pains in the Acts of Parliament.

1661.
They are banished.

November 19th, The Council issue out the following Proclamation against *Papists*, *Jesuits*, and trafficking Priests.

Proclamation
November 19. a-
gainst *Papists*.

THE Lords of His Majesty's Council, considering that since the Reformation and Establishment of the Protestant Religion within this Kingdom, many desperate Plots and Conspiracies have been hatched, and incessantly prosecuted by the Pope and his Counsels, to the Hazard of the undermining of that glorious and blessed Structure; wherethrough not only many simple and ignorant People have been deluded and withdrawn from their holy Profession, and those Principles of Truth wherein they were bred and educated; but the Pillars and Foundations of Allegiance and Obedience to supreme Authority and Laws has been sore shaken, by saying and hearing of Mass, setting of Jesuits, and Seminary Priests, trafficking, and perverting unstable Souls, and setting of Superiors and other Officers depending upon the Romish Hierarchy, by whose Counsel and Conduct they may propagate the rebellious Principles, and erroneous Doctrines, which in all Probability had prevailed to the great Hazard of Religion, Monarchical Government, and the Peace of the Kingdom, if by the wholesome Laws and Statutes, and pious Care and Endeavours of His Majesty, and His Royal Ancestors, the same had not been prevented: And being informed, That, notwithstanding of the late Act of this current Parliament, solemnly published, against *Popish* Priests and Jesuits, whereby His Majesty, to witness His Royal Care of, and zeal for the Protestant Religion, with Consent of the Estates of Parliament, did command and charge all and sundry Jesuits, Priests, and trafficking *Papists*, to depart this Kingdom within a Month after the Publication thereof, and discharged all His Subjects to reset, supply, entertain, furnish Meat or Drink, or keep Correspondence with any of the foresaids, under the Pains contained in that and former Acts of Parliament, which, during the late Troubles, have not been put in Execution against the Contraveners: Yet divers Persons are come into this Kingdom, with Instructions, *Popish* Books, and Writings, and Priests Vestments, for Prosecution of these abominable Practices; who finding themselves now mightily disappointed of that great Increase of their Numbers, and Advancement of their Designs, whereof they had great Hopes from the late horrid Confusions, introduced into Church and State by Sectaries, do again adventure to trace their old Steps, and embroil that Order and Government restored to Us by Almighty God. Therefore they command and charge all His Majesty's Subjects, of whatsoever Quality and Degree, to observe and obey the foresaid Act, and all other Acts of Parliament made against Priests, Jesuits, and trafficking *Papists*: With Certification, if they do otherwise, the whole Pains there contained shall be inflicted without Mercy. And ordains all Sheriffs of Shires and their Deputies, Magistrates of Burghs, and other Judges, and all Ministers of the Gospel, within their respective Bounds and Jurisdictions, to make exact Enquiry after the Offenders, and to apprehend their Persons, and secure them in the next Prison, and immediately to give Notice thereof to the Privy Council: As also to send in yearly to the Lords of the Privy Council, a List of such Persons as are known or suspected to be *Papists*, and to seize on all *Popish* Books, Writings, Commissions, Instructions, and others belonging to them, which they can apprehend, conform to 194 Act, Parl. 13th, JAMES VI. and other Acts and Statutes, as they will be answerable, under all highest Pains. And ordains these forthwith to be Printed and Published.

That same Diet of Council, the following Letter from the King is read. 'Right Trusty, &c. having given Orders to Our Archbishops here, That in all the Churches and Chapels of this Our Kingdom, Our Royal Consort Queen *Katharine* be prayed for; We have resolved also, that in Our ancient Kingdom she be prayed for: And seeing Our Bishops of that Kingdom are not yet consecrated, We have thought fit to require you to issue Commands to all the Presbyteries of *Scotland*, That in all the several Churches, immediately after their Prayer for Me, they pray for Queen *Katharine*, and for *Mary* Queen Mother, *James* Duke of *York*, and the rest of the Royal Family.' In the Close of the Letter, he orders them to raise the Value of Gold to the same Proportion which 'tis in *England*. The Council order a Proclamation to be drawn, and 'tis published in the above Terms, November 21st. Thus the Reader hath a pretty large Account of this remarkable Year, 1661.

King's Letter
about Prayers
for the Queen
and Queen
Mother, Duke
of *York*, &c.

C H A P. III.

Of the Sufferings of Presbyterians, and State of Affairs in Scotland, during the Year 1662.

1662.

A Summary
of this Chapter.

HIS Year, and the second Session of Parliament, affords the Reader a new Scene of Persecution. Though none suffered Death this Year, yet a good many were imprisoned, and not a few Ministers banished into foreign Countries; several of whom never returned.

Till the Parliament sit down, the Council have but little before them; the Bishops who were consecrated at *London*, not coming down till *April*, and the rest were not consecrated till Four Days before the Parliament sat down. And indeed it was our Prelates who pushed the Council to most of their Severities: However, that arbitrary Court, in the Beginning of the Year, perfect what they had begun last Year, and discharge all Ecclesiastical Meetings, and prepare Matters for the Parliament, who sit down *May 8th*.

The Parliament set up the Prelates, and receive them with Solemnity enough into their Meeting; they persecute some of the most noted of the Presbyterian Ministers in the West-country, and attack the Ministers of *Edinburgh*: A new Set of Acts, for the Establishment of Bishops, and the further harassing of Presbyterians, are made; they also pass the Sentence of Death upon the Lord *Lorn*, afterwards Earl of *Argyle*, and spend much Time upon the fining of Presbyterians.

But the chief Part of the Persecution is managed by the Council, after the Parliament rises; and when some Things are done at *Edinburgh*, they come West to *Glasgow*, and there turn out some Hundreds of Presbyterian Ministers: And upon the Commissioner's Return from his Progress, the Council, in the End of the Year, attack a great Number of Presbyterian Ministers, in all the Corners of the Country, and banish some of them, and confine others. Those Things, with some other incidental Matters, will afford Matter for Four or Five Sections upon this Chapter.

S E C T. I.

Of the Proceedings against Presbyterians, before the Down-sitting of the Parliament, with some Essays made to bear Testimony against those, and some Account of the Consecration of the rest of the Bishops in Scotland, this Year 1662.

Contents of
this Section.

MOST Part of the proper Matter for the *History of the Sufferings* of this Church, during this Year, falls in during the Sitting of the Parliament, and towards the End of the Year. The Council had little before them till the consecrated Bishops came down; and yet in *January* they perfect the Work they had entred upon at the Close of the last Year, the overturning the Judicatories of this Church, to pave the Way for Prelates: And therefore I am to give some Account of this, with some Hints at the Testimony essayed against it by some few Ministers; and shall shut up this Section with an Account of the Ordination of the rest of our Prelates, which will hand us into the 2^d Session of this current Parliament, held by *Middleton*.

Our *Scots* Council receive their Orders from *England*, where Things were now concerted by Mr. *Sharp*, and the rest of our Bishops at this Time there; and these are carefully executed at *Edinburgh*, and Proclamations accordingly issued out.

Thus, *January 2^d*, the Council receive a Letter from the King, discharging all Ecclesiastical Meetings in Synods, Presbyteries, and Sessions, until they be authorized by the Prelates: The Tenor whereof follows.

CHARLES R.

1662.

King's Letter
discharging
Synods, &c.

RIGHT Trusty, &c. Whereas, by the Advice and Consent of Our Parliament, We did allow the Administration of the Church-government of *Scotland*, by Sessions, Presbyteries, and Synods, notwithstanding of the *Act Rescissory*, until We should take Care for the better Settlement of the Government of that Church: And We having, by Our late *Proclamation*, declared Our Royal Pleasure for restoring the ancient and legal Government of that Church, by Archbishops and Bishops, as it was exercised in the Reign of Our Royal Father, before the Year 1637. and, in Pursuance of that Our Resolution, have nominated and presented Persons to the several Bishopricks of *Scotland*, of whom there has been lately Four consecrated, and invested with the same Dignities, Church-power, and Authority, which was formerly competent to the Bishops and Archbishops of that Church, in the Reigns of Our Royal Grandfather and Father.'

'Therefore Our Allowance of the Administration of the Government of that Church, in the Way it hath been since the violent Interruption of Episcopal Government, being inconsistent with the same now established, and being now of itself void and expired, seeing it was only for a Time, till we should settle and secure Church-government in a Frame most suitable to Monarchy, and complying with the Peace of the Kingdom.'

'Our Will is, That the said Allowance be of no further Force or Continuance; but that the Jurisdiction and Exercise of Church-government shall be ordered in the respective Synods, Presbyteries, and Sessions of the Church of *Scotland*, by the Appointment and Authority of the Archbishops and Bishops thereof, according to the standing Laws, and their known Privileges and Practice conform thereunto.'

'This Our Will and Pleasure, you are required forthwith to publish by *Proclamation*, discharging all Ecclesiastical Meetings in Synods, Presbyteries, and Sessions, until they be authorized and ordered by Our Archbishops and Bishops, upon their entering into the Government of their respective Sees; which is to be done speedily.

'We do further require, That you take special Care, that all due Deference and Respect be given by all Our Subjects, to the Archbishops and Bishops of that Church; and that they have all Countenance, Assistance, and Encouragement from Our Nobility, Gentry, and Burghs, in the Discharge of their Office, and Service to Us in the Church; and that severe and exemplary Notice be taken of all and every one who shall presume to reflect, or express any Disrespect to their Persons, or Authority with which they are entrusted. And so We bid you heartily Farewel. Given at Our Court at *Whitehall*, December 28th, 1661. By His Majesty's Command,'

LAWDERDALE.

The Clerk is ordered to draw up a *Proclamation* conform to this *Letter* and the Commands therein contained, and have it ready next Council-day. Accordingly, *January 9th*, 'tis read, agreed to, and ordered to be printed and published. It agrees very much with the above Letter; however, because of the Importance of it, I have insert likewise the *Proclamation*, App. N^o. 26. and 'tis signed by *Glencairn, Rothes, Mortoun, Roxburgh, Southesk, Weems, Annandale, Dundee, Sinclair, Bellenden, John Fletcher, Robert Murray*.

Proclamation,
Jan 9. to the
same Effect.App. N^o. 26.

At the same Time the Council recommend it to the Lord Chancellor, to sign the following Letter to the Sheriffs and their Deputies, through the Kingdom, to be communicated to each Minister.

Right Honourable,

THERE is a Proclamation emitted by the Lords of Privy Council, intimating his Majesty's Pleasure for discharging all Meetings of Synods, Presbyteries, and Kirk-sessions, until they be ordered by the Archbishops and Bishops of the Church of this Kingdom: And lest the Contributions for the Poor, and the Distribution thereof within the several Parishes in the mean Time be interrupted, the Council has recommended it to me, to write to you in their Name, to acquaint the several Ministers of all the Parishes within your Shire and Jurisdiction, that, notwithstanding of the said Proclamation, they may appoint some of their Parish for Contribution of the Collection, and distributing the same to the Poor thereof, for which their Presents shall be your Warrant, from

Letter allowing
Contributions
for the Poor
in each Parish,
notwithstanding
this Proclamation.Your affectionate Friend,
GLENCAIRN Chancellor.

What hath been said upon the former publick Papers, may supersede Reflections on this Letter and Proclamation. We see that gradually, yet pretty quickly, the Presbyterian Constitution of this Church was overturned. Synods were first interrupted, and then discharged; Presbyteries were inhibit to ordain any to their Vacancies, and now to meet; and Sessions likewise must die with the expiring Government of this Church.

Reflections on
the Proclamation.

1662.

Difference
twixt this and
the former
Settlement of
Episcopacy.

This Proclamation razed Presbyterian Government quite. And we may observe a considerable Difference 'twixt Prelacy now obtruded, and the old *Scots* Episcopacy. Presbyteries and Sessions remained under the Bishops, during King *JAMES VI.* his Reign, almost in the full Exercise of their Power, saving that Presbyteries were cramped with constant Moderators: But now Presbyteries and Sessions are made entirely to depend upon the Bishop, and indeed materially abrogated, as may afterwards be noticed.

The same Day this Proclamation is published, the Council having considered a Letter from the Earl of *Lothian*, desiring that the Presbytery of *Kells* may be discharged to plant the Kirk of *Tettam*, ordered the Clerk to sign the following Letter to their Moderator.

Right Reverend,

Council's Letter about
planting the
Kirk of *Tettam*.

THE Lords of Privy Council are informed, that the Kirk of *Tettam* being vacant, the Earl of *Lothian* did give in a Presentation, as likewise some other Persons pretending to have Right to the same; and that notwithstanding of the late Act, discharging the Presentations to Presbyteries, you are proceeding in order to the Admission of some Person to be Minister at the said Kirk; and therefore have commanded me to acquaint you of the foregoing Proclamation, that you do not proceed to admit any Person to be Minister at the said Church, as you will be answerable, which you are to communicate to your Brethren. I am, Sir,

Your humble Servant,

PETER WEDDERBURN.

Little more offers from the Council-registers till the Parliament rises, and then we shall meet with enough of Matter for this History.

Presbyterians
at a Stand what
to do upon
these Encroachments.

Those Invasions upon Judicatories, but especially the Letter and Proclamation, quite overturning them, raised an universal Sorrow and Concern through the Kingdom. Presbyterians, formerly broken among themselves, could not easily make any Concert, and the Ministers were of different Sentiments what Course was best to take. Now indeed they came to understand one another much better than formerly, when going to a joynt Furnace. Mr. *Douglas*, I am told, said, when he saw Matters came to this Pass, *Our Brethren the Protesters have had their Eyes open, and we have been blind.* Mr. *Dickson* used to say, *The Protesters had been much truer Prophets than they.* And Mr. *Wood* acknowledged to several of his Brethren who differed in Judgment from him, *That they had been mistaken in their Views they took of Matters.* And till the Ashes of those Burnings were raised to add Fuel to the Flame about the *Indulgence*, and after Separation for a good many Years, the *Resolutions* and *Protestation* were quite buried.

The Carriage
of Judicatories.

Nevertheless, this was a Juncture of very much Difficulty; and Ministers and honest People had their Thoughts perhaps as much spent in the melancholy Forecastings of approaching Sufferings, as upon due Methods of a joynt Opposition to the Encroachments so fast making upon them. And it is with Regret I observe it, that too little of a Spirit for this appeared either with Ministers or People. At the first Desertion to Episcopacy in this Church, after our Reformation from Popery, a considerable Stand was made by Ministers then perfectly united: But now the most Part of Presbyteries silently obtempered this Proclamation. In some Places when they did meet, they found they could do nothing; and the Essays of some Presbyteries to keep themselves in *Possessorio* by meeting, were useless, and reckoned singular by others; and by Piece and Piece all the Presbyteries of the Church were deserted, save some few, very few, who subjected to the Prelates Orders.

Those Heart-breaking Encroachments upon the Liberties of this Church, brought many worthy gray Hairs to the Grave with Sorrow: Now indeed the Prelatick and old malignant Party *saw Zion defiled, and their Eyes looked upon her with Pleasure*, when many better Men mourned and wept to their Graves. Those may well be reckoned Sufferers; and though they were not Martyrs by Mens Hands, because Death prevented that, yet they were Confessors and Martyrs in Resolution, and their Death is justly chargeable upon the Contrivers and Carriers on of the Iniquity of this Time. Among those I shall afterwards, when I come to the Sufferings of particular Persons, take Notice of the Earl of *London* and Mr. *Robert Bailie*, who both died, I think, before the Parliament sat down.

Some Presbyteries give
Testimony against those
Encroachments.

Yet some Testimony was given by Presbyteries in some Places; besides others recorded in their Registers, Declarations against Prelacy, and the present Encroachments. In *Edinburgh*, *Glasgow*, and other chief Places, Care was taken by the Magistrates, there should be no more Meetings of Presbyteries; so that indeed we can expect little or nothing from them. I shall take Notice only of what the Presbytery of *Kirkcudbright* essayed to do at this Time, from some original Papers come to my Hand, preserved among others belonging to that truly great Man Mr. *Thomas Wylie* Minister at *Kirkcudbright*, whom we shall meet with this Year as a Sufferer.

When the Council-proclamations against Supplicating, taken Notice of last Year, and those discharging Synods, and restricting Presbyteries, came to their Knowledge, they send Two of their

their Number to *Edinburgh*, with the following Commission, which I give from the Original before me. 1662.

At Kirkcudbright, January 7th, 1662.

THE Presbytery taking to their serious Consideration the Condition of the Work of God in the Land at this Time, upon mature Deliberation do judge it expedient to supplicate the Right Honourable the Lords of his Majesty's Privy Council, for removing the Bar that lieth in the Way of Address; and therefore do appoint their Reverend Brethren, Mr. *John Duncan* Minister at *Rerick*, and Mr. *James Buglos* Minister at *Crosfmichael*, to repair to *Edinburgh*, or where it shall happen their Lordships to be for the Time, and present unto their Lordships our humble Desires, and return their Diligence.

M. W. CANT Clerk.

I do not question but the Two came in to *Edinburgh* accordingly; and though there be no Account of this in the Council-records, and scarce can be expected there, I as little doubt they essayed to present the following Supplication.

Unto the Right Honourable the Lords of his Majesty's Privy Council, the humble Supplication of the Presbytery of Kirkcudbright.

May it please your Lordships,

AT our Synodical Meeting in *April* last, we were fully resolved in all Humility to have presented our earnest Petition in *Zion's* Behalf, unto the High and Honourable Court of Parliament, if we had not then been interrupted; and in *October* last the same Resolutions did revive in our Breasts, and would have vented themselves, if our Meeting had not been prohibited. And truly at this Time we do ingenuously confess, if we could obtain it of our selves and our Consciences before God, (when in his Presence we are most serious upon the Search, what *Israel* ought to do) we say, If we could obtain it of our selves to be silent, we should contentedly thrust our Mouths in the Dust, and not so much as presume once to move a Lip.

But when we consider the Work of the Lord, at what Height of Perfection it was, in the Purity of Doctrine, Worship, Discipline, and Government in this Land; and when we look upon the sad Breaches already made upon the wonted Integrity of the Discipline and Government, without which the Purity of Worship and Doctrine cannot long continue; and upon the present Actings and Preachings of some, which sadly threaten the utter Eversion and Overturning of the established Discipline and Government; and when withal we lay to Heart, that the Lord requireth of us, "That for *Zion's* Sake we should not hold our Peace, and that for *Jerusalem's* Sake we should not rest, that we should earnestly contend for the Faith, and be valiant for the Truth upon the Earth," and that we should plead with the Powers of the Earth in the Behalf of *Zion*: When we consider and lay to Heart those Things, we cannot, we dare not any longer lay the Hand upon the Mouth, lest by a sinful Silence, and Truth-prejudging Modesty we betray a good Cause, and fetch a cutting Lash upon our own Consciences, and provoke the holy One to be offended with us.

Wherefore, Right Honourable, we do in all Humility prostrate our selves before your Lordships, most humbly and earnestly begging in the Name of *Jesus Christ*, that your Honours would be pleased to grant unto us Freedom and Liberty to unfold our Bosoms unto your Honours, in those Things that, relating to the Work of God in the Land, do sadly aggrrieve our Spirits: Or, if your Honours do not of your selves grant this Liberty, we humbly beg that your Lordships would be pleased to intercede with the King's most excellent Majesty, that he would be graciously pleased to remove the Bars that are drawn in the Way of Address, that so we may have free and safe Access unto your Lordships, and the ensuing High and Honourable Court of Parliament, to represent our sad Grievances arising from the undeniable Evils and Dangers that the *Work of Reformation* in this Land is now more than ever threatned with, and to supplicate your and their Honours for Remedy and Redress.

And particularly we humbly beg, That we may have Liberty, with Freedom and Safety, to express our Minds, against the Reintroduction of Prelacy upon this Church and Kingdom; in doing whereof we resolve in the Lord to walk (according to the Measure we have received) close by the Rules of Scripture, of Christian Prudence, Sobriety, and Moderation; in all our Actings testifying our real Affection, Faithfulness, and Loyalty to the King's most excellent Majesty; the Preservation of whose Royal Person, and whose long flourishing Reign in Righteousness, is the Thing in this World that is and ever shall be dearest unto us, next unto the Flourishing of the Kingdom of *Jesus Christ*.

1662.

‘ His Majesty’s gracious condescending unto those our just and humble Desires, will yet more engage our already most deeply engaged Hearts and Affections unto his Majesty’s Person and Government, under whom it is the firm Resolution of our Hearts, to live in all dutiful Obedience, praying that the Lord may long preserve his Royal Person under the Droppings of his Grace, and abundant Loadnings of his best Blessings, and special Mercies: And your Honours favourable Acceptance, of this our humble Petition off our Hands, and transmitting of the same to his sacred Majesty, seconded with your Lordships Intercessions for his Majesty’s Grant of these our just Desires, will make the present Generation blest you, and the Generation to come call you happy, and shall add to our former Obligations to supplicate at the Throne of Grace for the Spirit of Counsel and Government, in the Fear of the Lord, unto your Lordships, and that your Persons and Government may be richly blessed of the Lord. Thus we rest, expecting your Honours favourable Answer.’

When so modest and well drawn a Petition could not be heard, we may see what a low Pass Matters were at in *Scotland*. All they ask is a fair Hearing; and instead of this we shall find afterwards the Reverend Mr. *Wylie*, and a good many others in this Presbytery, where I think there was not one conformed to Prelacy, were attacked by the Council this Year and the following. This unreasonable and unmanly Method of discharging Addressees and Applications to a Government, and peremptory refusing the most humble Applications for the Liberty of them, as it cannot be defended, so it was the Occasion of all that can be, with the least Shew of Reason, objected against the Loyalty of Presbyterians: And who can justly blame them for seeking a Hearing to their Grievances in an armed Posture, when the Oppression of their Enemies had forced them to this? Yet they even came not this Length, but after several Years patient Suffering of the greatest Hardships; as we shall see in the Progress of this History.

It was expected the Parliament would have sit down early this Year; and the Presbytery of *Kirkcudbright* had under their Consideration the Form of an Address to the Parliament, a Copy whereof is before me, under the Reverend Mr. *Wylie*’s Hand: ’Tis but the first Draught, and no doubt would have been smoothed and altered to the better, had any Door been opened for presenting it. Imperfect as it is, in my Opinion it deserves a Room in this Work, as the designed Testimony of those worthy Persons at this Juncture; and I perswade my self they did well that they had this in their Hearts. The rude Draught, with some Clauses added on the Margin of it, which seem to relate to the following Years, I have added, *App. No. 26. Numb. 2.*

Little more offers before the Sitting down of the Parliament, save the Consecration of the rest of the Bishops; of which, with their Admission into that Assembly, I shall here give some Account.

April 8th, the Primate, and the other Three consecrated at *London* came to *Berwick*, and were met by considerable Numbers of Noblemen, Gentlemen and others, upon the Road to *Edinburgh*: Some gave themselves the Trouble to go as far as *Cockburns-path*, others to *Haddingtoun*, and many met them at *Musselburgh*; and under pretext of Obedience to his Majesty’s Commands to put all Respect on them, they were received at their coming in with all Pomp and Solemnity, and Trumpets sounding, which was not a little pleasing to Mr. *Sharp*’s ambitious Temper.

The Commissioner *Middleton* came down from Court to *Holy-rood-house* upon Sunday *May 4th*, and the Consecration of the rest of our Prelates was put off till he should be present to countenance this Solemnity, which was indeed a new Thing in *Scotland*. Accordingly, *May 7th* was fixed for their Consecration, in the Church of *Holy-rood-house*. The Nobility and Gentry in Town, with the Magistrates and Town-council of *Edinburgh*, contributed their best Endeavours to put Respect upon this Work. The Church-doors were strictly kept, and none had Access but those who had Warrants. The two Archbishops went to the Church in great Parade in their Pontifical Habits, black Gowns, Surplices, Lawn Sleeves, Copes, and all other Things in due Form.

Before the Consecration, a Sermon was preached by Mr. *James Gordon* Minister at *Drumblait* in the North of *Scotland*: His Text was, *1 Cor. 4. 1. Let a Man so account of us as Ministers of Christ, and Stewards of the Mysteries of God.* And in his Sermon he insisted upon the Faults and Escapes of the former Prelates, which made them fall, and exhorted the Bishops not to encroach upon the Nobility, but to keep themselves sober, and not exceed the Bounds of their Function. The Consecrators were the two Archbishops. The Primate made use of the *English* Forms, and read all from the Book, the *Lord’s Prayer*, *Creed* and *Ten Commandments*, and Consecration and Exhortation after it. I do not find that the Bishops were re-ordained Presbyters and Deacons before their Consecration, as the Four had been at *London*; neither that ever it was once proposed. Three of the Bishops nominated were not present, but hasting up as soon as possible, the Bishop of *Aberdeen*, and other Two who were out of the Kingdom: And those Three were consecrate afterwards at *St. Andrews*, in *June* this Year.

This Ceremony paved the Way for their Admission as Members in the Parliament to *Morrow May 8th*; where, after the Voting of the first Act for *Restitution of Bishops*, of which in

Observes on
the Refusal of
this Supplicati-
on.

Rude Draught
of the Presby-
tery of *Kirkcud-
bright* their Ad-
dress to Parlia-
ment.

App. No. 26.
B.

Primate and Bi-
shop: conse-
crate at *London*
come to *Scot-
land* in *April*.

The rest of
our Scots Bi-
shops conse-
crate at *Holy-
rood-house*, *May*
7th.

Sermon at their
Consecration.

They are ad-
mitted into the
Parliament,
May 8th.

the next *Session*, they were brought up to the House, and convoyed from it with much Pomp. All the Bishops were together in the Archbishop of St. *Andrews* Lodgings, near the *Nether-bow*, waiting for the Honour to be done them.

1662.

The Manner
and Circum-
stances, of this.

Six Members of Parliament, two Noblemen, the Earls of *Kelly* and *Weems*, and two Barons, and two Burgesses were sent to invite them to come and take their Seats in the House. From the *Nether-bow* they came up in State: The two Archbishops in the midst of the first Rank; the Gentlemen, Bailies, and the Town-council of *Edinburgh*, mix'd in with the rest of the Bishops, who had all their black Gowns and Robes. When they came to the House, a Speech was made to them, and the Parliament's Act restoring them, read, and the House dismissed that Day.

They were all invited to dine with the Commissioner; and he did them the Honour to walk down the Street with them on Foot. Six Maces went first, with their Maces elevated: Next, Three Gentlemen Uihers, one for the Commissioner, another for the Chancellor, and the third for the Archbishop of St. *Andrews*; and then the Pursebearer discovered. The Commissioner and Chancellor came next, with two Noblemen upon their right Hand, and the Archbishops upon their left Hand, in their Gowns: And the other Noblemen and Members of Parliament invited, with the rest of the Bishops, followed, making up the Cavalcade.

When I come to consider the Act for their Restitution, some general Remarks upon the Reintroduction of Prelacy will offer themselves: Only here it may be Matter of Wonder, that Bishops are thus brought in upon this Church, without the least Shadow of the Church's Consent or Authority. In King *James VI.* his Time another Method was judged better. The corrupted and overawed Assembly at *Montrose*, 1600. after a great Struggle, agreed to the *Caveats*, and paved the Way for their coming in under another Name than that of Bishops: And this was found necessary by the Court, to prepare Matters for the King's Succession to *England*, and the Union of the two Crowns. The yet more corrupted Assembly at *Glasgow*, 1610. which was so scandalously and openly bribed, did more directly countenance, and some way ratify Prelacy.

Prelates introduced without
the Church's
Consent.

But now they come in without the least Consent of the Church; yea, contrary to many unrescinded Church-canons, which made many in *Scotland* look upon them, and such as they authorized and hatched, as real Intruders, not only without Consent, but *renitente & contradicente Ecclesia*.

The Reasons of such Procedure in this Obtrusion were various: The Bishops and Managers durst not hazard any considerable Meeting of Ministers in *Scotland* upon this Point. Things were not so ripe for this as in the 1610. nor so gradually prepared for their giving Consent. And now when absolute and arbitrary Government was to be set up in the State, and the Prerogative stretched to its utmost, it was not unfit to have the Ministry and the Government of the Church entirely depending upon, and set up by the Royal Prerogative and Pleasure: So a Church Concurrence was not so much as endeavoured, but Prelates and Prelacy brought in entirely by the Supremacy. And upon this Foot the Parliament give their Consent to, and settle Episcopacy in their Second Session; to which I now come,

Reasons of
this.

If once I had remarked, that May 7th, the Commissioner in Council declares, That it is his Majesty's Royal Will and Pleasure, that the Earl of *Tweddale*'s Restraint be taken off, and he restored to all his former Rights and Privileges, and his Bond be delivered up to him. Which the Council orders to be done; and he had Opportunity to sit in Parliament to Morrow: But he and others must be taught, by his Eight Months Imprisonment and Confinement, how dangerous it would be to speak their Light, and cross the Court in any of their Votes in the ensuing Parliaments.

Earl of *Tweddale*'s Restraint
taken off by
the Council.

S E C T. II.

Of the Acts of the Second Session of Parliament, with Reflections upon them, in so far as they concern Church-affairs this Year, 1662.

IN my Account of the Sufferings of Presbyterians this Year, I shall begin with the Laws made by this Session of Parliament, which were the Foundation of much After-persecution, and then consider the Procedure of the Council, and their Acts, during the rest of the Year. The particular Sufferings of Ministers, Gentlemen, and others, I shall leave to a *Section* or Two by themselves, tho' several of them were during the Sitting of Parliament. I begin now with the Acts of this Session of Parliament under *Middleton*.

The Parliament had been adjourned to *March*; but it being resolved, that the Prelates should have their Places in it, and Matters not being concerted as to their Consecration, it

Occasions of
the Protogation
of the Parli-
ament till
was May 8.

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was put off till that could be completed: Besides, our Nobility at *London* were fond of being there at the Solemnity of the Queen's Reception. When she arrived, her Majesty was received with the utmost Pomp and Expectation: And when, in some Years, People's Expectations of a Successor from her failed, it began to be alledged, That Chancellor *Hyde* had pitched upon a barren Woman for the King, that his Grandchildren, by the Duke of *York*, might succeed: But Providence had a further View in it, and both made Way for the wonderful *Revolution*, 1688. and Deliverance of those Kingdoms, when well nigh ruined by the wide Steps taken towards Popery, during the Two Brothers Reigns, and the seasonable Establishment of the Protestant Succession, so happily now taken Effect, upon the Extinction of that Line.

Sermon at the
Beginning of
this Session.

Accordingly, *May 8th*, the Parliament sat down. After the old Fashion, this Session was, if I might speak so, opened by a Sermon, preached by Mr. *George Haliburton*, now Bishop of *Dunkeld*. What his Subject was, I don't know, but find he was prolix enough, and exceeded two Hours considerably. But leaving this, I come to their Acts and Proceedings, in as far as they concern Ecclesiastick Matters. The Length of my Remarks upon the Acts of the former Session, will help to shorten any Observations I have to make upon this Session. The same Persons were prosecuting the same Design, and much by the same Methods, only a little more openly and roundly.

The Prelates, already brought in by the King, must now be confirmed by Act of Parliament; and that is all the Warrant they had in *Scotland*. They were already set up by his Majesty's sole Authority, and it was very fit they should lean entirely upon his Supremacy: However, the Representatives of the Nation, his Majesty's and his Bishops obedient Servants, must give their Assent; yet not until they could not refuse it, without blaming themselves in giving an absolute Power to the King, or casting a Blur upon what his Majesty had done. Therefore they fall to Work;

Act 1. for Re-
stitution of Bi-
shops.
App. N^o. 27.

And their very first Act is, *For the Restitution and Re-establishment of the ancient Government of the Church, by Archbishops and Bishops*; which I have added, *App. N^o. 27*. It was the Prelates Fault if this Act was not ample enough, for it was drawn at the Sight, and by the Direction of the Primate: And yet, it was said, some of our Bishops grumbled that they were not reponed to all that the *Popish* Bishops enjoyed. This Act, I find, passed in the House with very little Opposition: Some Objections were made, as to some Clauses, by some of the *Lords of Election*. *David Lefly*, this Day admitted to the House as a Temporal Lord, dissented from the Act; and when he did so, and some near him began to smile, he roundly told them, *The Day was, when none of them durst have mocked him*. The Reader will bear with me in making a few Remarks upon this *Act restoring Bishops*.

Remarks upon
it.

The Title of the Act would not be at all disagreeable to *Popery*, had they been reintroducing it. The *ancient Government of the Church* under *Antichrist*, was by the *Pope*, Archbishops, and Bishops. In the Body of the Act, indeed they find that Government to be most agreeable to the Word of *GOD*. Had they been as freely chosen Representatives, as those after the Revolution, and had declared Prelacy agreeable to the Inclinations of the People in *Scotland*, as then, upon just Grounds, Prelacy was declared an insupportable Grievance, and contrary to the Inclinations of the People, it had been a Declaration very competent for them, providing it had agreed with Truth. But, without any Breach of Charity, we may suppose, that few who voted this Act, had been at any great Pains to search into the Word of *GOD*; it was enough to many, that it was the King's Word, and what he was for. For my Share, I cannot well see the Consistency of their finding this Government agreeable to the Word of *GOD*, with the very first Clause of the Act, 'Forasmuch as the Ordering and Disposal of the external Government, and Policy of the Church, doth properly belong to his Majesty, as an inherent Right of the Crown.'

Prelacy bot-
tommed on the
Prerogative,
and inconsis-
tent with Li-
berty.

This leads me to observe, That the Parliament bottom their Bishops upon the King's Prerogative, and the Ecclesiastical Supremacy; which abundantly seems to explain the *Oath of Allegiance*, really of *Supremacy*, formerly spoken of. I have said so much already upon that Oath, that I need only observe, That Presbyterians allow heartily all the Prerogatives to their Sovereign which *Scripture* and sound Reason can allow of; yet the People of that Perswasion have still stood up in asserting Liberty and Property, in Conjunction with the Prerogative bounded by the Laws of the Land. And it is worth our Notice, that so soon as our Princes set up for an unbounded Prerogative and absolute Power, they continually attacked Presbyterian Government, as most agreeable to Law and Liberty. Indeed the Cause and Interest of Liberty and Presbytery have still stood and fallen together in *Scotland*.

Prelates may
act with or
without the
Clergy.

By this Act, the Bishops are 'restored to their ancient Prerogatives, Privileges, and Functions, which they are to exercise with Advice of such of the Clergy, as they shall find to be of known Loyalty and Prudence.' Hereby it is left to their Choice to pitch upon whom they please, among the Underlings, to joyn with them in the Management: And, for what I can see, they may act entirely without taking any of them in at all. Thus indeed they generally did in Fact.

The Parliament, in the next Room, approve all the Acts of Council, since they were created; and so, by their own Deed, discharge all Petitioning of the King by his Subjects, in the Matters of the Church, and prohibit all Synods, Presbyteries, or Sessions, to meet, except as the Bishops shall allow them, and all Subjects to countenance or submit to these Judicatories of *Christ's* Institution. We shall afterwards find, that 'tis very customary for our Parliaments to make their Acts to look backwards.

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Council-acts in their favour ratified.

Yea, they for ever put the Power out of their own Hand, and from their entire Confidence of the *Infallibility* of the *Civil Pope*, and his Council, the Archbishops and Bishops, the Parliament beforehand ratify, make valid and effectual 'all that shall be determined by his Majesty, with the Advice of his Bishops and Archbishops, and such of the Clergy as he shall call, 'as to the external Policy and Government of the Church;' and frankly give them Liberty to do every Thing, but establish Presbytery, which was against the (then) standing Laws.

King and Prelates future Actings ratified.

They go on to cass and anul all Acts and Laws, which gave any *Jurisdiction to Churchmen*, or *Judicatories independent of the King's Supremacy*. One must in Charity hope, they mean this only of human Laws, and they take not upon them to abrogate the divine Law establishing a Jurisdiction and Ministerial Power in the Officers of *Christ's* House, as a spiritual Society independent, to be sure, upon the Regal Supremacy, and some Hundreds of Years in Exercise of those Powers, before a Regal Supremacy was thought upon. However, in as far as in them lies, this is a home-thrust at all Ecclesiastical Power, and a Putting the King, as far as their Law could put him, in *Christ's* Room, and making him somewhat above the *Pope* himself, in the Eyes of a great many *Papists*.

All Acts inconsistent with the Supremacy, rescinded:

And the Act of Parliament, 1592. which, because not in every Body's Hands who may read this History, I have annexed, *App. N. 28.* is particularly rescinded in *all its Heads and Clauses*. This Act relates to the Doctrine as well as the Government of this Church, and was one of the greatest Bulwarks against *Popery* we had, being the Act about Religion, framed with the greatest Deliberation and Care, when King *JAMES VI.* was come to his Majority, and about the Time when our excellent *National Covenant* was formed: So that the Introduction of Prelacy was attended with the Sapping the very Foundations of our Reformation in *Scotland*; and this Act restoring Bishops, makes not only the Government of the Church, but also the Profession of the Protestant Religion, in its Doctrine, depend entirely upon the King's Pleasure. Thus King *JAMES VII.* had a short and easy Game to play in *Scotland*, had not the happy Revolution prevented him.

Particularly Act 1592. App. N. 28. Consequences of this.

Any Church-power remaining, is to be exercised in a Line of Subordination to the King, by the Archbishops and Bishops, who are to put Order to all Ecclesiastical Matters and Causes, and to be accountable to the King only, for their Administration, no, not to the Parliament itself; tho', in the Beginning of the Act, they seem Copartners with his Majesty in the Administration. Certainly the Management of all Ecclesiastical Matters and Causes, was a Trust too great for any Fourteen Men upon Earth, with the best King at their Head. In former Times, the Bishops, when first palmed upon this Church, were accountable to General Assemblies, and the Ministry had some Share in the Government; but now they have none, except the Bishops please to call for them.

Prelates accountable to none but the King.

To complete the Power of the Prelates, they are restored to all the Commissariats in *Scotland*. Our Lord would not be Judge about Inheritances, nor the *Apostles* serve Tables, nay, not so much as take up their Time in ordering the Money collected for the Poor: Yet our pretended Successors to them, take willingly upon themselves the whole Burden of the Testamentary Causes in *Scotland*, those of Divorces, and many others: And rather than the Bishops want this Branch of their Dignity, this loyal Parliament will rescind their own 28th Act, made last Year.

They have the Power of Commissariats put in their Hands.

In short, by this Act *Erastianism* is set up in its greatest Vigour and Extent. The Actings approved by the King and his Father, in many Parliaments and Treaties, are branded with Rebellion, and all the Evils which fell out in the former Times, are charged upon the Presbyterians; whereas indeed, it was the Bishops themselves, now brought in contrary to the Acts of Assembly, ratified in the Parliaments held by the King's Father and himself in Person, who, by their Innovations, and imposing the *Service-book* and *Canons*, occasioned any Confusion or Disorder which was in that Period.

Evils in former Periods, charged in the Act on Presbyterians, really chargeable on the Bishops.

Upon the Whole, any Body who is acquaint with the History of this Church, must observe, That the old Set of Bishops, made by the Parliament 1612. were but *Pygmies* to the present high and mighty Lords. A large Account might be given of the Differences 'twixt the former Establishment of Prelacy in *Scotland*, and this; some of them have been pointed at, and I shall notice a few more, and mix in some Remarks of the Reverend Mr. Douglas, from his Paper formerly spoken of.

Difference between the former and present Prelates.

Our first Prelates were not against the Meetings of Presbyteries in their several Jurisdictions, but they continued to meet regularly, and had almost the Whole of Church-discipline in their Hands: But now there is no Church-power save in the Person of the Bishop, and what he pleases to measure graciously out to whom he pleases. All Church-judicatories, as

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we have seen, are pulled down, to make Way for the Episcopal Throne. It was some Years after this, before the Curates and inferior Clergy in most Places were allowed to meet for the Exercise of their Gifts together; and when at length this was permitted, they were constituted only for such and such Ends, by a Commission from the Bishop, allowing the Ministers in such and such a Precinct to meet, with a Clause excluding ruling Elders. Mr. Douglas remarks here, 'That he dealt with the Statesmen not to discharge Presbyteries, but allow them to stand as under the former Bishops; and suggested, That several Ministers would keep those Meetings, if permitted to continue as before, notwithstanding Bishops were set up; but, if pulled down, and set up in Subordination to the Prelates, no honest Minister could keep them. But, says he, our Prelates would have them discharged, fearing that their lordly and absolute Power would be diminished by them; and in this they discovered their Folly and Vanity. The former Bishops advanced not without Presbyteries, Synods, and Assemblies. Those indeed were corrupt Meetings, yet this Way they came to have their Power and Jurisdiction by a Sort of Consent: But thir Men want all Consent, which shews their Usurpation and lordly Dominion the more. God, in his Providence, infatuated them so, as they waited not for any Consent: I am afraid they might have met with too many corrupt Men to give Consent, but they would not hazard this; and our Suffering is the more clear, that they are plain Usurpers without Consent of the Kirk; and whatever hath been the Carriage, or rather Mis-carriage of particular Persons, I am glad the Kirk in her Courts is free of that Usurpation, and only those who joyned are guilty of it.'

'When I compare the former Prelates with the present, whose little Finger is bigger than their Predecessors Loyns, I would not be thought to approve the former Bishops; for they are both evil, but the last exceed. The former Bishops removed very few, but suffered many eminent godly Men to live at their Charges; but the present have cast out Heaps, and scarce a *Nonconformist* is at his Charge. Those who were removed formerly, were suffered to live where they pleased, and even to converse with their People; but now they must remove at such and such Distances from their Flock.'

'Formerly, when *Nonconformists* were removed, no Restrictions were laid upon them; they might preach any where save in their own Charges; and I know some of them who did preach even in the next Congregation; but now 'tis made a Crime to preach in the Kingdom. Now Ministers are discharged to come near Cathedrals or Burghs: The former Prelates did not think their Cathedrals so holy as to be defiled by the Nearness of *Nonconformists*; yea, some of them continued in their Charges very near them, and were never before prohibited to live in Burghs for their own Conveniency, and the Education of their Children. The former Bishops never cared how many Ministers lived in one Place; and they knew it was better to have the *Nonconformists* together, than scattered abroad: But now none but one must be in one Congregation, and that will the more scatter them. The former Bishops never thought of such an impossible Division of Confinements, as Twenty Miles from a Minister's former Charge, Six from a Cathedral, and Three from a Burgh, with one only in one Parish; neither of prohibiting Ministers from coming to *Edinburgh*, without the Bishop or Council's Licence, which is against Law and Reason; far less did the former Prelates ever think of discharging Charity to suffering Ministers.' Thus far Mr. Douglas. We shall meet with those Acts afterward in their Place.

Those were Peculiarities of this Prelacy, unknown almost any where save in *Scotland*. In short, the first Prelates claimed only a Sort of *Negative* over the Brethren of the Exercise or Presbytery, and great were the Struggles before even this was yielded in several Places: But now the Bishop has not only a *Negative*, but a *Positive*; and all Church-power and Government is lodged in his sole Person, his Assistants being only his own Choice, and mere Shadows as to Power of deciding in any Case. I have run out at so great a Length upon this *Restoring Prelacy*, that I shall be the shorter upon the following.

Their 2^d Act, *For the Preservation of his Majesty's Person, Authority, and Government*, is every Way so singular an establishing Iniquity by Law, a Foundation for much Persecution, and an Opening the Door to *Popery*, since the *National Covenant*, and Acts relating to it, pointed most against *Popery*, that I could not omit inserting it, App. N^o. 29. Reflections are now obvious, Things are no longer disguised, or softly and ambiguously expressed, but the carved Work pull'd down at once; yea, all Petitioning for a Redress of Grievances, upon the Matter is discharged by this odd Act, when the Prelates have taken their Seats in the House. The very Title of the Act supposes the King's *Authority and Government* could not be preserved without overturning all that Work in the late Times, so signally owned of God; which sober People must reckon a lasting Blot upon the King by this loyal Parliament.

They thank the King for *Passing by the Miscarriages of his Subjects*; Witness his unparalleled Grace and Goodness to the Marquis of *Argyle*, whose Son they are just now about to try and condemn! Next, they thank him for *Restoring of Bishops*, which being really his proper Deed, and never the Desire of *Scotland*, had it been worth Thanks, they belonged to his Majesty. Then they declare it a treasonable Position and seditious, *That 'tis lawful for Subjects to enter into Leagues and Covenants for Reformation*. This Declaration runs so flatly in the

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the Face of Scripture, Reason, and the approved Practice of many, that 'tis a Shame and Reproach that it stands in the Body of our Scots Laws, and casts a Slur upon our excellent Reformation from Popery, which upon the Matter is here declared to have been *seditions* and *treasonable*. And we need not be surpris'd to find them declaring all done since the 1637. in *Meetings, Petitions, Protestations, &c.* to be *unlawful* and *seditions*.

Then they declare, 'Those Oaths, the *National Covenant*, as sworn and explained 1638. and afterward, and the *Solemn League and Covenant* were, and are in themselves unlawful Oaths, and impos'd against the fundamental Laws of the Kingdom.' *O tempora! O mores!* Will nothing satisfy them, and the Prelates now among them, save the making themselves and the King guilty of taking the Lord's Name in vain; and to arraign his Majesty as an Invader of the fundamental Laws of the Kingdom? Then they assume the Pope's Power, and declare the Consciences of all who had taken those Oaths *free from the Obligation of them*. The Motive whence all this excentric and wild Work flows, is plain from what follows: Those solemn Oaths had barred out Prelates, so they must as far as they can disengage themselves and the Nation from them, that no Alteration be now made in the Church: And to complete all, further they rescind all Acts, Ecclesiastical or Civil, approving those *Covenants*, particularly the Acts of the Assembly at *Glasgow* 1638. It is a Wonder they spared the succeeding Assemblies.

Next 'tis made Treason, 'To take up Arms against any commissioned by his Majesty, or to invite Strangers to come into any of his Majesty's Dominions.' By this our *Revolution*, had Matters repined far enough, as they were pretty fast halting some Years ago, would have been found to be Treason.

There follows a Hedge about the Supremacy and Prelacy, which appears odd enough, and became a Foundation of a most extensive Persecution for Conscience Sake, if any Thing can be so called: 'All Writing, Speaking, Printing, Preaching, Praying, &c. tending to stir up a Dislike of his Majesty's Royal Prerogative and Supremacy in Causes Ecclesiastical, or the Government by Archbishops and Bishops now settled.' Which takes in not only Presbyterians, but many Prelatists, and all who were upon any other Lay in this Matter, but that of absolute Supremacy; 'or tending to justify any Thing done since the Year 1638.' Such as were guilty, upon Conviction, are declared incapable to enjoy any publick Trust, Civil, Ecclesiastical, or Military, yea further, made liable to all the Pains appointed by Law for Sedition.

The very naming of these Clauses of those Acts, does abundantly justify the *happy Revolution*; and cannot but expose our Prelates, to whom we ow all those iniquous Clauses, and plainly evince that Prelacy in the Church of *Scotland* was still the Road to Tyranny in the State, Persecution in the Church, horrid Invasions upon the Liberty of the Subjects, and dreadful Oppression in the Matters of Conscience.

Their Third Act, concerning Benefices, Stipends, and Patrons, which is added, *App. No. 30.* gives us a new Proof that Patronages were one of the great Pillars of Prelacy. The Parliament find, that Patrons Rights were unjustly taken away in the Year 1649. Whereas, as we have seen, nothing was removed by that Act, save the unreasonable as well as unchristian Burden of the Patron's Presentation of Ministers, so obstructive to the Planting of Congregations according to Christ's Rule, the Interests of the Gospel, and Good of Souls; and the Civil Interest and Benefit of Patrons was preserved and enlarged.

By this Act all Ministers entred since the Year 1649. are to take Presentations from their respective Patrons. The Reason given in the Act, *at and before which Patrons were injuriously dispossessed*, seems to lead them higher than that Year. Joynly with this, Ministers must receive Collation from the Bishop, before the 20th of September this Year. One of the ordinary Clauses of Collations was, *I do hereby receive him into the Function of the holy Ministry*: And one may easily see what a Strait this would be to a Minister who reckoned his former Actings in that holy Office good and valid. If Ministers neglect this, and the Patron present not another before March next Year, the Right of Presentation is declared to fall *jure devoluto* to the Bishop, and he is ordained to settle a Minister in the Place, yea, the Bishops are appointed to plant the Kirks which have vaik'd since the Year 1637. I imagine they had but few of these, if any; and to be careful to provide all the Kirks of their Diocese, according to this Act.

It will be remembred, that last Year the Parliament had ordained, that both Presenters and Presented should take the Oath of Allegiance or Supremacy, now pretty fully explained; and by this Act the Presented must own the Prelates: Thus a great Part of the Ministry of the Church of *Scotland*, must either quit their Principles or their Charges.

Certainly it was very hard upon the Ministers, who had been admitted since the 1649. according to standing Law, that they are declared Intruders, and to have no Right to their Stipends since their Admission, merely because a new Law was made for the Support of Prelates. Such, who in that same Period had purchased an Estate, or possessed a Rent, are by this same Parliament declared lawful Possessors: But nothing now can be seen unreasonable, which may strike at Presbyterian Ministers, the Bishops great Eye-fore. Thus a great Number of

Act 3. concerning Benefices and Patrons. App. No. 30.

Remarks upon it.

Nature of Collations.

The Hardships in this Act upon Presbyterian Ministers.

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worthy Pastors, who had suffered sensibly for Noncompliance with the *English*, and their Stanchness to the Royal Family, who had been admitted to their Charges in the Scripture-manner, where Patrons are not to be found, according to Law and Acts of Parliament approved by the King himself, are declared, if they will not alter their Principles, and cast a Reproach on their former Administration, Robbers and Intruders.

The plain View of this Act seems to have been, to tempt the younger Ministers gradually to conform, and, if they had the Courage to stand out, to ruine them and their Families. The elder Sort were but few, and it might be expected they would soon wear out, and less Compliance was to be looked for from them, who had been to active in the *Covenants*, and late *Work of Reformation*: But our Managers were disappointed as to the younger Intrants, and they did with great Firmness and Resolution stand to their Principles, and suffer rather than sin.

To secure the Hierarchy now established, to entail it upon the Nation, and to corrupt and bias the Youth, the Parliament by their Fourth Act, concerning Masters of Universities, App. N^o. 31. turn out *all Masters of Colleges who do not submit to, and own the Government by Archbishops and Bishops, and who take not the Oath of Allegiance*. The Cunning of *Juban* the Apostate, in suppressing and poisoning *Christian Schools*, as the most effectual Way for ruining of Christianity, was now much spoken of, and some did not scruple to compare Primate *Sharp* to him in more Respects than one.

This Act further obliges all Ministers to wait upon the Bishops Visitations and diocesan Meetings, or Synods, which were but seldom kept in many Dioceses; and further, Ministers are required *to give their Assistance in all Things, as they shall be required by the Bishops*: Which certainly was hard enough, and next Door to implicate Obedience. And this is to be done as a Token of their complying with the present Church and Government, and under the Penalty of Suspension, for the first Fault, from Benefice and Office, until the next diocesan Meeting, which, for any Constitution I can find, might be long enough; and Deprivation for the next. This Act strikes at the elder Ministers not thrown out by the former Act about Patronages.

Further they discharge all private Meetings, or Conventicles in Houses under Pretext of religious Exercises. How far this agrees with the 16th Act of the former Session of this Parliament, wherein the King promises to promote the Power of Godliness, and encourage the Exercises of Religion both publick and private, the Advocates for this present Management may explain. And, to make thorough Work, none are allowed *to preach, or keep School, or to be Pedagogues to Persons of Quality, without the Bishop's Licence*.

By their Fifth Act, the Parliament put the Copestone upon the Building of Prelacy, and, in as much as is in their Power, the Gravestone upon the *Covenants* and *Presbytery*; and ordain all Persons in publick Trust, to sign and subscribe a Declaration. The Act it self the Reader hath, App. N^o. 32. The Declaration being the Foundation of a great Part of the following Sufferings, deserves a Room in the Body of the History, and is as follows.

Declaration to be subscribed by all in publick Trust.

‘ I do sincerely affirm and declare, That I judge it unlawful to Subjects upon Pretext of *Reformation*, or any other Pretext whatsoever, to enter into *Leagues and Covenants*, or to take up Arms against the King, or those commissioned by him; and that all those Gatherings, Convocations, Petitions, Protestations, and erecting or keeping of Council-tables that were used in the Beginning, and for the carrying on of the late Troubles, were unlawful and seditious: And particularly, that these Oaths whereof the one was commonly called the *National Covenant*, (as it was sworn and explained in the Year 1638. and thereafter) and the other, entituled, *A solemn League and Covenant*, were and are in themselves unlawful Oaths, and were taken by, and imposed upon the Subjects of this Kingdom, against the fundamental Laws and Liberties of the same; and that there lieth no Obligation upon me or any of the Subjects, from the said Oaths, or either of them, to endeavour any Change or Alteration of the Government either in Church or State, as 'tis now established by the Laws of the Kingdom.’

Observations upon it.

Some Remarks have been made on several Clauses of this Declaration, upon the Acts of this and the former Session of Parliament. Such who had taken the *Covenants*, and thought them obligatory upon Posterity, and their Ties indissoluble by human Authority, could not but reckon, that Perjury was, by this Act and Declaration, made a chief Qualification and necessary Condition, required of all to be admitted to Places and Offices in Church and State. The Reader cannot but observe, that under this Period, and during the Establishment of Prelacy, there were more ensnaring and Conscience-debauching Declarations, Bonds, and Oaths, invented and imposed through the Contrivance and Influence of the Bishops in this Kingdom, than ever were in so short a Space upon any Part of the World. We shall see that scarce a Year passes but some new Declaration, Bond, or Oath, was brought upon the Subjects in *Scotland*; all of them dubious, many of them impossible to keep, and some of them evident-

ly self-contradictory. This dreadfully corrupted Peoples Morals, and was a sad Inlet to the Atheism, Profaneness, and Unrighteousness, which now abounded.

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Some compared this Declaration to the receiving the *Mark of the Beast* in the right Hand. The very Matter of the Declaration cannot but stun such as seriously reflect upon it. The declaring *all Leagues and Covenants among Subjects, upon any Pretext whatsoever, unlawful*, is unreasonable and foolish. All *Resistance* upon any Pretext, even against the least Person who hath a Commission from the King, is what will now be laughed at. The Covenants are declared to be unlawful in themselves; and the Declaration goes further, and affirms, *They can have no Obligation upon others*. Every where but in *Scotland*, it would have sufficed to declare an Oath unlawful, and for a Man not to take it himself, or renounce it, without any Declaration as to others; but our Prelates can never be secure enough against the Covenants. Last Session they procure them to be declared illegal; this Session, by Act 2^d, they are called and annulled, and now all in publick Trust declare so much in a separate Instrument; and in a few Years the Covenants must be forsworn and renounced by the *Test*, that one Oath may expel another. In short this Declaration is *but Prejudice of the Oath of Allegiance*, that is, both must be taken.

The Allegiance, this Declaration, and in some Years afterward the *Test*, were the great Snares of this Time. And as upon the one Hand the unaccountable and violent Pressing of them, run some poor People to Extremities, and some Measure of Wildness; so upon the other, such Methods turned severals of greater Knowledge to Irreligion, Atheism, and rejecting every Thing serious, when they observed the Bishops and their Time-serving Ministers fall in with this Declaration; tho' a little Time ago they had pressed the Covenant, as the great Duty of the Times, a *Mode of the Covenant of Grace*, and what not; yet now it is to them *Rebellion and Sin*.

Some Acts in this Session about Civil Affairs, seem design'd for the further Establishment of Episcopacy; but I do not enter upon them. Towards the End of the Session they came at length to the much longed for Indemnity, which had been granted in *England*, almost as soon as the King came Home; but his ancient Kingdom must not enjoy such a Favour till the Prelates had their main Interests settled and secured; tho' they were the *Scots* who crowned him, fought for him, suffered most for him under the Usurpation, and moved first his Restoration.

Act of Indemnity and Oblivion.

This Act of Indemnity and Oblivion was clogged with some Exceptions in the Body of it: Besides the ordinary Crimes still excepted in such Acts, and the Murderers of the King's Father, if any such were in *Scotland*, the Parliament except, out of the Indemnity, all who had been declared Fugitive by the Committees of Estates or Parliament, since *August 1660*. and in particular, 'The Marquis of *Argyle, Waristoun, Swinton, Mr. James Guthrie, William Govan, John Hume, William Dundas, and the Campbells of Ardkinglas, and Ormsay.*'

The Exceptions in it.

This Act of Favour was further clogged with an unprinted Act, secluding twelve Persons from Places of Trust, who were to be named in Parliament by Ballots: Which Act, commonly called the *balloting Act*, was a Contrivance of *Middleton's*, to turn out *Lawderdale, Crawford, and Sir Robert Murray*, from all their Offices and Polts. However, this turned about to *Middleton's* Ruin, and occasioned an odd Reckoning 'twixt the King and Parliament, as may be seen at the End of the printed Acts of Parliament 1663. when the Parliament, after a very flaunting Letter to the King, wherein they, I had almost said blasphemously, declare the King's Royal Judgment is the Rule of their Actions, rescinded this balloting Act. Some of the Members of Parliament, when giving in their Lists or Ballots, were so merry as to put down *any Twelve of the Bishops the Parliament pleased*.

The Act of Balloting.

The last Clog upon this Indemnity is, *The Act containing Exceptions from the Act of Indemnity*; the Tenor of which will fall in afterwards in the Act *September 9th, 1663*. rescinding the balloting Act. I find the Reason alledged for this Act of Fines, or the Exceptions from this Indemnity, is, 'That the Fines therein imposed, may be given for the Relief of the King's good Subjects, who had suffered in the late Troubles,' as now it is fashionable to term the Work of Reformation since the 1638. The Parliament appointed a Committee for pitching upon the Persons to be fined with the *Quota* of their Fines, the Members whereof were solemnly bound to discover none whom they pitched upon, till once the Act was passed in the House.

Act of Fines.

This Committee most arbitrarily formed a List, which the Parliament, I may say, implicitly approved, of Seven or Eight Hundred Noblemen, Gentlemen, Burgesses, and others, mostly in the Western Shires, to be arbitrarily fined in the Sums they named, without any Libel, Probation, or pretended Crime, but what was common to the whole Nation during the Usurpation, and now was indemnified to the rest of the Subjects. I have heard of nothing of this Nature imposed upon the Compliers with *Cromwel*, in *England* or *Ireland*.

Manner of forming it.

The Persons they name are fined in the Sum of One Million Seventeen thousand three hundred fifty three Pounds, Six Shillings and Eight Penies, *Scots Money*, as will appear by the List of them, annexed *App. N^o. 33*. This List may be faulty in the Syllabication of some Persons Names and Stiles, but as to the Sums and the Bulk of Persons named 'tis exact.

List of the Persons fined by it.

App. N^o. 33.

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The Persons contained in this Act of Fines, as far as I can now learn about them, were, generally speaking, of the best Morals, and most shining Piety in the Places where they lived, and chargeable with nothing but being Presbyterians, and submitting to their Conquerors when they could do no better.

Middleton thought to have got all this Money to himself and his Dependents, as well as the Estate of the Marquis of *Argyle*, with the Addition of the Title of *Duke*; but he was balked in both; and neither he nor his Friends fingered those Fines. They were indeed uplifted, and much more, as shall be observed in its own Room, by military Force; but the Money came to other Hands.

Remarks upon
it.

Many Observations were made upon this Act of Fines at this Time: That some named in it were in their Grave, some upon the Nurse's Breast, some never had a Being: Several were in the Act who were subsisted upon the weekly Collections for the Poor of the Parish where they lived; and a good many were put in, as much from little private Pique, as for any Activity in the late Times: Generally speaking, these Fines were inflicted upon such whom they reckoned Presbyterians, and averse from the present Establishment in the Church; and we shall meet with a good many of them suffering greater Hardships in the after Part of this History. I am told, that a good many Presbyterian Ministers were at first named in the List, but it seems upon Reflection the most Part of the Managers themselves were ashamed of this: And indeed it would have looked odd enough, to levy Fines from such as they were turning out of their Houses and Livings as fast as might be.

Sir George
Mackenzie's Re-
mark, upon the
Indemnities of
this Reign, con-
sidered.

But enough of the Indemnity: It was no wonder it was so slow a coming, when it had so many Clogs hanging upon it. I remember Sir *George Mackenzie*, in his *Vindication*, affirms, *that more Indemnities were granted by this King than by any who ever reigned*. And indeed had they come seasonably and freely from him, they would probably have endeared him to the Subjects; but to grant an Indemnity after the Nation had been overawed into so many ill Things by the Delay of it; to grant it so incumbered with Fines and Exceptions; in a Word, to grant it after some of the best Blood in the Nation was spilt, and more designed, was, I must needs say, but an indifferent Compliment, and very near the common Proverb, *When I am dead make Caudle*. *Gratia que tarda est, ingrata est gratia*. It is the lovely Character of God Almighty, that he is ready to forgive, and which therefore would have well become him who was called his Vicegerent. But when a Favour sticks to the Fingers of the Giver, 'tis the less obliging. As for the Number of Indemnities Sir *George* boasts of, I believe it will, I am sure it ought to be granted, that they were much fewer than ensnaring and oppressive Laws, which made People stand in need of them.

Act concerning
the Ministers of
Edinburgh.

Those are the printed Acts that chiefly relate to the Subject of this History, during this Second Session of Parliament. Among the unprinted Acts I find one concerning the Ministers of *Edinburgh*, of which I may afterwards take Notice, when I come to the Sufferings of particular Persons this Year. Those worthy Persons, without any Citation, Libel, or Reason given them, are discharged from the Ministry, and ordained to remove themselves and Families out of the City, some Time in *September*.

In the same Place I find the Title of a Proclamation of Parliament for keeping the Anniversary of the 29th of *May*, the Month and Day which they had devised of their own Heart for a Feast unto the People. Unto it the Parliament saw good to add a Certification of the *Deprivation of Benefice*, upon such Ministers as did not keep it. Whereupon a good many were, without Citation, or being heard, deprived of their Stipends that Year, tho' they had served the Cure; and their just Incomes were uplifted by a common Collector, and disposed of otherwise.

This Session of Parliament continued long, and did very little, save what we have heard in favours of the Prelates. In *June* Sir *George Mackenzie* of *Tarbet* was sent up to the King by the Commissioner, with some Things to be advised with his Majesty. He was not well received, but from Time to Time delayed; and he was told the King's other weighty Affairs hindered him from minding those Matters. But *Lawderdale* was averse to several Things proposed by *Middleton*, and the Differences betwixt them were drawing now to some Head, and this was the true Spring of this Delay.

They had my Lord *Lorn*'s Affair before them, and several West-country Ministers were called in to *Edinburgh* during this Session of Parliament, the Accounts whereof may come in as well under the succeeding Sections. The Matter of the forming the List of Persons to be fined, took them up likewise for a considerable Time, and it was the 9th of *September* before they dismissed, and adjourned till *May* next Year.

So much for this Second and last Session of Parliament, held by the Earl of *Middleton*, wherein he reckoned he had merited very much at his Master's Hands, by screwing up the Prerogative, and establishing the Bishops, to support it, and flatter the King. And yet after he had made a Circuit through the West and South, and in Council passed many iniquous Acts against Presbyterians, when he went up to Court his Reception was but indifferent, and his Rival in a short Time prevailed against him; and he never sat in another Parliament, and for any Thing I know, never saw *Scotland* again. I come now to the Procedure of the Council.

S E C T.

S E C T. III.

1662.

Of the Acts and Proceedings of the Council after the Parliament rose, and particularly of the Act at Glasgow, October 1st, this Year 1662.

HAVING thus seen the Procedure of this Second Session of Parliament, it may be fit to take a View of the Acts of Council, who begin, where they left and go on vigorously against Presbyterians, especially Ministers: And we shall understand the Sufferings of particular Persons the more distinctly, after we have seen the Train of the more publick Actings this Year.

Now Prelacy, that Tree of Sorrow and Death in Scotland, is planted; the Fruits it bears will be best gathered from the Records of Council, who were for many Years the Bishops Executioners, and spent much of their Time to serve them and harass the Presbyterians. There we shall meet with a large Harvest of 'Imprisonments, Finings, Confinings, Scourging, Tortures, Banishments, selling as Slaves, Scattering of many poor but religious Families, Night-searchings, Heading, and Hanging.' Yet just as Pharaoh's Policy to extirpate the Children of Israel succeeded of old, so now it did in its Copy; the more Presbyterians were oppressed, the more they multiplied.

Effects of the Settlement of Prelates, whose Supports the Council were.

The very next Day after the Parliament rose, the Council begin their iniquous Acts; and in Prosecution of what they left at January last, they publish their Act anent *diocesan Meetings*, September 10th, which I have added App. N^o. 34. The Council begin with remarking, that the Bishops and Archbishops had been taken up since their Consecration, in attending the Service of the Parliament, and thereby kept from the Exercise of the Government, and ordering the Affairs of the Church: Which may sufficiently convince even the Abettors of Prelacy, of the Unreasonableness of the Civil Places and Powers of Churchmen, and how much their Seats in Parliament abstract them from what ought to be their proper Work.

Council's Act about diocesan Meetings, September 10. App. N^o. 34.

Now they are to go to their respective Dioceses, to exercise the Authority and Jurisdiction established upon them by the Laws: And to be sure they had no other Establishment; and it had been dangerous, for what I can observe, for them to claim any other but what flow'd from the Regal Supremacy. The 2^d Tuesday of October is to be the Diet for the Dioceses of St. Andrews, Glasgow, Edinburgh, Dunkeld, Brechin, and Dumblain, whereupon their Diocesan Assemblies are to be held: And the 3^d Tuesday for those in the Dioceses of Galloway, Aberdeen, Murray, Ross, Caithness, Isles, Argyle, and Orkney.

Remarks upon it.

All Parsons, Vicars, and Ministers are required to be present, and give their Concurrence in their Stations, for the Exercise of Ministerial Duties, and that under the Penalties of Contemners of his Majesty's Authority: And all other Meetings of Ministers are henceforth to be held as seditious. This Proclamation put it out of the Power of Presbyterian Ministers to attend those Meetings, if they were not resolved to quit their Principles, since all their Power is derived from the Prelates, and theirs from the King. Accordingly they came under a Course of sore Sufferings.

Those Diocesan Meetings were very ill kept, save in the North. Synods and Presbyteries were now discharged, and those Meetings did entirely depend on the Bishop, and Attendance upon them was reckoned a Subjection to Prelacy. In the Diocese of Glasgow, consisting of the Presbyteries of Air, Irwine, Paisly, Dumbarton, Glasgow, Hamilton, and Lanerk, the largest Body of Ministers, next to the Assembly, in this Church, together with the Shires of Niddale, Tweeddale, and Teviotdale, the Bishop had only Twenty seven present with him.

Those Meetings ill kept.

At Edinburgh, the Bishop had double their Number with him, and great Pains was taken by the Noblemen and Courtiers, to get Ministers to be present. October 14. the Bishop and his Chapter held the diocesan Meeting, which consisted of Fifty eight Members present. To put Honour upon this first Prelatical Synod, the King's Advocate, some of the Lords of Council and Session, with the Magistrates of Edinburgh, were present. The Bishop opened the Meeting with a Sermon from Phil. 4. 5. *Let your Moderation be known unto all Men.*

Diocesan Meeting at Edinburgh, October 14.

Two out of every Presbytery were pitched upon by the Bishop, as a Committee, which was named *The Brethren of the Conference*, to prepare Business for the Synod. They proposed, and the Synod went into it, That there should be *Morning and Evening Prayers* in the Church, in every Burgh, and every other Place where any Confluence of People could be had. I do not find that this was continued during Prelacy.

Their Actings.

That the *Lord's Prayer* should be repeated by every Minister once at every Sermon, or twice as he saw good. That the *Doxology*, or *Glory to the Father*, being a Song composed and sung in the Church, when Arians and other Sects denied the Deity of our Saviour, should be again revived and sung, this being a Time when many *Sectaries* deny the Godhead of Christ. That the *Creed*, or *Belief*, be repeated at the Administration of the Sacrament of

Baptism,

1662.

Baptism, by the Father of the Child, or the Minister, at his Discretion. Probably those Things were concerted beforehand among the Bishops, and proposed to every Meeting, and agreed to. It had been good for them and this Church, if they had rested here.

This Meeting likewise agreed, That all Ministers within their Diocese, who had not conformed to the Act of Council made at *Glasgow*, of which more just now, should be indulged to come in and accept of Collation from the Bishop, 'twixt and 25th Day of *November* next to come, otherwise the Bishop is to proceed against them, and fill their Kirks with other Ministers. The Meeting continued Part of Two Days, and were appointed to meet after *Pasch* next. The Writer of the Papers, from which I take this, no Disliker of Prelates, observes, 'That all this did not please the People, who much hated the Bishops, and favoured the Doctrine of their own Ministers, and lothed Episcopacy: However, some Ministers in the Diocese came for and accepted Collation.' But to return to the Proceedings of the Council.

The Commissioner's Progress to the West and South, Sept. and Oct. this Year.

To put this Act the better in Execution, and put the more Honour upon the Prelates in the Western and Southern Shires, where they were generally disliked, towards the End of *September*, the Commissioner resolves upon a Tour through that Part of the Country, where he expected most Coldrifeness to the Bishops, and makes his best Efforts to bring all to a Subjection to them. He had a full *Quorum* of the Council with him, ready to meet as Occasion offered, not only for the executing of what the Parliament had enacted, but even to go beyond them.

Accordingly, his Grace the Commissioner, the Chancellor, the Earls of *Morton*, *Linlithgow*, *Callender*, and the Lord *Newburgh* Captain of the King's Life-guard, with the Clerk to the Council, and a great many Attendants, came to the West Country with much Solemnity, Macers, Trumpeters, and Kettle-drums. They came to *Glasgow*, *September* 26. and were regaled and royally treated at *Hamilton*, *Paisly*, *Dumbarton*, *Rosedoe*, and *Mugdock*, and some other Places about, by the Noblemen and Burghs concerned.

Many Remarks upon the Prodigality, Profaneness, and terrible Revelling at this Progress, were made at this Time. Such who entertained the Commissioner best, had their Dining-room, their Drinking-room, their Vomiting-room, and Sleeping-rooms, when the Company had lost their Senses. I find it regretted, that while they were at *Air*, the Devil's Health was drunk at the Crofs there, in one of their Debauches, about the Middle of the Night; indeed it was a Work of Darknes: But I leave those Things to such as shall write a History of the Morals of this Time, which will be black enough, and ungrateful to Christian Ears, but a Proof that Profaneness and Prelacy in *Scotland* go Hand in Hand.

Design of this Progress.

It was given out, that *Middleton* went West to press the Declaration imposed by Parliament upon the Presbyterians in that Country. Whether the Kindness and good Company he met with at *Glasgow* and the Neighbourhood, where every Body almost waited on him, softened his Spirit, or what was the Reason I know not, but I don't find he pressed it.

The Occasion of the Act at Glasgow.

When he came to *Glasgow*, the Commissioner was entertained with a very heavy Complaint from the Archbishop, That notwithstanding of the Act of Parliament, and that the Time was elapsed, there was not one of the young Ministers, entred since 1649. had owned him as a Bishop; That he had only the Hatred which attends that Office in *Scotland*, and nothing of the Power; That his Grace behoved to fall upon some other and more effectual Methods, otherwise the new-made Bishops would be mere Cyphers.

Archbishop Fairfoul's Proposal to the Commissioner.

Middleton desired to know what the Archbishop had to propose, and he should heartily fall in with it. *Fairfoul* moved, that the Council might agree upon an Act and Proclamation, peremptorily banishing all the Ministers who had entred since the Year 1649. from their Houses, Parishes, and respective Presbyteries, betwixt and the 1st of *November* next to come, if they come not in to receive Collation and Admission from the Bishop; assuring the Commissioner, there would not be Ten in his Diocese who would stand out, and lose their Stipend in this Cause.

A Meeting of Council upon it.

Every Desire of the Prelates was now next to a Law; and so a Meeting of Council was agreed upon, and convened at *Glasgow*, in the College Fore-hall, towards the Street. At this Time it was termed the *drunken Meeting* at *Glasgow*, and it was affirmed, That all present were flustered with Drink, save Sir *James Lockhart* of *Lee*. When the Council met, the Commissioner laid before them the Archbishop's Desire and Overture, and the Necessity of supporting the Bishops the King and Parliament had brought in. There was no Debate upon it, save by the Lord *Lee* above named.

Lord Lee's Arguments against it.

He reasoned some Time against it, and assured them such an Act would not only lay the Country desolate, but cast it in Disorder, yea increase their Dislike to the Bishops, and at length bring the common People into Confusions and Risings; he peremptorily asserted, That the younger Ministers, admitted since the 1649. would go further than the Loss of their Stipends, before they would acknowledge and submit to Bishops: But Reasoning, tho' never so just, could not have any great Weight in the present Circumstances. Thus the Act was formed in the Terms of the Archbishop's Demand, though some say it was with Difficulty, whether for want of a fresh Man to dictate or write, I know not. The Tenor of it follows.

At Glasgow, October 1. 1662.

1662.

Act at Glasgow,
October 1.

THE Lords of His Majesty's Privy Council, taking to Consideration, That notwithstanding it is statute and ordained, by an Act of the last Session of the current Parliament, intituled, *Act concerning such Benefices and Stipends as have been possessed without Presentation from the lawful Patron*; That all Ministers who have entred upon the Care of any Parish in Burgh or Landward, in or since the Year of God 1649. (at and before which Time the Patrons were most injuriously dispossessed of their Patronages) have no Right unto, or shall uplift the Rents of their respective Benefices, modified Stipends, Mante or Glebe, for this instant Year 1662. nor for any Year following, unless they should obtain Presentation from the lawful Patron, and have Collation from the Bishop of the Diocese where they live, before the Twentieth Day of September last: As likewise, That it is statute and ordained, That the Twenty ninth of May be yearly kept as a Holy-day unto the Lord, for a solemn anniversary Thanksgiving for his Majesty's Restoration to his Royal Government, and that all Ministers should observe the same in their respective Parishes, under the Pains therein contained: Yet several Ministers have not only contravened the foresaid Acts of Parliament, but, in manifest Contempt of His Majesty's Royal Authority, albeit they have justly forfeited their Right to the Benefices, modified Stipends, and others, continue to exercise the Function of the Ministry at their respective Churches as of before; Therefore they prohibit and discharge all Ministers who have contravened the foresaid Act of Parliament concerning the Benefices and Stipends, to exercise any Part of the Function of the Ministry, at their respective Churches in Time coming, which are hereby declared to be vacant: And that none of their Parishioners who are liable in any Part of their Stipends, make Payment to them of this instant Crop and Year of God 1662. or in Time coming, as having no Right thereunto: And that they do not acknowledge them for their lawful Pastor, in repairing to their Sermons, under the Pain of being punished as frequenters of private Conventicles and Meetings. And command and charge the said Ministers to remove themselves and their Families out of their Parishes, betwixt and the First Day of November next to come, and not to reside within the Bounds of their respective Presbyteries. As likewise, That no Heritor or other, liable in Payment of any Part of the Minister's Stipend, make Payment to any Minister who hath contravened the foresaid Act of Parliament, for keeping the anniversary Thanksgiving, of any Part of this Year's Stipend; and declare, That the Ministers who have contravened the said Act, shall be liable to the whole Pains therein contained. And ordain those Presents to be forthwith Printed, and Published by the Sheriffs of Shires, and Magistrates of Burghs, that none may pretend Ignorance.

In the Registers, this Act stands signed by *Glencairn Chancellor, Duke Hamilton, Montrose, Morton, Eglintoun, Linlithgow, Callender, Newburgh, Sinclair*. There are in the *Sederunt* this Day, besides the Commissioner, the Laids of *Lee* and *Blackhall*, who do not sign the Act.

This Act appears to be beyond the Council's Power, which was only to execute the Acts of Parliament, and not to make new Laws; and they evidently go beyond what the Parliament had statuted. But a little Time convinced them that they had taken a false Step. The most Part of the West and South of *Scotland* was laid waste of Ministers, and People turned discontent, and almost desperate: And what they did at *Glasgow*, was disliked by some of their best Friends; particularly the Primate was mightily dissatisfied, and complained, That *Fairfoul's* Folly had well nigh ruined them. His Scheme was to have Presbyterian Ministers more insensibly turned out at first; and therefore another Proclamation was shaped at *Edinburgh*, in *December*, partly rescissory of this, and a little more soft, as we shall hear.

By this Act of *Glasgow*, near a Third Part of the Ministers of this Church were cast out of their Charges, and, by the following Acts some more, merely for Conscience Sake, being free of the least Degree of Disloyalty or Rebellion. They could not keep Holy-days, they could not take the Oath of Allegiance or Supremacy, they could not own Patrons, nor subject themselves to Bishops; and therefore must be turned out. I shall afterwards have Occasion to observe the lamentable Consequences of this Act; and only here remark, That, at *Glasgow*, the Council proceeded to severe enough Measures with some particular Gentlemen and Ministers, of which in its own Place.

After this heavy Work at *Glasgow*, the Commissioner went forward in his Circuit, through *Renfrew, Cuninghame, Kyle, and Carrick*: He was some Time at *Air*, and from thence went to *Wigtoun* and *Dumfries*; and upon the last of *October*, he returned to *Holy-rood-house*. When the Accounts came in to *Edinburgh* of the rueful Circumstances of the West and South, by the silencing their Ministers, *Middleton*, who had depended upon the Accounts given

Observations
upon this ActCommissioner
returns to E-
dinburgh, Octo-
ber 31.

1662. ven him by the Archbishop of *Glasgow*, That few or none would lose their Stipends for Non-conformity, raged and stormed exceedingly. He knew many of the Ministers had little to sustain themselves and their numerous Families; and curling and swearing, asked, *What will these mad Fellows do?* knowing nothing of their living *by Faith*, as Sufferers for Conscience and a good Cause use to do.

During the Month of *November*, the Council are taken up in retrieving, as much as possible, this hasty Act at *Glasgow*. Their Prosecutions of particular Ministers and Gentlemen shall be noticed in the following *Sections*. Accordingly, the very first Meeting at *Edinburgh*, *November 4th*, they appoint the following Letter to be writ to the Archbishops of *St. Andrews* and *Glasgow*.

My Lord,

Council's Letter to the two Archbishops, Nov. 4.

‘HAVING considered, That by the Execution of the late Acts of Parliament and Council, against several Ministers who have contravened the same in many Places of the Kingdom, the Condition of the Parishioners will be rendred very hard, through the Want of the Ministry, and the Benefit of the Ordinances. We have thought fit your Lordship come here with your first Convenience, that by your Advice we may redress those Disorders, and provide for the Good of the People, which shall be seriously looked to by’

Your Lordship's Friends,

<i>Glencairn</i> Chancellor,	<i>Tweddale,</i>
<i>Hamilton,</i>	<i>Sinclair,</i>
<i>Morton,</i>	<i>Halkertoun,</i>
<i>Linlithgow,</i>	<i>J. Lockhart,</i>
<i>Haddingtoun,</i>	<i>Geo. Mackenzie,</i>
<i>Roxburgh,</i>	<i>Sir Robert Murray.</i>

Observes upon it.

How much better had it been to have considered those fatal Consequences, before they had made such Laws and Acts, than after they were made to provide Remedies? Had they seriously looked to the Good of the People, certainly they had never been made. However, this was the next best: The Archbishop of *Glasgow* seems to have been backward to come to discourse with the Lords, as perhaps knowing he was to blame. *November 6th*, under Expectation of the Upcoming of the Archbishops, the Duke of *Hamilton*, Lord Register, *Tarbet*, Advocate, and any other the Commissioner pleases to name from the Council, are appointed to meet with his Grace, the Chancellor, and the Two Archbishops, anent such Matters and Business as do concern the Affairs of the Church. But it seems the Archbishop of *Glasgow* still hangs off; for, *November 18th*, the following Letter is writ to him.

Most Reverend,

Another Letter to the Archbishop of Glasgow.

‘IT is now a Fortnight since we did write to your Lordship to come here, in order to some Affairs that concern the Church: And seeing we have had no Return, we thought fit to renew our Desires; and the Matter being of such Importance, your Lordship is expected as soon as can be, by’

Your assured Friends,

Glencairn Chancellor, &c. *ut in Sederunt.*

That same Day, the Members of Council are writ to, to attend on the 21st; and on the 21st, Duke *Hamilton*, *Montrose*, and other Members are again writ to, to attend upon the 27th. Whether the Archbishop of *Glasgow* came up or not, I cannot tell, but, *November 27th*, the Chancellor, *Roxburgh*, *Haddingtoun*, *Callender*, the Register, and *Lee*, are appointed to meet in the Afternoon with the Commissioner, about such Business as his Grace shall propose: But I find no Account of the Archbishop's coming up. Mean while, the Council go on to the Banishment and Confinement of a good many particular Ministers, as we shall hear. It seems they could not concert their general Act till *December 23^d*, which was the last Meeting of Council *Middleton* was ever present at.

Act and Proclamation, December 23. App. N^o. 35.

That Day the Council publish their Act and Proclamation, which being pretty long, I have annexed it App. N^o. 35. The Council, under the Sense of the wrong Step taken at *Glasgow*, and how hard it was to leave so vast a Number of Congregations desolate, as had their Ministers ejected by that Act, and the Bishops having but few ready to fill them, extend the Day, and allow Ministers to obtain Presentation and Collation before the 1st of *February* next: But if 'twixt and that Time they neglect, they are ordained to remove out of their Parishes, Presbyteries, and the Dioceses of *St. Andrews* and *Edinburgh*; and such Ministers as were in those Dioceses are ordained to remove beyond *Tay* before the First of *March*, as the Proclamation it self more fully bears.

This

This Act some looked upon as a Permission to return to their Parishes, at least until the First of February; and so a good many up and down the Country did come back and preach. But very soon they found no Favour was designed for Presbyterian Ministers by that Act, save what was absolutely necessary for a present Conveniency; and Ministers Return and Removal so quickly after, at the Diets named by the Council, was one of the first Handles to the common People to censure them. Ignorance, Scrupulosity, and Centure, ordinarily go together, especially in so dark an Hour as this.

In Reality this Act was a cunning Fetch of the Primate, and an insidious Lengthning out of the Time, which it now appeared had been too much shortned at *Glasgow*, for Ministers coming in; and in the Event it turned to the Disadvantage of the persecuted Ministers.

Cunningly enough, in the Proclamation, Ministers are blamed for *refusing to ask a Presentation from Patrons*, and no Notice is taken of the Clause enjoined with this in the Act of Parliament, *their receiving Collation from a Bishop*, which was a plain Renunciation of Presbyterian Principles. And no doubt this was designed to exasperate the Nobility and Gentry at Ministers, though out of Principle and Conscience they refused both; and beside what hath been observed upon those Heads, the Remarks of Mr. *Douglas* on this Act deserve a Room here.

He says, 'The receiving a Presentation and Collation may be accounted a small Matter, but who considers it well, will find it very weighty. Taking of Presentations condemns the Removal of laick Patrons, and which is more, condemns the Call from the People: And Presentations directed to Bishops, condemn the Call from the Presbytery; and it vacates the Right to the Benefice, and says, They had no Right to it; and yet in Law *beneficium sequitur officium*. Besides, the Collation is not a simple Collation, and giving a Right to the Benefice, which is tolerable; but the Right is given upon the Account of their acknowledging their Ordinary, and Submission to the present Episcopal Government, which is a real acknowledging their Power. This honest Ministers could not do; therefore by the Act they are removed from their Charges; and more Ministers were removed in one Month, than ever were removed in *Scotland* since the Reformation. 'Tis no Wonder then the Complaint against their Bishops be, That their little Finger is thicker than the Loyns of the former.'

Further Observations upon the obliging Ministers to receive Presentation and Collation.

The King's Goodness is magnified in not making Ministers pay back all their Stipend since the 1649. in which Period they had as good a Title to them as the Law of the Land and the King's Consent to it could give. It is noticed, that this Prolongation of the Time was at the Request of the Bishops present, which might be Matter of Fact, since the Act of *Glasgow* was reckoned by the Primate and the wiser Part of them, to be of ill Consequents to their Interests; and they were glad to amuse, and give a little Quiet to the Country, who now hated the Bishops more than ever.

Their banishing Ministers from such and such Precincts, and tossing them up and down, as in the Proclamation, was both cruel and beyond the Acts of Parliament, of which they were only Executers, and contrived and calculated to hold off Applications to Persons of Influence at *Edinburgh*, and to deliver Bishop *Sharp's* Diocese of the Trouble of Presbyterian Ministers. It was hard enough Measure to oblige the Ministers who lived upon the Border of *England*, to which the Diocese of *Edinburgh* reacheth, to remove themselves and Families be North *Tay*, for no other Fault save Noncompliance with Prelates, for which they had already lost their Benefices.

In the next Room, the elder Ministers, who were not reached by the Act of *Glasgow*, are imprisoned in their own Parishes for their not being present at the diocesan Meeting. This is plainly illegal; but harder Things come upon them afterward.

Neither does this Proclamation spare the People, but after, most groundlessly, the Blame of their not hearing the Curates is laid upon Presbyterian Ministers, their not keeping their Parish-churches, while in the mean Time they were banished, I know not at what Distance, from them, the Council orders Twenty Shillings *Scots* to be uplifted by Magistrates and Justices of the Peace, from every one who is absent from his Parish-church; which would have been a goodly Sum, had it been uplifted; as indeed it was in a little Time upon Presbyterians, most severely. In the End of the Act the Council come to regulate Communion, and restrict Ministers as to their Helpers at them; being grated lately with that which Mr. *John Livingstone* kept at *Ancrum*, with sensible Measures of the Divine Presence. Truly they were a very unfit Company to make Ecclesiastical Canons and Regulations.

Under all those severe Acts against Presbyterian Ministers and People, *Middleton* is daily losing Ground at Court, and *Lawderdale* gaining; and after this Proclamation he never sat in a Court in *Scotland*. He was, in the End of *December*, called up to *London*, and charged with High Treason, and reduced to no small Difficulties, as shall be afterward noticed. The King being informed of the partial Manner of imposing, and Unreasonableness of the Act of *Fines* the Commissioner had brought the Parliament to, prorogated the Time of paying the first Moiety. *Middleton* for some Time kept up the Order for this, being fond of a Share in the Payment of them, and forbore publishing a Proclamation for this Effect. This irritated the

The Commissioner goes to *London*, and never returning

1662.

King exceedingly, and *Lawderdale* was not wanting to improve such a Step to his own Advantage. Thus we have some View of the more general Procedure of the Council this Year.

S E C T. IV.

Of the particular Sufferings of Ministers and Gentlemen, from the Beginning of this Year to the Rising of the Parliament.

THE Sufferings of particular Persons, Noblemen, considerable Numbers of Gentlemen, Ministers, and others this Year, grow so much upon my Hand, that I am obliged to give them in Two *Sections*, the one before, and during this Second Session of Parliament, and the other after it was up; and we shall find great Numbers attacked by the Council towards the End of the Year.

Grief, for the dismal Alteration in this Church, kills some.

I might begin with such whose Heart was indeed broke with the Change made upon this Church last Year, and the dismal Alteration this Year, by the Introduction of Prelacy: Those were certainly Confessors and Martyrs in Resolution. Their Death is some way chargeable upon the present Managers, and 'tis probable, had not Death prevented, they would have been attacked in this evil Time.

Among this Kind of Sufferers I only instance Two, both very eminent in their Stations, and singular Ornaments to *Scotland*; The Right Honourable the Earl of *Lowdon*, and the Reverend and Learned Mr. *Robert Bailie* Professor of Divinity, and for a little Space Principal of the College of *Glasgow*. The first died in the Beginning of the Year, and the other in a little Time afterward, and both of them of Grief in some Measure.

The Earl of Lowdon.

John Earl of *Lowdon* late Chancellor of *Scotland*, was a prime Instrument in the late *Work of Reformation* begun 1637. and such who write the History of that Period will do him the Justice his Memory deserves. He was a Nobleman of excellent Endowments, great Learning, singular Wisdom and Conduct, bewitching Eloquence, as the *Impartial Pen* Terms it, joyned with remarkable Resolution and Courage. Next to the Marquis of *Argyle* he was the great Butt of the Spite and Malice of the Party now in Power, as well as their Envy.

He knew his Life was at the King's Mercy for the *political* Guilt all the Nation lay under: He had frequently applied for his Majesty's Grace, and was as often refused. The Courses now so violently carrying on, and the plain Invasions upon the Liberty and Religion of *Scotland*, made this great Man weary of his Life. He often exhorted his excellent Lady to pray fast, he might never see the next Session of Parliament, else he might follow his noble Friend the Marquis of *Argyle*. The Lord was pleased to grant the Request, and he died in a most Christian Manner at *Edinburgh*, March 15th this Year, and his Corps were carried to the West-country, and interr'd with his noble Ancestors.

Mr. Robert Bailie.

Mr. *Robert Bailie* may most justly be reckoned among the great Men of this Time, and was an Honour to his Country, for his profound and universal Learning, his exact and solid Judgment, that vast Variety of Languages he understood, to the Number of Twelve or Thirteen, and his writing a *Latin* Style which might become the *Augustan* Age: But I need not enlarge on his Character, his Works do praise him in the Gates.

His publick Services and Temper.

He had been employed in much of the publick Business of this Church since the Year 1637. and was a worthy Member of the venerable Assembly at *Westminster*, and at *London* almost all the Time of it; and hath left behind him very large Accounts of Matters both of Church and State, which passed in his Time. He was of a most peaceable and healing Temper, and always a vigorous Asserter of the King's Interest. And although at the first he wanted not his own Difficulties from his Education, and Tenderness of the King's Authority; yet after Reasoning, Reading, and Prayer, as he himself expresseth it, he came heartily in to the Measures of the *Covenanters*.

He died a firm Presbyterian.

I have it from an unquestionable Hand, one of his Scholars, who afterwards was his Successor, and waited on him a few Weeks before his Death this Year, that he died under a rooted Aversion to Prelacy in this Church. My Author desired Mr. *Bailie's* Judgment of the Courses this Church was so fast running into. His Words to him were, 'Prelacy is now coming in like a *Land-flood*; for my Share I have considered that Controversy as far as I was able, and after all my Enquiry I find it, and am perswaded it is inconsistent with Scripture, contrary to pure and primitive Antiquity, and diametrically opposite to the true Interest of those Lands.'

The Introduction of Prelacy shortened his Days.

The Incoming of this *Land-flood*, which lasted Twenty Seven Years, indeed shortened his Days, and broke his Heart. And that the Reader may not take this upon my Word, 'tis worth while

to insert here this excellent Person's Sense of Things, from Two original Letters under his own Hand, to the Earl of *Lowderdale*; and they may serve as his Testimony against the Courses of this Time. 1662.

His First Letter is dated *June 16th, 1660.* and therein he says, 'I was one of those, who in my Heart, and all needful Expressions, adhered to the King in all his Distresses; he had my continual Prayers to God for his Restitution, any Way God pleased, even the most hard. Divers know my Readiness to have furthered his Return to his Throne, by laying down my Head on the Block for it, and the utter Ruin of all my worldly Fortune--- When the Lord lately, at a very cheap Rate, brought all my Prayers, and much more, to pass, there were few had a more hearty Joy for it than I. While I am going on in my daily renewed Joy, behold, your unhappy *Diurnals* and Letters from *London* have wounded me to the Heart! Is the *Service-book* read in the King's Chapel? Has the Bishop of *Ely* (I still feared *Wren*) the worst Bishop of our Age after *D. Laud*, preached there? Has the House of Lords passed an Order for the *Service-book*? Ah, where are we so soon! The granting us in *Scotland* the Confirmation of what we have, brings us just back to *James Graham's* Time. Is our *Covenant* with *England* turned to *Hary Martin's Almanack*? Is the solemn Oath of the Lords and Commons assembled in Parliament, subscribed to oft by their Hands, to eradicate Bishops, turned all to Wind? Why did the Parliament a few Months since appoint the *Covenant* to be hung up in every Church in *England*, and every Year to be publickly read? Is *Cromwel* the great Enemy of our *Covenant* so soon risen out of his Grave? Can our gracious Prince ever forget his solemn Oath and Subscription? He is a better Man than to do it, if those about him be not very unfaithful Servants.'

His Sense of this Letter, in a Letter to *Lowderdale*, *June 1660.*

'For my self, such are my rooted Respects both to his Person and Place, that do what he will, and tolerate what he will, I purpose while I live to be his most loving and loyal Subject. But, believe me, if I were beside him I would tell him sadly and with Tears, that Oaths to the Almighty are not to be broken, and least of all by him for whom the Lord has wrought, at this very Time, a more marvellous Mercy than he hath done for any, yea for all the Princes in *Europe* those Three Hundred Years.'

'Bishops were the very Fountain of all our Mischiefs. Will they ever change their Nature? Will God ever bless that Plant which himself hath not planted? 'Tis a Scorn to tell us of *moderate Episcopacy*, a *moderate Papacy*! The World knows that Bishops and Popes could never keep *Caveats*. The Episcopal Faction there, were never more immoderate than at this Day. You know how far *Pierce*, *Heylin*, and *Taylor* justify all the Challenges against Episcopacy in their late Writs, and go beyond them to all the *Tridentine* Popery of *Grotius*. *T. G. Thomas Gallovidianus*, for his printing Doctor *Forbes* Bishop of *Edinburgh* his wicked Dictates, is now in his Way for *London*, being sent for by the English Bishops who scoff at our Church's Excommunication.'

'Your Lordship was the Man who procured and brought down to us the Ordinance for abolishing of Episcopacy; I doubt not but you and Mr. *Sharp* have done your Endeavours; but could I ever have dreamed that Bishops and Books should have been so soon restored with so great Ease, and Silence of the Presbyterian Covenanters in both Houses, the City, and Assembly at *London*, of *Lancashire* and other Shires?'

'Be assured that whatever Surprise it be for the Time, this so hideous a Breach to God and Man, cannot fail to produce the Wrath of God in the End. Shall all our Blood and Labour for that *Covenant* be so easily buried? Tho' all Flesh, English and Scots, for their own Designs, were silent at so needful a Time, I doubt not but the Lord himself will hear our Cries against the Beast which hath got so deadly a Wound, that all the Kings and Parliaments of the Earth will never be able to cure. I and many more, who have and will rejoice in the Restitution of our King, resolve to complain to God and Man, while we live, for the Return of Books and Bishops. Thus far I have poured out my Heart to you at this Time.'

The Reader will not grudge to have this honest and great Man's Sentiments, when our Parliament last Year are overturning the *Work of Reformation* very fast, in another Letter to the same noble Lord, dated *April 18th, 1661.*

My Lord,
'HAVING the Occasion of this Bearer, I tell you my Heart is broken with Grief, and I find the Burden of the Publick weighty, and hastning me to my Grave. My Prayers daily, when my Heart is loosed, are for the King and you, and his Blessing on you both. I have no private Desires nor Fears, but I think we are very ill guided, and very needlessly so. What needed you do that Disservice to the King, which all of you cannot recompense; to grieve the Hearts of all your gracious Friends in *Scotland*, to whom the King's Majesty was, is, and will be, I hope, after God, most dear, with pulling down all our Laws at once, which concerned our Church since the 1633? Was this good Advice, or will it thrive? Is it Wisdom to bring back upon us the *Canterburian* Times? The same Designs, the same Practices, will they not bring on the same horrible Effects, whatever Fools dream? That old Maxim of the State of *England* is wise and good, *That the King can do no Fault*: But the

His Letter to the same Person, *April 18, 1661.*

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the highest Ministers of State ought in all Reason to answer on their highest Pain for all Miscarriages. It was one of King *JAMES VI.* his wisest Practices, To permit his greatest Favourites to sink, before that by protecting them, the Grief of his People should fall on his Back. Ye have seen the contrary Principle destructive, and it will be still so.' 'My Lord, you are the Nobleman in all the World I love best, and esteem most; I think I may say and write to you what I like: If you have gone with your Heart, to forsake your Covenant, to countenance the Reintroduction of *Bishops* and *Books*, and strengthened the King by your Advice in those Things, I think you a prime Transgressor, and liable among the first to answer to God for that great Sin; and the opening a Door, which in haste will not be closed, for the Persecution of a Multitude of the best Persons, and most loyal Subjects that are in all the Three Kingdoms. And if otherwise your Heart be where it was, as I hope it is, and that in your own Way you are doing what you can for the Truth of God, yet daily I have my Fears for you. I think you stand in a ticklish Place: Remember your Cousin *Hamilton's* Poisoning before King *James's* Eyes, without Search. My Heart whiles trembles for you; I will continue to pray for you, do what you will. I ever opposed Mr. *James Guthrie* his Way; but see none get the King persuaded to take Ministers Heads. Send them to some Place where they may preach and live; you may obtain this if you will.' Then he goes to College-Affairs, and adds, 'I will beg for it while I live, which I think shall not be long; for *Presbyterians* at *London*, their Misguiding has slain me. There are some of my Twenty Year old Pamphlets reprinted at *London*; it is totally without my Knowledge, tho' indeed I remain fully in the Mind I was then in. If you and Mr. *Sharp*, whom we trusted as our own Souls, have swerved towards Chancellor *Hyde's* Principles, as now we see many do, you have much to answer for. This may possibly be my last to you, therefore I crave no Pardon for its Length.' I am

Your Lordship's old Friend

ROBERT BAILIE.

Other Expressions of Mr. Bailie.

By another original Letter of his to Mr. *George Hutcheson*, June 24th, this same Year, I find Mr. *Bailie* acquainting him, 'What you desire me to write to *L.* I have done it already, as my Testament to him, fully and sharply to obviate the Chancellor, &c. at their last going up: I think verily if that wicked Change come, it will hasten me to my Grave.' And in the last Letter I have seen of this good Man's, dated May 12th, 1662. which I take to have been a few Weeks before his Death, he tells his Cousin Mr. *Spang*, after some Account of the West Country Ministers being called in to *Edinburgh*, 'The Guise is now, The Bishop will trouble no Man, but the State will punish seditious Ministers. This poor Church is in the most hard Taking we have ever seen: This is my daily Grief, this has brought all my bodily Trouble on me, and is like to do me more Harm.' And very quickly he got to his Rest and glorious Reward. This was the Case, and those were the Sentiments of many Ministers and others at this Time.

West Country Gentlemen brought to Trouble for Things alleged in *Nidsdale*, done 1650.

But I go on to the direct Sufferers of this Period. In the End of the last Year, and Beginning of this, many worthy Gentlemen in the West Country were brought to much Trouble, upon the Pretext they had done Prejudice to the Earl of *Queensberry's* Lands, and were with the Forces under Colonels *Strachan* and *Ker*, in the Year 1650. But the real Reason was, because most Part of them had appeared for the *Remonstrance*, and were heartily against Prelacy; and therefore some Money must be raised from them, and given to *Queensberry* and his Son. All of them are likewise in the Act of *Fines*, and we shall meet with a good many of them under other Branches of Suffering, as we proceed in this History. I shall then give as short an Account of this Affair as I can, from the Council-registers.

Queensberry's Complaint against them in Parliament last Year, who appointed a Committee.

The Parliament, last Year, upon a Complaint of Losses sustained by the said Earl, and some Agreement among Parties, by their Act of the 29th of *March*, did state the Losses at Two thousand Pounds *Sterling*, and appointed a Committee to meet at *Cumnock*, to enquire into the Persons who were with the Army under the foresaid Colonels, and to proportion the said Sum upon the guilty Persons. Accordingly the Committee, the Earl of *Eglintoun*, Lord *Cochran*, the Sheriff-depute of *Nidsdale*, *Gilbert Richard* of *Barskimming*, and some others, meet, and make their Report to the Council, who had this Affair committed to them by the Parliament, December 3^d, last.

Their Report to the Council.

By their Report, it appears they found the underwritten Persons present in *Nidsdale*, at the Time complained, with the said Colonels, when *Queensberry* sustained his Losses, and therefore, that they ought to bear the Proportion of the Two thousand Pounds *Sterling*. A good many of them are absent, and some off the Country; but all are found guilty of being present with the Forces aforesaid, and that many of them were instrumental of the Losses sustained. And having taken the most exact Trial of the Estates real and personal, they rated them at the Valuations aftermentioned, as their Part of the Two thousand Pounds.

	L.	sh.	d.	1662.	
The Laird of Roswallan	0940	00	00		
Sir George Maxwell of Nether Pollock	1044	09	00		
Sir John Kennedy of Cullen	0814	13	04		The Fines imposed upon the Gentlemen.
Thomas Hay of Park	0940	00	00		
Mr. William Gordon of Earlston	1444	09	00		
Sir Hugh Campbell of Cessnock	1566	13	04		
James Fullerton of Corsby	0625	13	04		
Thomas Boyd of Pinkel	0495	00	00		
John Schaw of Sornbeg	0313	00	00		
The Heirs of the Laird of Glanderston	0513	00	00		
The Heirs of Gilmercroft	0325	18	08		
James Hamilton of Aikenhead	0295	06	08		
John Boyd of Trochridge	0438	13	04		
Gavin Walkinshaw of that Ilk	0112	15	08		
John Gordon of Boghall	0041	16	00		
Hugh Wallace of Underwood	0156	13	08		
Robert Wallace of Cairnhill	0082	17	08		
William Wallace of Garrick	0020	17	00		
Captain Andrew Arnot	0041	16	00		
Thomas Kennedy of Grange	0188	00	00		
Alexander Brodie of Letham	1044	09	00		
James Nisbet of Greenholm	0165	00	00		
John Crawford of Crawfordland	0626	13	04		
Sir William Cunningham of Cunninghamhead	2401	06	08		
Robert Andro of Little Tarbit	0652	00	00		
John Kennedy of Kirkmichael	0959	13	04		
Robert Barclay of Persfoun	0438	10	04		
Alexander Cunningham of Craigends	0908	00	00		
Sir John Chiesly	0336	06	08		
John Cunningham of Hill of Beeth	0206	04	04		
Robert Simpson in Edinburgh	0125	13	04		
Hamilton of Halcraig	0180	00	00		
Captain George Campbell	0062	13	04		
Mr. Cuthbert Cunningham of Cochilbee	0626	13	04		
Lindsay of Belstane	0250	01	04		
Bruce of Stainhouse	0626	13	04		
Robert Atcheson of Sydeserf	1141	06	08		
Colonel Gilbert Ker	0626	13	04		
Hunter Younger of Hunterston	0083	10	08		
John Aird of Miltoun	0062	13	04		
Captain Hutcheson	0083	11	00		
Mr. Alexander Neilson	0086	07	00		
Colonel Halbert	0376	00	00		
John Schaw of Greenhill	0041	16	00		
Raffoun of that Ilk	0567	00	00		
William Adair of Kinbitt	0504	13	04		
John Johnston in Glasgow	0250	13	04		
James Hamilton there	0188	00	00		

There are a good many Objections given in to the Council against several of those Quota's. *Cunninghamhead, Craigends, Glanderston,* and some others are declared by the Council to be free, and their Defences sustained. And the Council approve of the rest, and renew their Appointment upon the Committee to meet, and adjust the Proportions of the others, take further Trial of some not cited, and report to the Council against the 1st of March next. I do not observe any further Report in the Registers, but find those Sums were increased upon some, and a few added to make up the Quota. I need not insist upon the Unreasonableness of attacking so many Gentlemen, a good many of them of the first Rank, and singular for Probity and Religion, for an alledged Fault, committed upwards of Ten Years ago, and merely because they were hearty Presbyterians, and suspected to be averse from the Courses entering upon; and in a little Time to fine most, if not all of them, in the Act of Fines: Those were Steps peculiar to this Time.

As the Fury of this Period ran much against Gentlemen who had been active in the Work of Reformation, so, in a particular Manner, some of the most eminent Ministers of this Church must be attacked. The reverend Mr. Robert Blair is among the first. And when our new consecrated Bishops came down, anew and more general Storm comes, and Persecution upon Presbyterians

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Presbyterians turns very sharp : And the Prelates resolve to be as sovereign in the Church, as the King, their Creator, was over the State and them ; and therefore they must be rid of all Presbyterian Ministers, especially of such as were too hard for them.

Mr. Robert Blair.

Accordingly, I find Mr. *Robert Blair* before the Council, towards the Beginning of the Year. *January 9th*, the Lord *Bellenden*, the Advocate, and Provost of *Edinburgh*, are appointed to examine all the Witnesses cited in Mr. *Robert Blair's* Case, and report. I find no more about him till *September 4th*, when, 'the Macers, or any of them, are ordained to bring ' the Person of Mr. *Robert Blair*, late Minister at St. *Andrews*, to *Edinburgh*, 'twixt and ' Saturday next, and secure his Person in the Tolbooth till further Orders. *September 10th*, ' Information being given to the Council, and Testificates produced from sure Hands, that ' Mr. *Robert Blair* is under great Sickness for the present, so that at this Time he cannot travel nor be transported to *Edinburgh*, without the manifest Hazard of his Life: And it being represented, that he is content to quit the Charge of the Ministry at St. *Andrews*, and ' for that End he had sent in his Presentation, to be disposed of at the Council's Pleasure ; which ' was produced in Council : For all which Causes, the Lords dispense with his Imprisonment, ' and declare his Place vacant.'

Nothing found against him.

This is all I meet with in the Council-registers about Mr. *Blair*. From other Papers I find, that after their most diligent Search, nothing could be fixed upon against this great Man. His Life is writ by himself to the Year 1638. and had Mr. *Blair* gone through with it, I persuade myself it would have been one of the best Accounts of that Time we could have had: But there remain only some short Hints by another Hand, as to the last Part of this great Man's Life. From those and other Accounts come to my Hand, I find, That Mr. *Blair*, after the Imprisonment of the Ministers, *August 1660*. and the Appearance of reintroducing Prelacy by the rescinding of our former excellent Laws, had a free and yet cautious Sermon upon 1 *Pet. 3. 14*. This was most unfairly represented to the Council last Year, and he was cited over to *Edinburgh*. The Citation came to him on *Saturday Night* late, and resolving to obey it, and foreseeing he should not return to his People, to *Morrow*, being the last Sabbath of *September 1661*. he preached upon these Words, *Finally brethren, farewell, &c.* when there was an extraordinary Concern among his Hearers. When he came to Town, after some Days, he was examined by a Committee of the Council upon the Matter of his Sermon, of which he gave a most distinct Account. All they did was to confine him to his Chamber at *Edinburgh*, where falling ill for Want of the free Air, he had his Confinement altered to the Town of *Musselburgh*. There he continued till *September* this Year, when Bishop *Sharp*, having a Mind to have Mr. *Andrew Honyman* planted in his Room, procured a new Order from the Council, and a Macer was sent to bring him in Prisoner. But the Lord ordered another Messenger to seize him, and he fell very ill of a Fit of the Gravel, and could not come. And the next Council-day he was under a very severe Sickness, which was attested by his Physicians. Mr. *Blair*, hearing that his Charge had been declared vacant the former *Sederunt* of Council, and the Order which the Macer brought designing him late Minister at St. *Andrews*, did, with the Attestation of his Illness, send in his Presentation, which allayed their Fury against him. In some Time thereafter he procured Liberty to reside in *Kirkcaldy*, where he continued in very much Respect for a considerable Time. Mean while his Back-friend the Primate, vowed he would harry that Nest. And soon after, the Order came out discharging all Presbyterian Ministers to live in Burghs ; and he removed to *Couston*. In short, the true Ground of all this Trouble this excellent Person met with, was, The Archbishop could not be easie when so good a Man was near him. And the Primate had a particular Quarrel against Mr. *Blair*, because of a free and faithful Admonition given him by Order of the Presbytery, by Mr. *Blair* and Mr. *David Forret*.

Prosecution of Mr. Carstairs, Nasmyth, Moruat, Rowat, Blair, Veitch, Blair, and Fullarton.

But the most remarkable Prosecution of Ministers, in the Period I am now upon, was that before the Parliament, of Mr. *John Carstairs* Minister at *Glasgow*, Mr. *James Nasmyth* Minister at *Hamiltoun*, Mr. *Matthew Moruat*, and Mr. *James Rowat*, Ministers at *Kilmarnock*, Mr. *Alexander Blair* Minister at *Galsoun*, Mr. *James Veitch* Minister at *Mauchlin*, Mr. *William Adair* Minister at *Air*, and Mr. *William Fullarton* Minister at *St. Quirvox*.

Springs of it.

When the Bishops came down from *England*, it was found necessary to endeavour to bring some of the most eminent Presbyterian Ministers in the West Country, where the greatest Aversion to Prelates was, either to subject to the Government now set up, or to suffer. Besides this general View in this Prosecution, several others concurred. Some say that a Difference 'twixt the Chancellor and the Primate had fallen in, very soon after the latter his coming down from Court ; and the first design'd, by this Act of Zeal for the Bishops, to make up the Breach. It was further pretended, that this Treatment of so many noted Ministers, would be a good Way to keep the West Country in Aw, and prevent what they termed *Sedition* and *Disorder*, upon the intended *Parliamentary Establishment* of Bishops ; and this was their ordinary Colour and Pretext for many of their Severities. In short Mr. *Carstairs* behov'd to preach no more in so eminent a Place as *Glasgow*, with that Freedom and Plainness, as well as Caution, he used to do ; and Mr. *Nasmyth* behov'd to give Way to Mr. *James Ramsay*, who was design'd to be Dean of *Hamiltoun*, and Assistant to the Archbishop.

Thus

Thus the Chancellor was impowered by the Council to send Letters to such Ministers in the West Country, as he thought fit; and by the Advice of the Prelates, and particularly the Bishop of the Isles, he pitched on the above named. Mr. Fullarton had been pretty forward for the *Publick Resolutions*, and had some Friends at *Edinburgh*, through whose Interest he got Favour, and was dismissed. Mr. Adair took a different Course from his Brethren, as we shall hear, which grieved them and many others.

1662.
Chancellor
writes Letters
to them.

All of them obey the Chancellor's Letters, and came to *Edinburgh*. When they appeared before him, he threatened them severely for their alledged disloyal Principles, and particularly for some Expressions, he said, they had in their Sermons. They fully vindicated themselves in Point of Loyalty, and desired particular Condescensions might be made, as to any Thing blame-worthy in their Sermons; but no Condescensions could be made. The Interview was concluded with Insinuations, that their only Way of Escape would be by complying with the Bishops the King had set up. And when no Ground could be gained that Way, the Chancellor commanded them to stay at *Edinburgh*, till the Parliament should meet; which accordingly they did.

They come in
to *Edinburgh*.
What pulled
twixt the
Chancellor
and them.

When the Parliament sat down, the Ministers were dealt with in private, and all Methods were used to bring them to a Subjection to Prelacy, but in vain. The Managers, finding them fixed in their Principles, resolved to put the Oath of *Allegiance* to them; and here they imagined they had them under a *Dilemma*: If they swore, they reckoned they were obliged to submit to the Bishops, now set up by Virtue of the Supremacy contained in the Oath; and if they refused, they lay open to the Penalties appointed by Law, against disloyal and seditious Persons.

The Oath of
Allegiance put
to them.

All of them, save Mr. Fullarton, were cited before the Parliament, for a Terror to the rest of Presbyterian Ministers who stood firm to their Principles, and to fright them into a Submission to the Bishops. Nothing of a Libel could be formed from their Carriage, or any Thing in their Sermons; and therefore, to catch them, they are brought before the *Lords* of the *Articles*, and, as a Test of their Loyalty, they are required to take and subscribe the Oath of *Allegiance*, as it stood in the Act of Parliament.

All of them
save Mr. Full-
arton, cited
before the Par-
liament, and
by the *Lords* of
Articles, are re-
quired to
swear.

The Ministers desired Time to advise, and with Difficulty obtained a few Days. Now they were upon the Stage, in a Matter which very nearly concerned the Crown and Kingdom of *Jesus Christ*; and being the first Presbyterian Ministers to whom this Oath was tendered, they conceived their Carriage and Practice was a Matter of no small Consequence. And, after they had set some Time apart, for asking of the Lord Light, Direction, and Conduct in this important Matter, they came to this Issue;

And after De-
liberation,

That if they swore the Oath as it stood, without any Explication, especially in this Juncture, they might be reckoned thereby obliged to comply with Episcopacy, seeing the Act of Parliament just now made for the Restitution of Bishops, runs, *Forasmuch as the Ordering and Disposal of the external Government and Policy of the Church, doth properly belong to his Majesty, as an inherent Right of the Crown, by Virtue of his Royal Prerogative and Supremacy in Causes Ecclesiastical*. Upon the other Hand, if they altogether refused the Oath of *Allegiance*, they feared they might be reckoned Refusers of lawful Subjection in Civil Things, to him whom they heartily owned their lawful Sovereign.

offer to take
the Oath with
an Explication.

Upon the Whole, they resolved to offer an Explication of their Sense in this Matter to the *Legislature*, and if it was received, then to take the Oath in that declared Sense; if not, cheerfully to suffer, which, in that Case, they hoped would not be as evil Doers, or disloyal Persons, but merely for Conscience Sake. Next, it came to be considered, whether it was most proper to give in their Sense in Writ, or verbally, and found it safest to give it in in Writing; and accordingly, Six of them agreed to the underwritten Draught, and signed it. Mr. Adair would not sign it, till once the Chancellor had seen it, as, it seems, he had promised to his Lordship. The rest judged this inconvenient, that any of the Managers should see it, till it was tabled before the Parliament. The Tenor of the Paper follows.

Mr. Adair's
different Pra-
ctice.

WE Underscribers, Ministers of the Gospel, being commanded on *Munday* last, by the Lord Commissioner his Grace, and the honourable *Lords* of *Articles*, to take the Oath of *Allegiance*, do, from the Sense we have of that Duty which lieth upon all his Majesty's Subjects, and more eminently and exemplarily upon Ministers of the Gospel, in Ingenuity and Plainness, upon every Occasion, to declare their Loyalty to his Majesty our dread Sovereign, and in Obedience to your Lordships Commands, heartily and cheerfully acknowledge, That his Majesty is the only lawful supreme Governor, under God, within this Kingdom; and that his Sovereignty reacheth all Persons, and all Causes, as well Ecclesiastick as Civil, having them both for its Object, albeit it be in its own Nature only Civil and extrinsick as to Causes Ecclesiastical: All which we are most willing, in Testimony of our Loyalty, to declare upon our most solemn Oath. And accordingly, upon that same Oath, in the foresaid Sense, we declare, That, in Testification of our faithful Obedience to our most gracious and undoubted Sovereign, CHARLES King of Great Britain, France and Ireland, Defender of the

Their Expli-
cation,

1662.

‘ the Faith, we do acknowledge his Majesty our said Sovereign, the only Supreme Civil Governor of this Kingdom, over all Persons, and in all Causes; and that no foreign Prince, Power, State or Person, Civil or Ecclesiastick, hath any Jurisdiction, Power or Superiority over the same. And therefore, we do utterly renounce and forsake all foreign Jurisdictions, Powers, and Authorities, and shall, at our utmost Power, defend, assist, and maintain his Majesty’s Jurisdiction foresaid, as we shall answer to GOD. Subscribed at Edinburgh, May 28th, 1662. by

Mrs. JAMES NASMITH.
MATTHEW MOWAT.
ALEXANDER BLAIR.
JOHN CARSTAIRS.
JAMES ROWAT.
JAMES VEITCH.

Here the Ministers explain the most dark and dangerous Part of this Oath. Their Explanation was reckoned a Refusal; but their very Enemies must grant it was a *respectful and conscientious Refusal*, if it must be one; and that they went as far as their Light would allow them, to satisfy the Imposers. But it was resolved by our Prelates, that those Six Ministers shall be either Examples of Obedience, or Suffering.

May 28. presented to the Parliament, and the Ministers imprisoned.

So, May 28th, when they are called upon, and present the above written Paper, it was reckoned an high Crime. When the Ministers appeared before the House, and the Chancellor received the Paper, he observed that Mr. *Adair*, who was present with the rest, had not signed it; ordered him presently to remove, and I have no more about him. As soon as the *Declaration* was read, there were many warm Speeches on it. It was arraigned as Presumption, and a putting a Restriction on the Oath framed by the Parliament, with many other hard Names: And the Six Ministers straight committed to close Prison, Three and Three of them to one Chamber, to the great Prejudice of their Health; and no Body was permitted to have Access to them.

Bishop Leighton sent to converse with them.

Thus they continued several Weeks. Great Pains were taken to prevail with them to take up their Paper, and swear the Oath absolutely, and as it stood; but they remained unshaken. Among others, Bishop *Leighton* was sent in to them: He used all his Eloquence and Art, but was entertained with solid Arguments against the Oath, and very free Checks, and a Charge of Apostacy and Desertion, and laying Stumbling-blocks before his Brethren.

They are banished by Vote of Parliament.

At length their Case came to this Vote, *Whether process them criminally, or banish them?* and the last carried; and, by Vote of Parliament, they were banished out of the King’s Dominions, to bear Company with their worthy Brethren sent off last Year. And the Time was left to the Commissioner and Council to name, and they continued in close Confinement.

In a little Time softer Courses with them prevail.

In some Time, when the Commissioner’s Rage was a little cooled, and he and the Prelates began to reflect upon the Consequents of this warm Procedure, some more sober Measures came to be entertained. Mr. *Robert Douglas*, and some others, plainly told the Managers, that the Ministers Paper was sound and orthodox, and what the whole Reformed Churches would heartily approve of as their common Doctrine; and the Ministers Banishment, upon such a Declaration, would expose them every where. Upon this, they began to allow them some more Liberty; their Friends were permitted to see them, and some of them permitted to go out of Town for their Health.

Mr. Carstairs falls ill before Sentence.

Indeed their Confinement was so close, and Treatment so severe, that during their Confinement, and before the Sentence, Mr. *John Carstairs* fell so dangerously ill, that, upon the Testimony of Physicians, he was allowed to go to *Dalkeith* for his Health; and accordingly he escaped the Sentence. The rest continued in Prison till the Parliament was up, and then the Commissioner and Council were much solicited by the Prelates, to pronounce the Sentence. It was put off till the 16th of *September*, when, I find, the Council’s Act runs as follows.

Council’s Act about them, Sept. 16.

FORASMUCH as the King’s Majesty, with Advice and Consent of the Estates of Parliament, have pronounced Sentence against Mr. James Nasmith Minister at Hamilton, Mr. Matthew Mowat and Mr. James Rowat, Ministers at Kilmarnock, Mr. Alexander Blair Minister at Galsoun, and Mr. James Veitch Minister at Mauchlin, for refusing to take the Oath of Allegiance, leaving the Time thereof to his Majesty’s Commissioner, and have remitted to the Lords of his Majesty’s Privy Council, the Course to be taken with them in the interim: And the said Lords having taken the same to their Consideration, have thought fit to discharge, likewise, they hereby do discharge the forenamed Persons, all further Exercise of their Ministry at the former Churches above mentioned respective; and declare the said Churches and Cures at the said Time to be

be vacant, and ordain the said Persons to remove their Families, and to leave the Possession of their Manſes and Glebes, at Martinmas next to come; withal, diſcharging them all Reſidence within the Presbyteries where the ſaid Churches ly, or within the City of Glasgow or Edinburgh: As alſo declare, they have no Right to the Stipends of the ſaid Kirks for this inſtant Year 1662. and ordain the Members of the Council, or any of them, to make Intimation hereof to the ſaid Persons, that none of them pretend Ignorance.

1662.

Thus the Miniſters got off for a Season: We ſhall afterwards meet with ſeveral of them under new Sufferings; and their Churches were vacated to be filled with the Creatures of the Biſhops, and this Perſecution did but confirm the Diſciples, whom the Prelates would have taught with Briars and Thorns. This Perſecution, I hope, will be owned to have been upon Conſcience and Principle, and ſo much the rather that Sir *George Mackenzie* durſt not attempt to vindicate it.

During this Session of Parliament, there were Letters writ to ſeveral other Miniſters in the South and Weſt to come in to *Edinburgh*, as we ſhall hear afterwards in Mr. *Thomas Wylie's* Caſe, when it comes in before the Council at *Glasgow* in *October*. But finding the Conſtancy of theſe juſt now ſpoken of, the Proſecution was put off, and this Matter left to the Council to manage after the Parliament was up.

Letters writ calling ſeveral other Miniſters to wait on the Commiſſioner at *Edinburgh*.

I find likewiſe the Lord *Lorn*, eldeſt Son to the late Marquis of *Argyle*, whom we ſhall afterwards meet with more than once, was ſiſted before this Session of Parliament. The pretended Reaſon of this was ſome Letters he wrote down to his Friends from *London*, which were intercepted, or ſome way or other came to *Middleton's* Hands; but the real Deſign was to make Way for *Middleton's* Acceſs to the Eſtate, Titles and Jurifdictions of that Family, wherein, as in many other of his Projects, he was balked by *Lawderdale*.

Lord *Lorn* ſiſted before the Parliament.

In *June* the Commiſſioner informed the Parliament, that the Lord *Lorn*, now at *London*, had both ſpoken and written againſt the Proceedings of this ſupreme Meeting. The moſt, as far as I can learn, that was in his Letter, was ſome free Expreſſions about the Procedure laſt Year againſt his excellent Father, and ſome tacite Inſinuations of private Views in the deſigned Act of *Fines*. However the Parliament, at the preſſing Inſtances of the Commiſſioner, find his Speech and Actions treaſonable.

In *June* they find his Letters treaſonable.

Accordingly *June 24th*, they ſent up an Information upon this Affair to the King, which I have not ſeen, with their Deſire that the ſaid Lord *Lorn* may be immediately ſecured and ſent down to them, to abide his Trial. The King was pleaſed to grant their Deſire, and cauſed him find my Lord *Lawderdale* Bail for him, that he ſhould compear before the Parliament in *July*. Probably the King ſcarce expected they would puſh Matters ſo far as they did, or if they did, he knew how to ſtop the Execution of the Sentence.

The Parliament deſire he may be ſent down from *London* to abide his Trial.

My Lord came down to *Edinburgh July 17th*; and ſuch was their Haſte, that he was immediately charged to appear that Afternoon at the Bar; which he did, and after a handſom Speech, he was committed cloſe Priſoner to the Caſtle. I know no more of his Proceſs, but that *Auguſt 26th*, he received Sentence of Death, for his treaſonable Speeches and Writings againſt the Parliament, to have his Head ſevered from his Body, and his Lands, Goods, and Eſtate to be forfeited. The Time of Execution is remitted to the King; and he was ſent back to the Caſtle cloſe Priſoner. We ſhall afterwards find a Remiſſion granted him.

He comes down *July 17th*, and *Auguſt 26th*, receives Sentence of Death.

And the Parliament go on againſt ſome of the Friends of that noble Family, and *September 3^d*, *Campbel* of *Ardkinglas*, and *Campbel* of *Ormsay*, Fugitives from the laſt Session of Parliament, are now forfeited in Abſence, and declared Traitors for ſome alledged Crimes againſt Gentlemen of the Name of *Lawmont*, I know not how long ago. Their Forfeiture was intimated at the Croſs of *Edinburgh*; and *George Campbel* Sheriff-depute of *Argyle*, was about the ſame Time declared Fugitive. I only name theſe, that the Reader may have ſome View of the Temper of this Period I am giving the Hiſtory of.

Ardkinglas and *Ormsay* forfeited.

I ſhall conclude this Section by obſerving that Mr. *James Hamilton*, Mr. *George Hutcheſon*, and Mr. *John Smith*, Miniſters of *Edinburgh*, were ſilenced, and depoſed by the Parliament for not giving Obedience to their Biſhop; and it was intimate to the reſt of the Miniſters of *Edinburgh*, that they were to meet with the ſame Punishment and Censure, if they did not without Delay ſubmit to their Ordinary: But not having ſeen the unprinted Act, I ſhall ſay no more of it till we find them before the Council in the following Section.

Auguſt 1st, Act of Parliament againſt the Miniſters of *Edinburgh*.

1662.

S E C T. V.

Of the Sufferings of Presbyterian Ministers, Gentlemen, and others, after the Parliament rose, to the End of this Year, 1662.

Many Ministers proceeded before the Council.

IN this Period now before me, the Severities against Presbyterian Ministers and others grow very much, and a good many particular Ministers from all the Corners of the Church are sifted before the Council, and hardly enough dealt by, to gratify the new made Prelates. We have already had the more general Proceedings of the Council towards the Close of this Year, and now I come to the Detail of the particular Processes against Ministers and others, much in the Order they lie in the Council-books.

Order of Council that all House-keepers in Edinburgh give up the Names of their Lodgers.

When the Parliament is up, the Council fall about their Work of harassing Presbyterians; and because People, when persecuted in the Country, sometimes came into *Edinburgh*, where they lurked more easily, to prevent this they make the following Order. *September 16th*, Information being given, That many disaffected Persons to his Majesty do daily and continually resort and haunt to the Burgh of *Edinburgh*, The Lords of his Majesty's Privy Council do order and command the Magistrates of the said Burgh, to cause all their Burghesses, Vintners, Inn-keepers, and all other Inhabitants thereof, to give Notice to them, or such as they shall appoint, of all such Persons as are lodged or harboured by them every Evening, and that under such Pains and Penalties as the said Magistrates shall think fit to inflict.

Council's Act about the Ministers of *Edinburgh*.

That same Day they attack the Ministers of *Edinburgh*, and pass the following Act with relation to them. Consideration being taken, that by an Act of the last Session of Parliament, *Mr. James Hamilton, Mr. John Smith, and Mr. George Hutcheson*, are discharged from any further Exercise of their Ministry within the Town of *Edinburgh*, and their Places declared vacant; and that all the other Ministers within the Town, who shall not, betwixt and the First of October next to come, own and acknowledge the present Government of the Church, and concur in the Discipline thereof, are also discharged from any further Exercise of the Ministry within the said Town, after the said Day. And finding it not fit that those, who upon such an Account are removed from the Ministry, shall reside in the Town; Therefore the Lords of Council ordain the Magistrates of *Edinburgh* to make Intimation to the said *Mrs. Hamilton, Smith, and Hutcheson*, and to all such others of their Ministers, as shall not betwixt and the First Day of October next, give Satisfaction thereanent, that they remove themselves forth of the said Town, and make their Residence elsewhere at Martinmas next.

Remarks upon it.

This Act of Parliament, with relation to the Ministers of *Edinburgh*, I have not seen: But 'tis plain from the Fourth printed Act of this Parliament, that Ministers were permitted to continue in their Charges till their Nonattendance on the Bishops diocesan Meeting; yet a singular Method is taken with the Ministers of *Edinburgh* before the Time of that; and the Council banish them from the City and Place where they had exercised their Ministry, and deprive them not only of their legal Maintenance, but, as far as they can, of the Company, Comfort, and Compassion of their Flocks, when destitute of all other Support. This appears both illegal, and beyond the Act of Parliament, and cruel, and is a Prelude, to the mild Acts a coming. We shall have frequent Occasion to notice, that the Council in this Period assume a Parliamentary Power, and either enlarge or go beyond the Penalties inflicted by the Parliament, or anticipate most of the Acts to be made, and make an Experiment how they will take, before they are enacted by the Parliament.

Not only are the Ministers turned out from their Office and Benefice, but tossed up and down with their innocent Families, at this Season of the Year: And all this upon no other Crime save their Nonsubjection to Prelates, which Office in Conscience they judged unscriptural, and so unlawful. Sure our Prelatical Writers cannot say, those excellent Persons and their good Families were thus treated for Rebellion and Resistance. What Impudence then was it for *Sir George Mackenzie* to say in his *Vindication*, 'That the Governors of that Time might truly and really say, That no Man in *Scotland* ever suffered for his Religion?'

Ministers submit to the Act. *Mr. Robert Lawrie* only conforms, and dies soon under Remorse.

Accordingly the Ministers of *Edinburgh* had this Act intimate to them, and submitted. *Mr. Robert Trail* had withdrawn some little Time before, and we shall meet with him before the Council just now; only *Mr. Robert Lawrie*, by the common People called *The Nest-egg*, conformed, and as a Reward got first the Deanry of *Edinburgh*, and then the small Bishoprick of *Brechin*, which he possessed but a short Time, and died under that Remorse, so bitter a Morfel was a Bishoprick to many of them, that, a little before his Death at *Edinburgh*, he discharged the Bell-man to cry him by the Designation of *Bishop*, but ordered himself to be cried *late Minister of Edinburgh*.

Before

Before I leave this melancholy Ejection of so many worthy Men, and bright Lights in the City of *Edinburgh*, let me add the Reverend Mr. *Robert Douglas's* Reflections upon, and Account of this Step of the Managers. 'Seeing Ministers are in the Prelates Way, they must be laid aside. Some are banished, some sentenced to be banished, but the Act not put in Execution; and some are confined. Because the Ministers of *Edinburgh* are in the great City, they must be first dealt with to give Obedience to the Acts made for Bishops.'

'The Commissioner sent for me; and he and the Chancellor being alone in a Room, I was told that we must speak with the Bishop. I desired to know their Meaning; for wise Men had an End in all their Actings and Commands. Then it was told me, The End was not merely to speak to the Bishop, but to own and acknowledge him. I answered, I was clear I could not do that, and since they had called me, I took it to be my Duty to use Freedom. I wished they might be more sparing in what they did; they were setting up Men who would tread upon them, as they had done in former Times. After a little Silence the Chancellor said, We will take Care to keep them from that. I answered, It is impossible to keep those Men down, they will domineer over Noblemen as well as Ministers; and they both found it so. The Chancellor, before he fell sick, desired a worthy Gentleman to tell me that I was a true Prophet, and *Middleton* said the like. I might tell that without Prophecy, for the Nature of the Preferment leads to it.'

1662.

Mr. Robert Douglas's Remains on the Ejection of the Ministers of Edinburgh.

Conference with Mr. Douglas with Commissioner and Chancellor.

Both of them relate their Death, and the continuing of what they were now told of as to Bishops.

'In a little Time Three of the Ministers of *Edinburgh*, Mrs. *James Hamilton*, *John Smith*, and *George Hutcheson*, are required to acknowledge the Bishop, or remove from their Charges; and they choosed rather to suffer than sin. After their Removal, Mr. *Thomas Garvan*, Mr. *John Stirling*, and my self, sat still for a short Time: Their Removal was in August, we preached not long after; but are charged to acknowledge the Bishop, and confer with him, before the First of *October*, or else to remove out of *Edinburgh* with our Families. What was acted in Parliament is followed out by the secret Council, for they charge us beforehand to remove upon that Day; and upon the very First of *October*, a Mace came to every one of us, and charged us and our Families out of the Town.'

Mr. *Douglas* subjoins a short Vindication of the Ministers, as to their doing so little in Opposition to Episcopacy, and observes, 'They dealt with the King, supplicated the Parliament; that to shew their Detestation of it they preached against it, and, when called, suffered for not submitting to it; and that is all that is in the Examples of the Prophets. *James 5. 10. Take, my Brethren, the Prophets who have spoken in the Name of the Lord, for an Example of Suffering and of Patience.* We have spoken and suffered; and if any say we should have stayed, notwithstanding of the Parliament's Inhibition, and preached, I understand it not. The Apostles were persecuted from City to City; and in the primitive Times godly Men, when obliged to it, removed from one Place to another. I look upon the Commands of the Parliament as a physical Impediment and Restraint, and such who speak otherways reflect upon the Banished.'

Presbyterian Ministers vindicated as to their doing so little against the Ejection of Prelacy.

To return to the Subject of this Chapter, I find no particular Persons before the Council till their Meeting at *Glasgow*, *October 1st*, where they grant a Commission to some Persons to be nominate by the Commissioner to take *James Campbell*, sometime of *Ardringlas*, and *James Campbell*, sometime of *Ormsay*, declared Traitors, to pursue them and their Complices, take in Forts, raze Houses, &c. in the common Form of Commissions of Fire and Sword, as they are ordinarily called. And further, they order Letters of Intercommuning against them.

Commission against Ardringlas and Ormsay, Glasgow, October 1.

After they have passed the forementioned Act, they come to make two Acts, one against Mr. *Donald Cargill*, and the other against Mr. *Thomas Wylie*, and they did not more at *Glasgow*. I transcribe them as they stand in the Registers.

INFORMATION being given, That Mr. *Donald Cargill*, Minister of the Barony Church at *Glasgow*, has not only disobeyed the Acts of Parliament for keeping an Anniversary Day of Thanksgiving for his Majesty's happy Restoration, and for obtaining a lawful Presentation and Collation from the Archbishop of *Glasgow*, before the 25th of September last, but that also his Carriage hath been seditious, and that he hath deserted the Flock, to their great Prejudice by want of the Ordinances: Therefore the Lords of the Council declare the foresaid Church to be vacant, and at the Disposal of the lawful Patron. And, for avoiding the Inconveniencies that may follow by his residing at *Glasgow*, or Places near adjacent, they command and charge the said Mr. *Donald Cargill* not to reside in any Place on the South Side of the River of *Tay*, and to cause transport his Family and what belongs to him out of the Town of *Glasgow*, before the First of November next to come: With Certification, that if he be found to contravene, and be seen on this Side of *Tay*, he shall be apprehended, imprisoned, and proceeded against as a seditious Person. And ordain these Presents to be intimate to him personally, or at his Dwelling-place, or at the Market-cross of *Glasgow*, and Parish-kirk where he lives, that he pretend not Ignorance.

Council's Act against Mr. Donald Cargill, Glasgow, October 1.

1662.

Remarks upon
it.Sentence against Mr.
Thomas Wylie.Narrative of
Mr. Wylie's
Treatment
this Year, from
his own Pa-
pers.He hath a
Communion
at Kirkcudbright
in June.A Party sent
to apprehend
him immedi-
ately after.He goes se-
cretly into
Edinburgh, and
soon returns.Some other
Ministers of
that Presbytery
wait on the
Commissioner.He returns to
his House by
the Commis-
sioner's Allow-
ance.Reflections on
the Act against
him at Glasgow.

We shall afterward meet with this pious and zealous Minister, in the Progress of this History, a Martyr for the Truth. And shortly a good many of his Fellow-servants are sent to North-side of *Tay*, as well as he, where they did Service by their Preaching and Conversation. The *Deserting* of his Flock, here spoken of, is his Withdrawing from a Party of Soldiers who were about to take him into *Edinburgh*, and his *Sedition* is to be understood of his faithful Preaching against the Sins of this Time.

Mr. *Thomas Wylie* follows next; and I shall first give his Case as it stands in the Registers, and then his Sufferings this Year, from an Account before me under his own Hand. In the Council Books follows, 'The like Act made against Mr. *Thomas Wylie* Minister at *Kirkcudbright*, who hath deserted his Flock, and contravened the forefaid Acts of Parliament, which is to be intimated to him personally, or at his Dwelling-house, or at the Market-cross of *Kirkcudbright*, or Parish-church where he lives.'

I come now to give some Account of this excellent Person's Hardships since the End of *May* this Year, from his own Papers, wherein he records some very remarkable Providences, and Answers of Prayer he met with when under his Hiding and Wandrings, too long to be here insert. Mr. *Wylie* and the whole Brethren of that Presbytery continued preaching, and to keep their Presbyteries, notwithstanding of the Acts made against their Meeting, and Mr. *Wylie* was the Person the Managers had their Eye chiefly upon in that Country.

He laid his Account with Troubles a coming, and was earnestly desirous to have the Sacrament of the Supper dispensed to his People before the Cloud came on. The Lord granted his and the People's earnest Prayer: And *June 8th*, he had his first Day of Distribution of the Sacrament; for he had so many Communicants, and such Numbers joyned with him, that they could not all communicate in one Day. After Sermon on *Munday* he had a Letter, signifying that the whole Presbytery of *Kirkcudbright* was to be cited in to *Edinburgh*, for keeping Presbyterial Meetings, which much troubled him: Yet he went on in his Design to give next Lord's Day the Supper to his People who had not participate. On the *Friday* he received certain Accounts, that only himself, Mr. *Robert Fergusson*, Mr. *Adam Kae*, Mr. *John M'Michan*, and Mr. *John Wilkie*, were to be sent for by a Party, and they were very soon to be at them. However, with an Eye to Providence, he resolved to go on in the designed Solemnity, and they had *Saturday*, *Sunday* and *Munday* quiet and free of Distraction. But on *Munday*, when at Dinner, they were alarmed with Accounts that the Party were to be in Town that Night: The Ministers, Mr. *Wylie's* Helpers, advised him to remove; which he did, after the Gentleman who brought the Account told him, The Party had Letters to the other Four, but Orders to apprehend him, and bring him in. *Tuesday* at Twelve of the Clock the Party came straight to his House, and searched it with the utmost Exactness for him.

Mr. *Wylie* thought it convenient to move the most secret Way he could into *Edinburgh*, and met with many remarkable Providences and Answers of Prayer by the Way; and when he came there, he found that ill Impressions had been given of him to the Managers; and there was no getting out of their Hands without taking the Oath, and therefore was resolved to retire from the Storm, till he should see if their Rage against him calmed. He left *Edinburgh* on *Saturday* undiscovered; and, after some Stay in a Friend's House, he drew up a Vindication and Supplication to be presented, if need were, to the Commissioner. He wandred up and down drawing toward Home, near to which he came, *Saturday June 28th*, and heard that Orders were left by the Party to the Magistrates of *Kirkcudbright* to seize him as soon as he was returned.

He continued under his Hiding the whole Month of *July*, when he had new and wonderful Experiences of God's special Interposition, in his Providence, in his Behalf, and that even as to his outward worldly Affairs. He heard from the rest of the Brethren, who went into *Edinburgh* upon the Letters received, and waited upon the Commissioner at *Holy-rood-house*, which was the Purport of their Letters; that the Commissioner was civil to them, and wondered Mr. *Wylie* came not in, and promised him free Access to him when he came. Whereupon, towards the End of *July*, his Wife Mrs. *Wylie* went into *Edinburgh* with Letters from her Husband, a new Supplication, and Instructions how to present it, with a Vindication of his Procedure, for the former had not been made Use of.

In some Weeks his Wife returned from *Edinburgh*, and acquainted him that she had been three Times with the Commissioner; that his Grace assured her, his Life should not be in Hazard, and offered this under his Hand if she pleased; that he had given Liberty to the other Four Ministers to return Home, and visit their Families, and continue a Month, with an express Charge not to preach, and after that required them to return to *Edinburgh*; that he allowed Mr. *Wylie* the same Liberty, with express Condition that he should not come near the Town of *Kirkcudbright*; but my Lord *Kenmare* prevailed to get that taken off: And so he returned Home till the 20th of *September*.

When he with the other four Ministers went into *Edinburgh*, the Commissioner being on his Progress to the *West*, they had not Access to him, and returned to *Galloway*. We have heard of the Act of Council at *Glasgow*; and it was hard enough to send him and his Family to the North-side of *Tay*, by the first of *November*, without ever hearing him, and when he

he had come in to *Edinburgh* to be heard according to Concert. However his Wife, being in the West Country, through the Interposition of my Lady *Cochran*, obtained a Mitigation of the Sentence from the Commissioner, the Account of which came to him before the Act at *Glasgow* was intimate to him, which was not till *October 20th*. *October 21st*, the Commissioner came to *Kircudbright*, and Mr. *Wylie* waited on him, and found his Anger much abated. The Commissioner discoursed him upon the Covenant, Church-government, and several Matters of Fact, and professed his Regard to him, but as a Friend advised him to remove with his Family as soon as possible; told him that he was loaded with Reports, and would be so as long as he stayed at *Kircudbright*, or was in the West Country. He promised to do his best to get him Allowance to stay on this Side of *Forth*; and desired him to wait on the Council *Tuesday* come a Fortnight; which Mr. *Wylie* did, but got nothing done. At that Time the Commissioner told him, that the Council were yet averse; but desired him to bring his Family to *Lothian*, and he would see what might be done for him.

1662.

He waits on the Commissioner at *Kircudbright*, Oct. 21.

In the End of *November*, Mr. *Wylie* brought his Family to *Leith* in a great Storm of Frost. When he came to *Edinburgh*, he found that his Name was in a List with Mrs. *Livingstone*, *Trail*, *Carstairs*, *Dunlop*, and a good many others, who were to have the Oath tendred to them; and upon their Refusal to be banished. Upon the 1st of *December*, he waited on the Commissioner, who stopp'd his Citation at that Time, and in some Days thereafter had a long Conversation with Mr. *Wylie*, and pressed him to declare himself against defensive Arms; but especially insisted upon his taking the Oath, which Mr. *Wylie* offered to take with an Explication. This the Commissioner peremptorily refused, and yet expressed his great Kindness for him, and dismissed him by saying, *Well, Mr. Wylie, I shall give you Time enough to think upon it.* Thus far I have given this excellent Man's Case this Year from his own Papers, and from it we may understand the Case of many Ministers at this Time.

In *November*, he brings his Family to *Lothian*.

I find subjoyned to this Account some *Grievances* under Mr. *Wylie's* Hand, written at this Time; and they contain several Matters of Fact, which tend to set the present State of Things in this Church in their due Light: And I apprehend they were design'd to be put in some Paper he was to have presented to the King, or some who were most favourable about him; and therefore, tho' they are but the first Draught, and would no doubt have been put in better Form if presented, I have added them here.

Grievances of Presbyterian Ministers at this Time.

GRIEVANCES, 1662.

- I. THAT free Access should be debarred to present our *Grievances* to his Majesty, except in a Way that is unfeasible, and scars Men from expressing them.
- II. That the Government of the Church should be changed from that Form which the Generality, both of Ministers and People within the Kingdom, judge to be of Divine Institution, which has been established by many wholsom Laws, which the Land has been in an universal Enjoyment and Exercise of, and under which Error, Heresy, Superstition, and Profanity has been discountenanced, timeously discovered, censured, and suppressed, unto a new Form, which the Generality look upon as merely of human Institution, imposed upon Political Considerations, under which Error, Superstition and Profanity in former Times abounded, and with which, at this present Time, Profanity is springing up to so great a Height already; so that the Generality in the Land are as barbarous in Inhumanity, and brutish in Impiety, as were once our Forefathers in their Heathenish Paganism and Darkness.
- III. That this Change should be carried on, and closed in an arbitrary Way, and imposed upon the Church, without any previous Consultation, not to speak of a Conclusion, had by her in Church-judicatories, and especially in her General Assemblies; whereby the Affection or Disaffection to the Change, would have been more clearly evidenced.
- IV. That General Acts relating to Ministers should be emitted by Parliament, not clear and full, but ambiguous and dark, and that without any penal Statute or Certification; and that the Council, without any known Warrant, should, by their After-acts, enlarge the Meaning of Parliamentary Acts, statute the Penalty, and instantly apply it to Hundreds of Ministers through the Kingdom, ere ever they have known whether they have been in culpable, or Transgressors of any Law or not: Whereby it comes to pass, that with one unexpected Blow, Hundreds of Congregations are laid waste, to the great Grief and Prejudice of Thousands of Souls.
- V. That Letters should be sent by Persons in highest Trust under his Majesty, requiring worthy Ministers of the Gospel to repair to the said Persons at *Edinburgh*, or where they are at the Time, and to speak with them of Business of Importance, to be communicated at Meeting: Which Letters seem to import, to candid and well-meaning Men, that nothing is intended but a friendly Craving of Counsel and Advice in those Businesses of Importance; whereupon the Ministers, in dutiful Obedience to the Magistrate, have, without regard to Pains or Expence, repaired to the said honourable Persons; and yet, upon their Appearance,

No Access to present their Case to the King.

Overturning of the Church-government.

The Change made without consulting the Church.

The Parliament make general Acts, and the Council enlarge them, and add Penalties.

Fraudulent Letters sent to Ministers by the Managers.

1662.

Appearance, have found nothing of what the Letters, sent to them, seemed to import; but are posed with ensnaring and entangling Questions, and put under Restraint not to pass off the Town, and delayed from Time to Time, until they have been wearied and outspent in Attendance; yea, though offering just Satisfaction, imprisoned, or otherwise sentenced. And some so called upon, tho' liberate to return to their Families, yet discharged, by particular Persons in Civil Trust, to preach, without any Sentence of a Judicatory: So that by this Practique, several Ministers with their Families have been put to hard Suffering, and their Congregations robbed of Ordinances.'

Ministers cited *ad iudicia causa*, and Oaths put to them.

'VI. That there should be a Citation of several most faithful and loyal Ministers, *indicta causa particulari*, to appear before the Council, charged as Persons suspected of Disloyalty, without giving the least Presumption as a Ground of Suspicion, and then the Oath presented, as a Test and Touchstone; upon the Refusal of which, in the general comprehensive Terms, (tho' Subscriptions be heartily offered, with an Explication of the Meaning, according to what the Council themselves profess to be the only Sense of the Oath) yet is all such Explanation refused, and honest Men, most loyal to their Prince, banished.'

Subscriptions to Sentences of Banishment pressed.

'VII. That when Sentences are thus passed against honest Men, they should press them, under Pain of Imprisonment, to subscribe, that betwixt and such a Day, they shall pass off the Country, and never return on Pain of Death: A Practice, as it is unusual, so it may be involving to honest Men in inextricable Difficulties.'

Ministers charged to leave their Parishes, without a Sentence.

'VIII. That some should be discharged Preaching, and charged to leave their Congregations, at the Commissioner his Pleasure, and without the Sentence of any Judicatory, and, for any Thing known to the Party or others, without any alledged, let be just Cause.'

Harsh Sentences passed without Citation or Proof.

'IX. That some are sentenced by the Council upon mere Information, without Citation, without Process, for Trial of the Verity and Truth of the Information, to remove with their whole Family, in the Winter-season, above 100 Miles from their Congregation and Place of Residence, with peremptory Certification of Imprisonment, and Indictment upon Sedition, in case of contravening; which necessitates the Party, to his great Loss, and Hazard of his young Children, to take upon him a long Journey in the stormy Winter.'

Letters sent to some Ministers by Parties of Soldiers, who have Commission to apprehend others.

'X. That Letters should be sent to Ministers, with a Party of Soldiers under Command, requiring the Ministers to repair unto *Edinburgh*, and immediately after to *Holy-rood-house*, to speak with the Commissioner of Business of Importance; and yet the Leader of the Party to be expressly instructed, personally to apprehend one of them to whom the Letters were directed, and instantly to carry him as Prisoner to *Edinburgh*. The Verity of which, tho' there were no more to make it out, appears from the Practice of the Party, who diligently searched all the Corners of Beds, Chests, &c. in the Minister's House, for his Person, as if he had been a most notorious Malefactor, and commanded one of the Bailies of the Town to be assisting to them herein.'

Letters of Horning against Ministers, for preaching after Permission

'XI. That after passing of Acts, discharging Ministers to preach, Acts of Indulgence should be emitted, permitting Ministers, at least consequentially, to preach again for some Time; and yet when they, out of Zeal to benefit the People of their Charges, have preached, Letters of *Horning*, and *Citation* before the Council, are used against them, to their great Molestation and Trouble.'

Deprivation of Ministers, as to their Office, for Want of Collation, which is pretended to be a mere Civil Right.

'XII. That the Council should punish Ministers, tho' fully called and ordained, with Deprivation, not only of the Benefice, but of their Ministerial Office amongst the Lord's People, to whom they were lawfully sent, and amongst whom they have laboured to the great Benefit of their Souls, and that only for the Want of the Bishop's Collation. If the Collation be merely a Civil Thing, giving the Incumbent Right to plead in Law (in Case of Necessity) the Payment of his Stipend, as is pretended, it is the Minister's own Loss and Disadvantage that he wants it: But what Reason is there that both he and the People of his Charge, should be so severely punished by the Secular Power, with an Ecclesiastical Stroke, which robs them both of that which is dearer to them than all their Civil Liberties, and that only for the Minister's voluntary Want of an alledged Civil Benefit?'

From those Matters of Fact, which in the former Part of this Chapter are all plain, the Severity and Unreasonableness of the Procedure of the Managers appears in its due Light: But 'tis Time to return to the further particular Attacks on Gentlemen and Ministers, which turn throng when the Council meet at *Edinburgh* in November.

Procedure of the Council at *Edinburgh* in November.

Tho' the Act at *Glasgow* by that Time was perceived to have been rash and impolitick, yet the Prelates and their Supporters were fretted with the noble Stand made by so many Ministers, and the general Dissatisfaction of the Country at the Loss of their Ministers; and 'tis resolved to go further, and destroy those they cannot terrify. I give the Procedure just as it lies in Order of Time, and each Person's Sufferings together, as much as may be.

November

November 6th, the Council begin a Process against Sir *James Stuart*, late Provost of *Edinburgh*, and his Son, upon a most groundless and malicious Information, which, when depicted into, came to nothing: However, I shall insert what I find of it in the Registers, as a Specimen of the Trouble Gentlemen were now brought to, who were Presbyterians, and Favourers of them. 'Information being given, That Mr. *Hugh McKail*, Chaplain to Sir *James Stuart of Kirkfield*, did of late, in a Sermon preached in one of the Kirks of *Edinburgh*, most maliciously inveigh against, and abuse his sacred Majesty, and the present Government in Church and State, to the great Offence of God, and stumbling of the People; and that the said Sir *James Stuart*, and *Walter Stuart* his second Son, were present when the said Sermon was preached, at least were certainly informed thereof; yet, notwithstanding thereof, did entertain him in their Family. As also, that the said *Walter Stuart* has emitted some Speeches tending towards Sedition, especially, that within these few Weeks, he, at the Smithy of -----, upon the Occasion of a Discourse anent publick Differences, said, That before Businesses went as they are going, a Hundred thousand in the three Kingdoms would lose their Lives; Therefore Macers are ordered to cite them both before the Council against the 11th Instant.

1662.
Information against Sir *James Stuart* and his Son, for a Sermon of Mr. *Hugh McKail*, in *Edinburgh*.

'November 11th, reported, That Sir *James Stuart* and his Son had been cited to answer this Day; and it being informed by some of the Members, That Sir *James* can clear himself, The Lords appoint the Earl of *Morton* and Lord *Tarbet*, to examine Sir *James*, and report. *Walter Stuart* his Son appeared, and denied the foresaid Speeches charged against him. Witnesses being called and examined, the Council find he uttered some Things tending to Sedition, and imprison him in the Tolbooth till further Order.'

Every Thing which favoured of a Sense of Liberty, or expressed any Dislike at Bishops, was now reckoned seditious Speaking. This excellent and religious young Gentleman was soon dismissed, and died not very long after this, not without some very remarkable Fore-notice of his Dissolution, to himself and excellent Father; and having run fast, came soon to his eternal Prize. We shall afterward hear of worthy Mr. *Hugh McKail*, and find him sealing the Truth with his Blood after *Pentland*. It was, as I take it, after this faithful and free Sermon, wherein it was pretended he reflected on the King, because he preached the Scriptural Doctrine upon Church-government, that he went abroad, and accomplished himself in travelling for some Years. When he came Home, he was the more qualified to be the Object of the Prelates Spite.

A Committee to examine Sir *James*.

His Son imprisoned.

Remarks on this.

Mr. *McKail* goes abroad.

Upon the same Day, November 6th, the Reverend Mr. *John Brown*, Minister at *Wamfray* in the South, was before the Council. Whether he had been brought in by Letters desiring him to converse with the Managers, or by a formal Citation, I cannot say; but this Day's Act about him runs, 'Mr. *John Brown* of *Wamfray* being convened before the Council, for abusing and reproaching some Ministers for keeping the diocesan Synod with the Archbishop of *Glasgow*, by calling them perjur'd Knaves and Villains, did acknowledge that he called them false Knaves for so doing, because they had promised the contrary to him. The Council ordains him to be secured close Prisoner in the Tolbooth till further Order.'

Mr. *John Brown* Minister at *Wamfray*, listed before the Council, and imprisoned, November 6.

His Character.

I need not enter upon the Character of this great Man; his Abilities were so well known to the Prelates, that he must not be suffered any longer, and so his Freedom that he used with some of his neighbouring Ministers, for complying with the Prelates contrary to the Assurances they had given him, was made a Handle of for this End. He was a Man of very great Learning, warm Zeal, and remarkable Piety. The First he discovers in his Works printed in Latin, against both *Socinians* and *Cocceians*, which the learned World know better than to need any Account of them from me. I have seen likewise a large Latin MS. History of his of the Church of *Scotland*, wherein he gives an Account of the Acts of our Assembly, and the State of Matters from the Reformation to the Restoration; to which is subjoyned a very large Vindication of the Grounds whereupon Presbyterians suffered. The Apologetical Relation appears to be an Abbreviate of this in English. His Letters he wrote home to *Scotland*, and the Pamphlets and Books he wrote, especially upon the *Indulgence*, manifest his Fervency and Zeal; and the practical Pieces he wrote and printed, discover his solid Piety, and Acquaintance with the Power of Godliness: Such a Man could not easily now escape.

December 11. liberate upon his obliging himself to depart the King's Dominion.

I meet not with him again till December 11th, when, after Mr. *Livingstone* and others received their Sentence, the Council come to this Conclusion about him. 'Anent a Petition presented by Mr. *John Brown* Minister at *Wamfray*, now Prisoner in *Edinburgh*, shewing, That, for some Speeches rashly and inconsiderately uttered against some Neighbour Ministers, he has been kept close Prisoner these Five Weeks bypast; and that seeing, that by Want of free Air, and ordinary Necessaries for maintaining his crazy Body, he is in Hazard to lose his Life, humbly therefore desiring Warrant to be put to Liberty, upon Caution to enter his Prison in Person when he shall be commanded; as the Petition bears. Which being at length heard and considered, the Lords of Council ordain the Supplicant to be put at Liberty forth of the Tolbooth, he first obliging himself to remove and depart off the

'King's

1662.

Remarks on
this Sentence.

King's Dominions, and not to return without Licence from his Majesty and Council, under Pain of Death.'

I need not observe this unusual Severity against this good Man: The utmost he could be charged with, was a Reproof given to his (once) Brethren, for their Apostacy; and for this he is cast in Prison, and, when there, deprived of the very Necessaries of Life; and when, through ill Treatment, he is brought near Death, and offers Bail to re-enter when commanded, cannot be permitted to have the Benefit of the free Air, till he sign a voluntary Banishment for no Cause.

He is allowed
Two Months
longer Stay.

However, it seems his present Danger brought this good Man to these hard Conditions: And, *December 23^d*, I find him petitioning for some more Time to stay in the Country; which is granted. 'Ancient a Petition by Mr. *John Brown* late Minister at *Wamfray*, desiring that the Time of his Removal off the Kingdom may be prorogate, in regard that he is neither as yet able to provide himself of Necessaries, and the Weather so unseasonable that he cannot have the Opportunity of a Ship, as the Petition at length bears: Which being heard, read, and considered, The Lords of Council do grant Liberty to the Petitioner to remain within this Kingdom for the Space of Two Months after the 11th of *December* last, he carrying himself in the mean time peaceably, and acting nothing in Prejudice of the present Government.' Next Year this good Man went to *Holland*, and lived there many Years, but never, that I hear of, saw his native Land after this.

The Case of
William Dobbie.

At this Time the Council have before them the Case of *William Dobbie* Weaver in *Glasgow*, who might have been overlooked, being really crazed, had it not been the Severity of the Time. He is accused for slanderous Speeches against the Commissioner, and remitted to the Criminal Court; and his is the only Process, for alledged Disaffection, I find in the Justiciary Books before *Pentland*. *December 14th*, Witnesses prove some Expressions against the King and Commissioner, and present Church-settlement, and declare he had been diltamped once. There is no Sentence, and he continues in Prison a long Time.

Ministers called
in to *Edinburgh*, where
they are kept
waiting long,
and without any
Process discharged
to preach.

But to return to Ministers: It had been customary for the Managers for some Months, by private fair Letters, to call before them a good many of the old Presbyterian Ministers, ordained before the 1649. and keep them hanging on at *Edinburgh* for some Months; and if they got Liberty to return to their Families, it was with an express Charge not to preach. We have had many Instances already, and this Method was taken also with Mr. *Alexander Dunlop*, and others. Now they came to a shorter Way with a considerable Number of them, and *November 18th*, after they write for all absent Members, the Council give the following Orders.

Information in
Council, November 18. against
many Presbyterian
Ministers.

INFORMATION being given of the seditious Carriage of Mr. *John Livingstone* at *Ancrum*, Mr. *Samuel Austin*, Mr. *John Nave* Minister at *Newmills*, Mr. *John Cairns*, Mr. *Matthew Morat*, Mr. *Robert Trail*, Mr. *James Nasmith*, Mr. *Andrew Cant* elder, *Alexander Cant* his Son, Mr. *John Menzies*, Mr. *George Meldrum* at *Aberdeen*, Mr. *Alexander Gordon* Minister at *Inveraray*, Mr. *J. Cameron* Minister at *Kilsinnan*, Mr. *James Gardiner* Minister at *Saddle*: Order the said Persons, and every one of them, immediately, upon Intimation made unto them, to repair to *Edinburgh* against the 9th of *December* next, and make their Compearance before the Council the said Day, as they will be answerable at their utmost Peril; and for that Effect ordain Letters to be direct to the Noblemen and others underwritten, and that a Double of this Act be inclosed in these several Letters.'

Mr. Gilbert
Rule, and Mr.
John Drysdale
ordered to be
secured.

Likewise Information being given of the turbulent and seditious Practices of Mr. *Gilbert Rule* and Mr. *John Drysdale*, Ordered that their Persons be secured, and presented to the Council, as follows, viz. That the Magistrates of *Kirkaldie* shall secure the said Mr. *Gilbert Rule*, and bring him along with themselves, and present him to the Council on *Friday* next; and the following Letter be writ to them for that Effect.'

Loving Friends,

YOU will perceive by the inclosed Order, what Commands the Council have laid upon you, which you are immediately to execute, and come your selves to attend the Council on *Friday* next, as you will be answerable.'

Glencairn Chancellor.

Follows the Order, that the Magistrates of *Kirkaldie* secure the Person of Mr. *Gilbert Rule*, and present him to the Council.

Magistrates of
Kirkaldie their
Report about
Mr. Rule to
the Council,
with their
Orders to them
about signing
the Declaration.

And that I may give all which relates to this in this Place: *November 21st*, the Magistrates of *Kirkaldie* appear, and report that Mr. *Rule* was gone out of their Bounds before the Council's Orders came, and could not be found, and that they had no Hand in his being employed to preach; which Excuse was sustained. 'And the said Magistrates having also reported that there were some in their Council who refused to subscribe the Declaration, appointed by the Parliament to be taken by all such Persons as bear publick Office or Charge:

Ordered,

Ordered, that the Magistrates cause all their Members to subscribe the same, or declare them incapable of all publick Trust within their Burgh. And because 'tis informed that several disaffected Ministers reside there, who study to alienate the Hearts of the People from the present Government of Church and State; therefore ordain the said Magistrates to warn them to remove forth of their Bounds within Fourteen Days, and report against the next Council-day.' A Report is accordingly made, that the Orders were obeyed. We shall afterward meet with the Reverend Mr. Rule, and there I shall give a larger Account of his Sufferings during this Period.

To return to the Procedure against the rest of the Ministers; November 18th, the Council orders the Earl of Eglington by himself or his Deputes, Sheriffs of Renfrew, to cause seize the Person of Mr. John Drysdale Minister at Paisly, and send him in to the Council against the 9th of December; and that he cause intimate the above mentioned Act to Mr. Alexander Dunlop Minister at Paisly. A Letter is likewise sent to the Magistrates of Aberdeen, to intimate the Act to Mrs. Menzies and Meldrum, and command them to appear the said Day: Another to the Magistrates of Edinburgh, as to Mr. Trail: Another to Duke Hamilton, as to Mrs. Nasmyth and Carstairs: One to the Sheriff of Teviotdale, as to Mr. Livingstone: One to the Sheriff of Niddale, as to Mr. Austin; and one to the Marquis of Montrose, in regard there is not a Sheriff or Deputes in Argyle, as to Mr. Alexander Gordon and Mr. John Cameron, Ministers in Argyle, and Mr. James Gardiner. November 27th, 'tis reported that Mr. Robert Trail cannot be personally apprehended; and the Council order their Macers to cite him at his Dwelling-house, and by open Proclamation at the Cross of Edinburgh, to compare before the Council, December 9th, to answer to such Things as shall be laid to his Charge, under the Pain of Rebellion.

I find no Letters writ about Mr. Nave, Mr. Cant, and his Son; yet we shall find them present afterwards; nor for Mr. Matthew Mowat, who was not before the Council, as far as I have observed in the Registers, and probably was overlooked, as we saw Mr. Wylie, and it may be some others, who were at first in the List. Mr. Drysdale is not before the Council either, having absconded, and perhaps gone to Ireland. The rest we shall just now meet with before the Council, December 11th, and the After-diets. In the Registers I find no Sederunt, December 9th, to which the Ministers were cited. It would seem that Day either a Committee of Council met, before whom Mr. Livingstone and others were, or the Council themselves; but coming to no Issue till December 11th, there is nothing in the Council-books.

Those worthy and excellent Persons were pitched upon from all Corners of the Country, the South, West and North, as those that must either comply with the Bishops, or be sent off the Nation. And indeed they were all of them bright and shining Lights in this Church, and the Attack made upon them was designed to fright Presbyterian Ministers to a Compliance in all Corners. I come now to give as distinct an Account as I can of their several Cases and Processes.

I begin with the Reverend and Learned Mr. John Livingstone, who, among these Worthies now under Process, was first before the Council; and because I have the fullest Accounts of him from his Life writ by himself, out of this I shall give a pretty large Detail of the Council's Method with him; and probably many of the same Things were proposed to the rest. A large Abstract of this excellent Person's Life, I know, would be useful and entertaining to the Reader; and 'tis certainly a great Loss to this Church that we want a Biography of our eminent Ministers and Christians, done by some good Hand, when there yet remain a good many Materials for such a Work, which may in some Time be lost: But I shall only make a Remark or Two as to this singular Person, and then come to his Sufferings, which is my Province.

Mr. John Livingstone was one remarkably honoured of the Lord, to be an Instrument of the Conversion of Thousands. While yet only a Probationer he was the honoured and happy Mean of that remarkable Conversion, upon Munday after the Communion, at the Kirk of Shotts, 1630. From Mr. Livingstone's Sermon in the West-side of the Church-yard there, upon Ezek. 36. 26. *A new Heart also will I give you, and a new Spirit will I put within you, and I will take away the stony Heart out of your Flesh, and give you a Heart of Flesh;* about Five hundred Persons dated their saving Change. Such another, and yet a more plentiful Effusion of the Spirit, attended a Sermon of his at a Communion at Hollywood in Ireland, if I mistake not, in the Year 1641. where about a Thousand were begotten unto Christ. Besides, he was blessed with very much Success through the ordinary Tract of his Ministry. Perhaps few Ministers since the Apostles Days were more remarkably countenanced from Heaven in their Work than Mr. Livingstone. The Prelates violent Pushing to be rid of such a Man as he, gives Occasion to make severer Reflections than I am willing to insert here.

He was one of the Three Ministers, who, with some from the State, were sent over to the King at Breda: And after the Treaty was finished, before his Majesty landed in Scotland, Mr. Livingstone was pitched upon; and accordingly in the Ship tendred the Covenant to the King. His faithful Freedom with his Majesty at that Time, with his declared Dissatisfaction with the

1662.

Letters writ to Noblemen and others, to send up the Ministers informed against to the Council.

Mr. Mowat not cited.

Mr. Drysdale not found.

Reason of the Attack on to many Ministers.

Mr. John Livingstone.

Want of a Scots Biography registred.

Mr. Livingstone preaches at the remarkable Conversion at the Kirk of Shotts, June 20th 1630.

And at Hollywood.

He tenders the Covenant to the King.

1662.

Manner of carrying on and concluding of that Treaty, probably were not altogether forgot now.

When at *London*, in the Year 1656. in a very publick Auditory, before *Oliver Cromwel*, and even to his Face, *Mr. Livingstone* asserted the King's Right and Title to those Three Kingdoms. He was in his Opinion a *Protester*, but very moderate; and I find him in his Life heavily lamenting and regretting the sad Breaches and Extremities in that divided Time. Every Body owned his Modesty and Sweetness of Temper.

Upon the King's Return, and through the Summer 1660. he with many others had very melancholy Impressions of the approaching Ruin coming upon the *Work of Reformation* in this Church. The last Communion he had at *Ancrum*, was upon the 12th of *October* this Year 1662. at which great Multitudes of serious and godly Persons were gathered from all Corners of the Country. Upon the *Munday*, at the Close of the Work, *Mr. Livingstone* had more than ordinary Liberty in discoursing to the People about the Grounds and Encouragements to suffer for the Truths at present controverted in *Scotland*; and in a Manner took his Farewel of his People, reckoning that would be the last Communion he would have in that Place. In his Life he remarks, That at this Time he knew nothing of what was hatching against him, nor of his designed Persecution, which followed so soon. His extemporary Discourse, *October* 13th this Year, was taken from his Mouth in Characters, and is what would be acceptable to a good many of my Readers, in its popular and homely Dress, just as it was delivered, to be sure without the least Thoughts of its appearing in Print; but it is so large that I must not insert it.

After he had, with *Elijah*, eaten before a great Journey, and as the Disciples did, had communicate before he entred upon suffering, he had Notice in a little Time of the Council's Procedure against him and others: And before the Summons could reach him, *Mr. Livingstone* went in to *Edinburgh*, and lurked a while there, till he got certain Information of the Council's Designs. Had he found them about to have proceeded against their Lives, and treat them as *Mr. Guthrie* was dealt with last Year, he was resolved to retire and hide himself the best way he might, and the rather that he was not cited nor apprehended personally: But finding their Design only to be Banishment, he resolved to appear with his Brethren. Accordingly, *December* 11th, he was before the Council. I cannot give an Account of the Procedure there, and his Carriage, so well as in his own Words, and therefore I here insert his own Account from his Life.

An Account of what passed when Mr. John Livingstone appeared before the Council, in the lower Council-house, Edinburgh, December 11th, 1662.

Conference with the Managers, and his Examination
December 11.

‘AS soon as he appeared, the Chancellor (whom for Shortness I design by *Ch.*) said,
‘You are called here before his Majesty's secret Council, for Turbulency and Sedition.
‘You, Sir, have been in all the Rebellions and Disobedience to Authority that have been
‘those many Years; and though his Majesty and the Parliament have granted an Indemnity
‘for what is past, you continue in the same Courses. *Mr. Livingstone* (whom I express by
‘*Mr. L.*) answered, My Lords, if I shall not be so ready in my Answers as were requisite,
‘or if in any Thing through Inadvertency I shall offend, I crave to be excused, in regard of
‘my Unacquaintedness with such Ways. I am now towards Sixty Years, and was never till
‘now called in such Sort before such a Judicatory. I am a poor Servant of *Jesus Christ*, and
‘have been labouring to serve him and his People in the Ministry of the Word, and 'tis a
‘Grief to me to be so charged by your Lordships. I am not conscious to my self of any
‘Turbulency or Sedition. There are some Things anent the Government and Officers of
‘the Church, wherein I confess my Judgment and Principles differ from what is presently
‘maintained, but I have laboured to carry my self with all Moderation and Peaceableness,
‘with due Respect to Authority, and have lived so obscurely, that I wonder how I am taken
‘notice of.’

Of *Mr. Livingstone* his not keeping the
29 of May.

‘*Ch.* You have transgressed Two Acts of Parliament; one appointing the 29th of May a
‘Day of Commemoration of his Majesty's happy Restoration, and another appointing Synods
‘to be kept. Did you preach on the 29th of May?’

‘*Mr. L.* There are Witnesses in Town who will testify I preached the last 29th of May.’

‘*Ch.* Did you keep the Day, as it is appointed, in Obedience to the Act of Parliament?’

‘*Mr. L.* I dare not say that I did so. It was my ordinary Lecture-day; yet the Place of
‘Scripture which was my Ordinary, gave Occasion to speak somewhat of the Benefit and Ad-
‘vantage of Magistracy.’

‘*Ch.* But will you publickly, as others, acknowledge the Lord's Mercy in restoring the
‘King?’

‘*Mr. L.* I have done so, my Lord, both at first and sometime since.’

‘*Ch.* But what is the Reason you do not keep the Day appointed by the Parliament?’

‘*Mr.*

Mr. L. My Lord, I have not that Promptness of Judgment, or Expression that were requisite for surprising Questions, and would beg, if your Lordships please, to be forborn. 1662.

Ch. Can you not give a Reason why you keep it not?

Mr. L. My Lord, even as to the Laws of God there is a great Difference between a Man's doing of that which God hath forbidden, and the not doing of a Thing, for Want of Clearness that God hath commanded it; and much more this holds in the Laws of Men.

Ch. But you kept *Holy-days* of your own; you kept a Day of Thanksgiving for the Battle of *Long-marston-muir*, and several Days of Fasting in the Time of the *Engagement*. Did you not keep the Day for *Long-marston-muir*?

Mr. L. So far as I know, I did: But these Days were not called *Holy-days*, but only appointed upon some special Occasions. And besides, one may scruple if any have Power to appoint anniversary *Holy-days*.

Ch. But will you keep that Day hereafter?

Mr. L. My Lord, I would desire first to see an Issue of this wherein I am now engaged, by this Citation, before I am urged to answer for the Time to come.

Ch. Well, because of your Disobedience to these Two Acts, the Council look upon you as a suspect Person; and therefore think it fit to require you to take the Oath of *Allegiance*. He is required to take the Oath of Allegiance.

You know it, and have considered it?

Mr. L. Yes, my Lord.

Ch. The Clerk shall read it to you. (He reads it) Now that you have heard it read, are you free to take the Oath?

Mr. L. I do acknowledge the King's Majesty (whose Person and Government I wish God to bless) to be the only lawful Supreme Magistrate of this and all other his Majesty's Dominions, and that his Majesty is the Supreme Civil Governor over all Persons, and in all Causes as well Ecclesiastick as Civil; but for the Oath, as it stands *in terminis*, I am not free to take it. His Sentiments of it.

Ch. I think you and we agree as to the Oath.

Lord Advocate. My Lord Chancellor, your Lordship doth not observe that he useth a Distinction, *That the King is the Supreme Civil Governor*, that he may make Way for the coordinate Power of Presbytery.

Mr. L. My Lord, I do indeed believe and confess that *Jesus Christ* is the only Head of his Church, and that he only hath Power to appoint a Government and Discipline for removing of Offences in his House, which is not dependent on Civil Powers, and no ways wrongs Civil Powers: But withal, I do acknowledge his Majesty hath a cumulative Power and Inspection in the House of God, for seeing both the Tables of the Law kept; and that his Majesty hath all the ordinary Power that was in the Kings of *Israel* and *Judah*, and in the Christian Emperors and Kings, since the primitive Times, for reforming, according to the Word, what is amiss. and of the Civil Magistrate's Power about the Church.

Ch. We do not say that the King hath Power to ordain Ministers, or to excommunicate; and therefore are you not free to take the Oath?

Mr. L. My Lord, in the Terms that I have expressed I am free to take it, but I know not if it would be well taken off my Hand, to add one Word, or give an Explication of the Oath which the Right Honourable the Estates of Parliament have set down. Declines explaining the Oath.

Ch. Nay, it is not in the Power of the Council so to do.

Mr. L. I have likewise been of that Judgment, and am, and will be, That his Majesty is Supreme Governor, in a Civil Way, over all Persons in all Causes.

Lord Commissioner. You may not say that you have been always of that Judgment, for you have been opposite to the King, and so have many here, and so have I been; but now it is requisite we profess our Obedience to him, and would wish you to do so. You would consider that there is a Difference betwixt a *Church to be constitute*, and a *Church constitute*; for where it is to be constitute, Ministers and Professors may do their Work upon their Hazard; but when a Church is constitute with Consent of the Civil Magistrate, who hath Power to appoint the Bounds of Parishes and Stipends, he may appoint the Bishops his Commissioners, and ordain them to keep Synods, and ordain Ministers to come to those Synods.

Mr. L. May it please your Grace, I hope the Churches that are mentioned in the Acts of the Apostles, were constitute Churches, although they had not the Concurrence of the Civil Magistrate.

Ch. You have heard many Things spoken, will you take some Time to advise whether you will take the Oath or not?

Mr. L. I humbly thank your Lordship; 'tis a Favour, which, if I had any Doubt or Hesitation, I would willingly accept: But seeing, after seeking of God, and advising anent the Matter, I have such Light as I use to get in such Things, if I should take Time to advise, it would import I have Unclearness and Hesitation, which I have not; and I judge it were a Kind of mocking your Lordships, to take Time, and then return your Lordships the same Answer. He waves a Time to consider whether he will take the Oath.

1662.

Council's Sentence against him.

' Lord Commissioner. Then you are not for new Light? '
 ' Mr. L. Indeed I am not, if it please your Grace.
 ' Ch. Then you'll remove your self. Being removed, and called in again, the Chancellor said, Mr. *Livingstone*, The Lords of his Majesty's Council have ordained, That within Two Months you remove out of his Majesty's Dominions, and that within Forty eight Hours you remove out of *Edinburgh*, and go to the North-side of *Tay*, and there remain till you depart forth out of the Country.'

' Mr. L. I submit to your Lordships Sentence; but I humbly beg I may have a few Days to go home and see my Wife and Children.'

' Ch. By no means; you cannot be suffered to go to that Country.'

' Mr. L. Against what Time must I go to the North of *Tay*, my Lord?'

' Lord Commissioner. You may be there against *Saturday* come Se'ennight.'

' Mr. L. Well, although it be not permitted to me to breathe in my native Air, yet I trust, whatsoever Part of the World I go unto, I shall not cease to pray for a Blessing to these Lands, to his Majesty and the Government, and the inferior Magistrates thereof, but especially to the Land of my Nativity.'

' Ch. You must either go to the Tolbooth, or subscribe a few Words of Acquiescence to your Sentence.'

' Mr. L. My Lord, rather than go to the Tolbooth, I will subscribe the same. And accordingly he did it; and the Tenor of it was,'

' I Mr. *John Livingstone*, late Minister at *Ancrum*, bind and oblige me, that I shall remove my self forth of his Majesty's Dominions, within the Space of Eight Weeks after the Date hereof, and that I shall not remain within the same hereafter, without Licence from his Majesty or Privy Council, under the Pain of Death; and that I shall depart from *Edinburgh* to the North-side of *Tay*, and there remain while my Departure, and that my going off from *Edinburgh* shall be within Forty eight Hours after the Date hereof. Subscribed at *Edinburgh*, December 11th, 1662.'

JO. LIVINGSTONE.

' Lord Commissioner You must see that you keep no Conventicles, nor preach in Churches or Houses. To this Mr. *Livingstone* answered nothing.'

Mr. *Livingstone* remarks, That he cannot say this is all that either he or they spoke, but it is as far as his Memory served him; That he could not so punctually repeat their Speeches as his own, but as near as he remembers this is what passed. He further observes, That his Difficulty as to the Oath, was not only that it was conceived in general and ambiguous Terms, as might import a receding from the Covenants and Work of Reformation; but upon the Matter, the Imposers unlawful Sense of the general Terms, was determined and fixed by their rejecting the only safe Sense offered by the West Country Ministers lately, as we have seen. He adds likewise, He was afraid his taking Time, when offered him, to consider the Oath, after he had thoroughly pondred it, might lay him open to Temptations, and offend and weaken the Hands of others. However, he apprehended his refusing their Offer, grated the Council, and made them sharper upon him than others.

According to this Sentence, Mr. *Livingstone* went out of *Edinburgh* to *Leith*, in the prefixed Time; where I find him petitioning the Council, December 23^d, which I give in the Words of the Registers. ' Anent the Petition presented by Mr. *John Livingstone*, shewing, That, in regard of his Age and Infirmary, his going beyond *Tay* in such a Season of the Year, might be dispensed with, and he permitted to go to the South, and see his Wife and Children, and dispose of his Affairs; and by this means, he expects, within the Two Months prefixed, to get a more ready and shorter Passage from *Newcastle*, and in better Vessels than can be looked for out of the *Firth*: Which being at length heard and considered, the Lords of Privy Council do allow the Petitioner to remain at *Leith* during the Time that is granted him to abide in *Scotland*, he behaving and carrying himself peaceably in the mean Time.'

He insisted for Liberty only of a few Days to go Home and take his Farewel of his excellent Wife and Children; but that would not be allowed. He further remarks, That by no Means would the Council allow him a Copy of his Sentence, though he petitioned once and again for it. One would think they had Cause so to do, and they might be ashamed if it should appear abroad in the Reformed Churches, whither he was retiring.

After he had stayed some Time at *Leith*, toward the Beginning of *April* he was accompanied with a good many of his Friends to a Ship, in which he got safe to *Rotterdam*, where he found his dear Brethren formerly banished, and lived till *August* 1672. when he entred into the Joy of his Lord, in a good old Age.

Mr. *Livingstone's* Observations on the Whole.He petitions the Council, and his going beyond *Tay* excused; but he is hindered from going to *Ancrum*.

The Copy of his Sentence refused him.

In April goes to *Holland*.

While

While in *Holland*, he spent his Time in reading the Scripture, and forming a new Latin Translation of the *Old Testament*, being very well seen in all the Eastern Tongues. This was revised, and approved by *Voetius*, *Essenius*, *Nethenus*, *Leusden*, and other eminent Lights of that Time. At his Death it was put into the Hands of the last, in order to be printed, but was never published; and now I fear it is lost.

Since Mr. *Livingstone* was not permitted to see his dear Flock at *Ancrum*, he wrote a Letter to them before his leaving *Scotland*, which breathing much of this holy Man's excellent Temper, and containing many Things suitable to this Time, and not being, as far as I know, printed, as another Letter of his to them is, I have subjoyned it, *App. N^o. 36.*

I return to the rest of the Ministers at this Time before the Council. That same Day, *December 11th*, Mr. *James Gardiner* was called upon; and, after some Questions proposed to him, much of the Nature with these to Mr. *Livingstone*, and the tendering him the Oath, which he refused, was banished; and his Act, as the Title of it is in the Registers, follows.

1662.

There he forms a Latin Translation of the *Old Testament*.

His Letter to his Flock, before he left *Scotland*.

App. N^o. 36.

Mr. *James Gardiner* his Sentence.

I Mr. *James Gardiner*, late Minister of *Kintyre*, oblige me to remove my self out of the King's Dominions, within a Month after the Date hereof, and not to be seen within the same under the Pain of Death; and that in the mean Time I shall not repair to any Place within the Bounds of the Diocese of *Glasgow*, *Galloway*, or *Argyle*. Subscribed at *Edinburgh*, *December 11th*, 1662.

JA. GARDINER.

The same Day Mr. *Robert Trail* was before them. This good Man had used Freedom in his Sermons, and very much displeased the Managers and Prelates. After the Parliament had turn'd him over to the Council, and he had, upon his Liberation, retired, sooner than the rest of his Brethren at *Edinburgh*, he stayed some Time in *Preston-grange-house*. There some of the Family being detained by Sicknefs, and several Relations of the Family being there at the Time, Mr. *Trail* was prevailed upon to expound a Piece of Scripture, at Family-worship, on the Lord's Day after Noon. This was mightily aggravated as a Conventicle, and he cited in peremptory Terms, as we have heard, and banished with the other Two. I shall give it from the Council-books.

Mr. *Robert Trail*,

MR. *John Livingstone*, Mr. *James Gardiner*, and Mr. *Robert Trail*, being cited, and compearing personally, who being examined, and the Oath of *Allegiance* offered to be taken and subscribed; which they having refused, The Lords of Council ordain the said Persons to be banished forth of his Majesty's Dominions, and to enter their Persons in Prison within the Tolbooth of *Edinburgh*, while they be conveniently transported off the Kingdom, or otherwise act themselves to that Effect. Likeas they enact themselves in the Manner underwritten.

His Sentence.

We have had Mr. *Livingstone's* and Mr. *Gardiner's*; follows Mr. *Trail* his Act.

I Mr. *Robert Trail*, late Minister at *Edinburgh*, bind and oblige me to remove forth of the King's Dominions, within a Month after the Date hereof, and not to remain within the same hereafter, under the Pain of Death. In Witness whereof, I have subscribed thir Presents, at *Edinburgh*, *December 11th*, 1662.

RO. TRAIL.

December 23^d, the Council prorogate his Time of Continuance in *Scotland*. 'Anent a Petition of Mr. *Robert Trail*, sometime Minister at *Edinburgh*, shewing, That, by an Act of Council of the 11th Day of this Instant, the Petitioner is ordained to remove out of this Kingdom, within a Month after the Date thereof; to which Sentence, as he did then, so he does now humbly submit: But seeing the Season is now tempestuous, and that hardly can he have the Occasion of a Ship in that Time, and that the Petitioner is towards the Age of Sixty Years, if not more, and so cannot well undertake Removing at such a Season, without evident Hazard of his Life; Therefore humbly desiring that the said Space, appointed for the Supplicant's Removal, may be prorogate for some longer Time. Which Petition being at Length heard, read, and considered, The Lords of his Majesty's Privy Council do allow and grant Warrant to the Supplicant to remain within this Kingdom for the Space of a Month after the --- Day of *January* next to come, and ordain him to confine himself within his own House, where his Family is, during that Space, except the last Eight Days, which is allowed to him for making Way for his Transportation.'

His Time of Removal prorogate.

Those Three took up the Council at that Diet; and the rest, who were cited, being called, were continued, and appointed to continue in Town, and attend the next Meeting of Council. Accordingly *December 16th*, Mr. *John Menzies*, and Mr. *George Meldrum* being called, compeared personally, and being examined, did declare their Readiness to comply with the Government of the Church, as the same is presently established by Archbishops and Bishops, and

December 16.
Mr. *John Menzies*, and Mr. *George Meldrum* their Declarations, and recommended to the Primate.

1662.

‘and most cordially did take and subscribe the Oath of *Allegiance*, in Presence of the Lords of Council; wherefore they do seriously recommend their Condition and Case to the Archbishop of St. *Andrews*, in order to their Restitution.’

‘This is all I find about them in the Registers. We shall afterward meet with the learn’d Mr. *Menzies* in the Progress of this History, and see how burdenson this Compliance with Prelacy was unto him, before his Death. The Reverend and Learn’d Mr. *Meldrum*, upon Misrepresentations cast upon him in Print, did at the End of Doctor *Rule’s Second Vindication of the Church of Scotland*, publish an Account of this, and other Parts of his Carriage during Prelacy; of which I’ll here give the Reader an Abstract, that this great Man’s Memory may have all the Justice I can do him.

‘He was ordained Minister of the Gospel by the Presbytery of *Aberdeen*, 1659. When Prelacy was introduced he was stopt in the Exercise of his Ministry, by the Act of Council, which laid aside divers Hundreds of worthy Ministers of this Church, and obliged them to retire Twenty Miles from their Parishes, because they received not Presentation from the Patron, and Collation from the Bishop, the Condition of which was the Oath of *Canonical Obedience*. At First Mr. *Meldrum* did offer Submission, and to joyn in Presbyteries and Synods, supposing this was but the same that worthy Men have done before the 1638. and not discerning, as others who suffered did, the Difference betwixt the State of Things Anno 1662. and before the 1638.’

‘This Stop in the Exercise of his Ministry was Fourteen Days before the Bishop of *Aberdeen’s* First diocesan Synod; at which, when he passed the Sentence of Deposition against the learn’d and pious Mr. *Menzies*, for not subscribing the Oath of *Canonical Obedience*, tho’ he offered Submission, as said is, the Bishop joyned Mr. *Meldrum* in the Sentence, tho’ neither present nor cited to be present. Nothing moved with this Sentence of Deposition, Mr. *Meldrum* retired to the Country, Twenty eight Miles from *Aberdeen*, in compliance with the Council’s Act. Yet in the Beginning of *December*, he and Mr. *Menzies* got a Citation to appear before the Council, as was said, by the Procurement of the Bishop of *Aberdeen*, who alledged he could not appear in the Streets of that City, for Fear of the People irritated, as was alledged, by their Pastors whom they had lost.’

‘When they appeared before the Council, the Commillioner and the rest of the Counsellors, finding them willing to joyn in Presbyteries and Synods, did by their Act recommend them to the Bishop of St. *Andrews* to be restored to their Places. When this was presented to the Bishop, he readily promised to obey it, but never spoke to them one Word of the Oath of *Canonical Obedience*. And when in his Letter to the Bishop of *Aberdeen*, he signified that we were willing to own the Government, Mr. *Meldrum* refused to receive it, unless he added this Qualification, *So far as to joyn in Presbyteries and Synods*; to which the Primate agreed, when they would take it in no other Terms.’

‘When Mr. *Menzies* and Mr. *Meldrum* returned, Bishop *Mitchel* ordered Doctor *Keith* to read that Paper publickly in *Aberdeen*, thinking thereby to lessen their Esteem: But the Design failed; none of them were present at the reading of it. But next Lord’s Day, when Mr. *Meldrum* appeared first in the Pulpit, he told his Hearers, and the Bishop of *Ross* was one of them, That he conceived he had yielded to nothing, but what at first he had offered, viz. to joyn in Synods and Presbyteries. Mr. *Meldrum* adds, that Mr. *Menzies’s* Compliance was grievous to that learn’d and pious Man at his Death, and to himself several Years before, and tells the World that he repents for the subscribing that Paper of Submission, to joyn in Presbyteries and Synods, and asserts he never took the Oath of *Canonical Obedience*.’

‘He confesses that afterward he did sit in Presbyteries and Synods, thinking himself free to joyn in those Duties, to which he was authorized by his Office, although there had not been one Bishop in the World; yet adds, If any can shew me wherein I have complied contrary to my Principles, or to the just Offence of others, which I have not confessed already, I am ready to acknowledge it was my Fault: But this I can say, the Bishops themselves did not judge me a Favourer of Prelacy; and my Intimates knew me to be Presbyterian in my Principles, and I did never wittingly desert those Principles. He adds, That it was a manifest Untruth that he took the *Declaration* when he was admitted Rector in the *Marishal College* of *Aberdeen*, and appeals to the Records, and declares he never took it then, or at any other Time. He says, That it was none of the least Causes of his refusing the *Test*, that he was obliged thereby to declare that there lay no Obligation upon him to endeavour any Alteration in the Government of the Church, and professes he judged it Duty in his Station, and according to his Power did endeavour, to promote the Alteration and Removal of it, and prays that it may never return.’

This truly great Man, and Ornament to this Church, Mr. *George Meldrum*, is so well known, and his Memory so savoury, that I need say nothing of him to the most yet alive; and his Works shew abundantly his eminent Abilities. He was remarkably useful in *Aberdeen*, with his excellent Colleague Mr. *Menzies*, against the Quakers, and the cunning Jesuits, till the self-contradictory *Test* turned him out of that City: And with many other pious and learned

Mr. Meldrum's
own Account
of this Mat-
ter.

Mr. Meldrum's
Character.

learned Ministers he was persecuted, and silenced till the *Toleration*; a little after which he was settled at the Parish of *Kilwinning*, where he was soon called to more publick Service. He had an Invitation from the University of *Glasgow*, to be Colleague in the Profession of Divinity, with the Reverend Mr. *James Woodrow*; and a Call to the City of *Edinburgh*, to which he was transported, and preached many Years to great Edification, and was a mighty Master of the holy Scriptures, and blessed with the greatest Talent of opening them up, or lecturing, of any I ever heard.

1662.

After the Death of that great Light, the Reverend Mr. *George Campbell*, Mr. *Meldrum* was brought to the Chair of Divinity at *Edinburgh*, which how well he filled, many of the Ministers of this Church can testify. By a prudent and faithful Sermon of his against Episcopacy, he was led into a publick Debate with some of the Abettors of it; and how generally useful he was to stop the Design, 1703. to introduce Toleration and Patronages in this Church, is well enough yet remembred; and what he printed upon the nice Subject of *Toleration*, led him into a Paper-war with Mr. *Sage*, and some others of the Episcopal Clergy, where he had an open Field to display the great Talents of Learning, Prudence, and Zeal his Matter had bestowed on him. Should I speak of his singular Usefulness in Church-judicatories, his modest and healing Temper, his Solidity in Teaching, his Success in Preaching, his excellent Conversation, and abounding in Alms and Charity, I would not soon end. He will make a bright Figure whenever we shall have the Benefit of the Lives of our *Scots* Ministers: And his Compliance at this Time, we see, was Matter of deep Repentance to himself. I go forward to the rest of the Ministers, who being called, were continued till the next Council-day.

Accordingly, December 23^d, Mr. *John Neave* or *Nevoy* compeared, and was examined, and, upon his Refusal of the Oath of *Allegiance*, he was banished, and enacted himself as follows.

Mr. John Neave's Sentence.

‘ I Mr. *John Neave*, late Minister of the Gospel at *Newmills*, bind and oblige me to remove my self forth of the King's Dominions, and not to return, under the Pain of Death, and that I shall remove before the First of *February*; and that I shall not remain within the Dioces of *Edinburgh* or *Glasgow* in the mean while. Subscribed at *Edinburgh*, December 23^d. ’

JOHN NEAVE.

This excellent Man was the Earl of *Lowdon*'s Minister, and very much valued by his Lordship, and therefore must be attacked now: He was a Person of very considerable Parts, and bright Piety. There is a handsom Paraphrase of his upon the *Song of Solomon*, in Latin Verse, printed; and I have seen some accurate Sermons of his upon *Christ's* Temptations, which I wish were published. He obeyed the Sentence, and died abroad.

His Character.

Mr. *John Cameron* next appeared, ‘ Who being examined, and heard to express himself as to his Principles towards the present Government in Church and State, the Lords of Council ordain him forthwith to remove himself with all convenient Diligence from the Place of his present Dwelling, and confine himself within the Bounds of *Lochaber*, and not to remove forth thereof without Licence from his Majesty or the Privy Council, as he will be answerable at his utmost Peril.’ He was a singularly pious and religious Person, and he got this Favour, if it may be so called, not to have the Oath put to him, by the Interposition of his Chief the Laird of *Locheal*, who was Caution for Mr. *Cameron's* peaceable Behaviour, and his keeping his Confinement. He continued some Time at the deserted Garison of *Inverlochrie*, where he preached to *Locheal's* Family; and the People about came in and heard him. He lived a good many Years after this, and had several remarkable Communications of the Lord's Mind as to Events a coming in this Church.

Mr. John Cameron's Sentence.

That same Day, ‘ Mr. *James Nasmyth*, and Mr. *Samuel Austin* compeared personally, were referred by the Lords of Council to the Commissioner his Grace, that he may take such Course and Order with them as he thinks fit; and they appointed to attend and wait his Pleasure.’ He was not long after this in the Country, and it would seem the Commissioner put back Mr. *Nasmyth* upon the Council; for I find, *January* 6th next Year, Mr. *Nasmyth* appears before the Council, and they ordain him, ‘ To confine himself within the Bounds of the Sherifdom of *Merse*, till further Order, and that he demean himself in the mean Time peaceably. I have no more of Mr. *Austin*. ’

Mr. James Nasmyth and Mr. Samuel Austin committed to the Commissioner.

At that Diet, *January* 6th, Mr. *Alexander Dunlop*, Minister at *Paisly*, was before them; Who being examined, and the Oath of *Allegiance* offered to him to be taken and subscribed, and he refusing the same, the Lords of Council ordain him to be banished forth of his Majesty's Dominions, reserving to themselves to prefix the Time of his Removal; and in the mean Time ordain him to confine himself within the Bounds of the Dioces of *Aberdeen*, *Brechin*, *Caithness*, or *Dunkeld*; and allow him the Space of Ten Days to go home and order his Business and Affairs.’ He was a Person of eminent Piety, and extraordinary Diligence and Learning, and singular Prudence and Sweetness of Temper. He has left behind him, among other valuable Papers, Collections towards a System of Divinity in English, which

Mr. Alexander Dunlop banished, and mean while confined to the North.

His Character.

1662. had he been able to have put in order, would have been one of the most valuable Bodies of Divinity which hath been drawn up.

Mr. Alexander Gordon sick at this Time. His Trouble afterward.

I find nothing in the Registers about Mr. *Alexander Gordon*, the Marquis of *Argyle* his Minister at *Inveraray*: The Reason is, He was under a dangerous Fever when cited before the Council. The Magistrates of that Place sent up a Testificate under the Physicians Hands, which the Council could not but accept. He was a while forgot as dead, and indeed he was very near Death, but the Lord had more Work for him; and he upon his Recovery continued some Years preaching in Bishop *Fletcher's* Time: But when *Scrogie* succeeded to that Bishoprick, Mr. *Gordon* fell into very great Hardships, and sore Persecution, of which he told me he had drawn up a large Account, but I have not been able yet to come by it. This good Man was a Member of the Assembly 1651. and I have a very distinct and accurate Account of their Procedure, writ by him at the Time, which he gave me. He lived to a great Age, and died in the Lord, 1714.

No Accounts have come to my Hand about Mrs. *Andrew* and *Alexander Cants*, who were present upon Citation. This is all I have of those excellent Men, marked out in all the Corners of the Church. Mr. *Dunlop* was banished, but came to be overlooked. Mrs. *Trail*, *Livingstone*, *Brown*, *Newoy*, and *Gardiner*, went over to *Holland* Beginning of next Year, being turned out of their native Country, merely for refusing the Oath of *Allegiance*, tho' all of them were willing to take it in the very Sense the Managers said they had themselves taken it in. Mr. *Trail* returned and died in *Scotland*. Mr. *Gardiner*, through his tedious Exile, fell under some Melancholy, and ventured home likewise, and was overlooked. The rest, with Mr. *McVaird* and Mr. *Simpson*, died in a strange Land. We shall meet with a good many more Presbyterian Ministers attacked next Year, but we may well reckon these spoken of in this Chapter, among the first Worthies.

S E C T. VI.

Of some few other Remarkables this Year 1662.

I Come now to conclude this Chapter with a few other incidental Matters this Year, that came not in so well upon the general Heads in the former Sections, and yet tend a little to enlighten the History of this Period I am now upon; and I give them just in the Order of Time in which they offer.

The Council pass their Act and Proclamation for keeping of *Lent*, *February 6th*, and the curious Reader may desire to have the Tenor of it.

THE Lords of his Majesty's Privy Council, taking to their Consideration the great Advantage and Profit which will redound to all the Lieges of this Kingdom, by keeping the Time of *Lent*, and the weekly Fish-days, viz. Wednesday, Friday, Saturday, and discharging all Persons to eat Flesh during that Time, and upon the said Days, or to kill and sell in Markets any Sort of Fleashes which are usually bought at other Times; whereby the young Brood and Store will be preserved, so that thereafter the Hazard of Scarcity and Dearth may be prevented; and the Fishes, which, by the Mercy of God abound in the salt and fresh Waters of this Kingdom, may be made use of for the Food and Entertainment of the Lieges, to the Profit and Encouragement of many poor Families, who live by Fishing; the Improvement of which has not been looked unto these many Years bygone, which hath been occasioned by the universal Allowance of eating Flesh, and keeping of Markets for it at all ordinary Times without any Restraint; against which many laudable Laws have been made, and Acts of Parliament, prohibiting the eating of Flesh during the said Time of *Lent*, or upon the said Fish-days, under the Pains therein contained: Ordain and command that the Time of *Lent* for this Year, and yearly hereafter, shall begin and be kept as before the Year of God 1640. and that the said weekly Fish-days be strictly observed in all Time coming; and that no Subject of whatsoever Quality, Rank or Degree, except they have a special Licence under the Hand of the Clerk of the Council, presume to eat Flesh during the said Space of *Lent*, or upon the three said weekly Fish-days; and that no Butchers, Cooks, or Officers, kill, make ready, or sell any Flesh, either publickly in Markets, or privately in their own Houses, during the said Time, or upon the said Days, under the Penalties following, to be exacted with all Rigour, viz. For the First Fault Ten Pounds, for the Second Twenty Pounds, for the Third Forty Pounds, and so to be multiplied according to the oft contravening of the said Act, to be exacted and paid, the one Half to the

Council's Act for keeping Lent.

the King's Majesty, the other Half to the Delaters. Likewise for the surer erasing of the said Pains, they give Power and Warrant to all Magistrates within Burghs, and all Sheriffs, Stewarts, and Bailies, within their several Jurisdictions, to enquire after the Contraveners, and to pursue them before the Lords of Council, or such others as shall be appointed or delegate for that Effect. And ordain Publication hereof to be made at the Market-cross of Edinburgh, and all other Places needful, that none pretend Ignorance.

1662.

This Proclamation was merely a Requisition of a Civil keeping of *Lent*, and the weekly Fish-days, for the Preservation of the young Beastial, and the Consumption of our Fish, which the Lord has so bountifully given us; and had the Council seen to the Execution of this good Act, as well as they did the severe and bloody Acts against Presbyterians, it had been much for the Interest of the Lieges: But we shall find them so much taken up to satisfy the Prelates, and execute their Desires against Presbyterians, that so useful an Act as this is very much neglected, and, as far as I know, came to nothing.

This same Month the Articles of Marriage, 'twixt the King and Princess *Katharine of Portugal*, came to be made publick: And with a View to have our Nobility present at her Reception, the Parliament, as we heard, was adjourned from *February* to *May*. The Articles of that Marriage differed much from these in the projected Match with *Spain*, and the real Marriage of *CHARLES I.* with *France*: And, as I find them in Papers come to my Hand, the chief are, 'That the Queen be of the Protestant Religion, which I don't know if ever any Care was taken about. That she bring no Priests with her. That the Half of the Silver Mines the King of *Portugal* hath, belong to *Britain*. That after the Decesse of the King of *Portugal's* Son, if he die without Heir, the Kingdom of *Portugal* shall belong to *England*.' Those were the Articles given out here in *Scotland*, whether they hold I don't know.

Articles of Marriage with the Queen.

This Year, the usual Solemnities were kept up in all Cities and Burghs, in celebrating of the 29th of *May*; and we have heard the Nonobservance of it as an anniversary *Holy-day*, was Matter of great Trouble to Presbyterian Ministers: But the Town of *Linlithgow* signalized themselves, by mixing in with their Solemnity a most horrid, irreligious, and unaccountable Treatment of our Solemn Covenants, which was Matter of Grief unto all who had any Regard to Religion and sacred Things, and a terrible Guilt and Stain upon poor *Scotland*.

The Observation of the 29 of May, this Year.

The Account given by the profane and impious Actors of this abominable Jest upon sacred Things, when at this Time they gloried in their Shame, I shall give here from a Paper writ this Year, which follows.

OUR Solemnity at *Linlithgow*, May 29th, 1662. was performed after this Manner. Divine Service being ended, the Magistrates a little thereafter repaired to the Earl of *Linlithgow* his Lodging, to invite his Lordship to honour them with his Presence at the Solemnity of that Day; which he did. Then coming to the Market-place, where a Table covered with Confections was placed, they were met by the Minister of the Place, who prayed to them, and sung a Psalm; after which, eating a little of the Confections, they threw the rest among the People.'

Account of the Solemnity at Linlithgow.

'Mean while the Fountain did run plentifully with *French* and *Spanish* Wine, and continued so for Two or Three Hours. The Earl of *Linlithgow*, and the Magistrates, drank the King and Queen, and the Royal Family and Progeny, their Healths.'

'At the Cross was erected an Arch, standing upon Four Pillars: On the one Side of the Arch was placed a Statue in Form of an old Hag, having the *Covenant* in her Hand, with this Supercription, A GLORIOUS REFORMATION. On the other Side, there was another Statue in a *Whigmuir's* Habit, having the *Remonstrance* in his Hand, with this Inscription, NO ASSOCIATION WITH MALIGNANTS. On the Top of the Arch was placed a Statue, representing the Devil as an Angel of Light, with this Label at his Mouth, STAND TO THE CAUSE.

'The Arch was beautifully adorned with several Draughts of Rocks, Reels, and Kirk-stools upon the Pillar beneath the *Covenant*: And upon the Pillar beneath the *Remonstrance* were drawn Brechams, Cogs, and Spoons.'

'Within the Arch, upon the right Hand, was drawn a Committee of Estates, with this Supercription, ACT FOR DELIVERING UP THE KING. On the left Hand was drawn a Commission of the Kirk, with this Inscription, ACT OF THE WEST-KIRK. In the Middle of the Arch hung a Tablet with this Litany,

From Covenanters with uplifted Hands,
From Remonstrators with associate Bands,
From such Committees as govern'd this Nation,
From Kirk-commissions and their Protestation,
Good LORD deliver us.

1662.

‘ Upon the Back of the Arch was drawn the Picture of *Rebellion*, in a religious Habit, with Eyes turn’d up, and other Phanatick Gestures; in its right Hand holding *LEX REX*, that infamous Book, maintaining, among other absurd Tenets, *defensive Arms*; and in its left Hand holding that pitiful Pamphlet, *THE CAUSES OF GOD’S WRATH*. Round about her were lying *Acts of Parliament, Acts of Committees of Estates, Acts of General Assemblies, and Commissions of Kirk*, with their *Protestations and Declarations* during those Twenty two Years Rebellion. Above her was this Superscription, *REBEL-LION IS AS THE SIN OF WITCHCRAFT*. At drinking the King’s Health, Fire was put to the Frame, and the Fire-works about it gave many fine Reports, and suddenly all was consumed to Ashes; which being consumed, straightway there appeared a Tablet supported by Two Angels, bearing this Inscription.

Great Britain’s Monarch on this Day was born,
And to his Kingdoms happily restor’d:
The Queen’s arriv’d, the Mitre now is worn;
Let us rejoyce, this Day is from the LORD.

Fly hence, all Traitors who did mar our Peace,
Fly hence, Schismatics who our Church did rent,
Fly, *covenanting remonstrating Race*;
Let us rejoyce that God this Day hath sent.

‘ Then the Magistrates accompanied the Earl of *Linlithgow* to the Palace, where the Earl had a magnificent Bonfire, and drank with the Magistrates the King’s, Queen’s, and other loyal Healths. When they had taken their Leave of the Earl, the Magistrates, accompanied with a great many of the Inhabitants, made their Procession through the Town, saluting every Person of Account.’

Remarks upon this Jest on Liberty and Religion.

Reflections upon this mean Mock of the Work of *Reformation*, and Appearances for Religion and Liberty, are obvious. Whatever the different Sentiments of sober and any way serious Persons might have been at this Time, as to our *Covenants*, yet, I perswade my self, such impious and scurrilous Treatment of those solemn and national Ties and Engagements, wherein the holy and fearful Name of the Lord our God was called upon, hath been, and is Matter of deep Abhorrence to all who have any Reverence for that holy and sacred Name.

Indeed if this publick Reproach upon, and burning of the *Covenants*, could have loosed their Obligation, one would think this profane Work was necessary upon these anniversary Days, really contrary to the *Reformation* we are bound down to by them; but that was beyond their Power.

This wicked Attack, not only upon our religious Ties, which were the Glory of *Scotland*, but also upon the Appearances made for recovering and preserving our Civil Liberty, was chiefly managed by *Robert Miln*, then Bailie of *Linlithgow*, and Mr. *James Ramsay*, at this Time Minister of the Town. The first in some Time thereafter came to great Riches and Honour, but outlived them and the Exercise of his Judgment too, and died bankrupt in miserable Circumstances at *Holy-rood-house*. The other, for this meritorious Act of Loyalty, after he was made Dean of *Hamilton*, came at length to be Bishop of *Dumblain*, where we shall afterwards meet with him, in no good Terms with his Superior the Primate.

Both of them, some few Years ago, had solemnly entred into, and renewed these *Covenants*, with uplifted Hands to the Lord. This vile Pageantry was not required by any Law, or Order from the Government, and so I hope is not chargeable on the Publick, any further than it was not punished: And as it had no Precedent in *Scotland*, so there was no Appointment for it, or Approbation of it by the Town-council of *Linlithgow*.

It was then both officiously and impiously perpetrate, and comes very near *Belshazzar’s* quaffing in the holy Vessels. Those People would outrun others in Wickedness, and by this bold Insult upon religious Matters, for what I know, without Parallel in the whole World, avowed themselves perjur’d, and left a Blot upon their Memory in After-times.

Order of Parliament for razing Mr. Henderson’s Monument in the Grey-friar’s Church-yard.

Some Time in *June* or *July* this Year, the Commissioner stooped so low, as to procure an Order of Parliament, for the razing of the Reverend Mr. *Alexander Henderson* his Monument in the *Gray-friar’s Church-yard, Edinburgh*. After his Death, *August 18th, 1646*. a Monument was erected for him, with a Pyramid, and Inscription, wherein some Mention was made of the *Solemn League and Covenant*. Indeed so great and useful a Man as he was, whose Character I shall leave to the Writers of the History of this Church, from the 1637. to his Death, when he had so great a Share in all publick Ecclesiastical Transactions, deserved to be had in Remembrance. Now the Letters and Inscription must be razed, and the Memory of this extraordinary Person stained as much as might be. Yet, after all this, the Abettors of Prelacy,

Prelacy, sensible of the great Endowments of Mr. *Henderson*, would fain have him brought over to their Side at his Death; and palm upon the World most groundless Stories of his changing his Principles at his last Hours. 1662.

I omitted to observe, That the Council, immediately after the Rising of the Parliament, September 10th, 'Ordain the Act of Parliament, Intituled, *Act concerning the Declaration to be signed by all Persons in Publick Trust*, to be signed by all who have not subscribed the same, in the Presence of any one of the Lords of his Majesty's Privy Council: And that thereafter they cause their Deputes, Clerks, Stewarts, or Commissaries, their Deputes and their Clerks, Magistrates, and Members of Council in Burghs, Justices of Peace and their Clerks, within their respective Bounds, subscribe the said Declaration, conform to the said Act of Parliament, in all Points; and that they make a Report of their Diligence in the Premises to the Council.' The pushing of this Order brought a vast deal of Trouble to the Country, of which we shall have Instances afterwards.

Council, Sept. 10. order the Declaration to be signed.

After the Election of Magistrates in *Edinburgh* this Year, all the Ministers of the Town, as we have heard, were discharged Preaching, save Mr. *Robert Lawrie*. I find one, who is no Enemy to the Change in Church-government, observing, 'That Sermons were taught by Strangers in all the Kirks, but they were not well liked; the People went from Kirk to Kirk, and many wandred to other Kirks, and the *Munday's* Preaching was either difused or discharged.'

Ministers of *Edinburgh* turned out.

Upon the 5th of November, Mr. *Joseph Meldrum* Minister at *Kinghorn*, Mr. *John Robertson* Parson of *Dysart*, and Mr. *Archibald Turner* Minister at *North-Berwick* were received Ministers of *Edinburgh*. Mr. *Robertson* had a Sermon to the People, and after it, came down to the Elders Seat, and placed himself with the other Two, who sat there with the Magistrates and Elders. Then the Bishop of *Edinburgh* went up to the Pulpit, and, in a short Discourse, declared those Three Ministers were called and chosen; and they were received by the Elders and Magistrates, who afterwards feasted the Company. So the Ministers of *Edinburgh*, at this Time fixed, were those Three; Mr. *Robert Lawrie* continued; Mr. *John Paterson*, formerly Minister of *Ellon*, and afterward Bishop, first of *Galloway*, next of *Edinburgh*, and last of *Glasgow*, was received Minister there, the first Sabbath of January next Year: And upon the first Sabbath of February, Mr. *William Annand*, formerly a Minister in *England*, and Chaplain to the Earl of *Middleton*, was received Minister there. They were Six in Number, and some were joyned to them as Helpers. How vast a Difference must every Body allow to have been 'twixt them, and Mrs. *Hutcheson*, *Douglas*, *Trail*, *Smith*, *Stirling*; and yet those are turned out to make Room for them.

Nov. 5. Mrs. Meldrum, Robertson, and Turner, admitted Ministers of *Edinburgh*, and afterwards Mrs. Paterson and Annand.

Now the Ministers who comply have double Stipends allowed them, when they are translated to better Posts, upon Consideration of their alledged Loyalty; when, I am sure, the Presbyterian Ministers who are turned out, and deprived of the Stipends of these very Years for which they had served the Cure, had much more appeared for the King's Interest. Thus I find, December 11th, when they are harassing Presbyterian Ministers, 'The Council taking to their Consideration, That Mr. *James Chalmers*, late Minister of *Cullen* of *Boyn*, and now Minister of *Dumfries*, has been at a great Deal of Charges and Pains in pursuance of his Majesty's Interest and Government, both in Church and State; have therefore ordained, and by these Presents ordain, That the present Year's Stipend, 1662. due to the late Minister at *Dumfries*, be paid to the said Mr. *James Chalmers*; and that the Heritors, Feuars, Farmers, Tenants, Possessors, and others liable, make ready and thankful Payment of the same to him, or any having his Order; and, if need be, ordain Letters of Horning to pass hereupon as effects: And this is without Prejudice to the said Mr. *James*, of the said Year's Stipend, 1662. due to him from the Parish of *Cullen*.'

Mr. James Chalmers at *Cullen*, allowed double Stipend, that of *Cullen*, and that of *Dumfries*.

December 25th, being *Tule-day*, was kept this Year with much Solemnity at *Edinburgh*. The Bishop preached himself, and the Commissioner, with a good many of the Nobility, and the Magistrates, came to the *New Church*: And the Magistrates, by Tuck of Drum, advertised all the Inhabitants of the Town to observe the Remainder of that Day as a *Holy-day*; tised all the Inhabitants of the Town to observe the Remainder of that Day as a *Holy-day*; and discharged any Shop to be opened, or any Market to be in the Streets, under the Pain of Twenty Shillings Scots. And I know not, but this was the last Time ever *Middleton* heard Sermon in *Scotland*; for in a few Days after, upon a Call, he went up to Court, where we shall meet with his Treatment next Year.

Tule-day kept at *Edinburgh*.

I shut up this Chapter with remarking, while Prelacy is set and setting up in *Scotland*, that severe Proclamation in *England* is emitted, commonly called, *The Bartholomew Act*, where-by some Thousands of Churches were, August 24th, this Year, laid desolate, and Multitudes of People deprived of their Pastors; and a Set of Ministers, who were equal to any of their Number in all the Protestant Churches, were laid aside, for not doing what was really impossible to most of them to do, though they had, as they were not, been satisfied as to the Lawfulness of what was required. The Reverend and Learned Doctor *Calamy* has done them Justice, and set this Matter in its due Light, by his excellent Abridgment of Mr. *Baxter's* Life; which supersedes my observing the Inconsistency of this Procedure, with the *Declaration* at

Bartholomew Act in *England*.

1662. *Breda*; and the great and undeniable Share the *English* Presbyterians had in the King's Restoration. In short, the same true Prelatick Spirit of Persecution, and oppressing People in their Consciences and Liberty, was raging through the whole Island.

CHAP. IV.

1663. *Of the State and Sufferings of Presbyterians, during the Year 1663.*

The Contents
of this Chapter.



WE have now seen the *Scriptural* Institution of Church-government overturned in *Scotland*, and Prelacy established, and the Foundations laid of turning out all the Presbyterian Ministers, and many of them confined and banished. This same Work is carried on this Year, and the few remaining old Presbyterian Ministers and others, are attacked and harassed.

The Council hath the greatest Part of this sad Work in their Hand; and from their Books I am to give a distinct Account both of their more general Acts, and particular Prosecutions of Ministers, Gentlemen, and great Numbers of Country People, for their Affection to their outed Ministers.

This Summer the Hands are changed in *Scotland*, and a considerable Turn of Managers in *England* also: Chancellor *Hyde* there, and *Middleton* here, the great Abettors and Introducers of Prelacy in all its Heights, are turned out; and *Lawderdale* comes to *Scotland*, and the Parliament sits down, where some new Acts are made against Presbyterians. The Act for *Ballotting* is rescinded, and *Lawderdale* and his Party have the entire Management in their Hands for many Years.

During the Sitting of Parliament, the excellent Lord *Wariston* is executed; and tho' he be the only Person suffering unto Death, yet we shall have Abundance of others sorely oppressed this Year. The Accounts of these will afford Matter for Five or Six *Sections*, much in the Order I have used in the former Years.

SECT. I.

Of the Ejection of near Four hundred Ministers, the dismal Effects thereof, with the general State of the West and South Country, this Year 1663.

A general
View of the
Ejection of
Ministers last
Year and this.

HAVING, upon the former Year, laid before the Reader the Act of the Council at *Glasgow*, and what followed upon it toward the End of the Year, by which such Multitudes of Ministers were cast out, I thought this as proper a Place as I could find, to give him some further View of this melancholy Scene and its Consequences, especially in the West and South of *Scotland*, since what was begun in the Close of the last Year, was completed in the Beginning of this. We shall indeed afterwards meet with the *Mile Act*, and that discharging Alms and Charity, and some others about Presbyterian Ministers: But those formerly mentioned were the great Foundation of scattering these Multitudes of worthy Ministers.

More than a
Third of the
Ministers e-
jected, and the
Ground of
this.

By the Act of *Glasgow*, more than a Third Part of the Ministers of the Church of *Scotland* were cast out of their Charges, merely for Conscience Sake, because they would not take the Oath imposed upon all who received *Presentations*, and the Oath of *Canonical Obedience*, a necessary Requisite to Collation; and because they could not, contrary to their Light, subject to Bishops.

Difference
twixt this and
the Ejection at
the Revoluti-
on.

Scotland was never Witness to such a *Sabbath* as the last those Ministers preached; and I know no Parallel to it, save the 17th of *August*, 1662. to the Presbyterians in *England*. It was not now as it came to be afterwards in the Year 1689. when the Episcopal Ministers left their Congregations, the People in many Places through the West and South, obliging them to promise they should never return to them: But when those I am now speaking of took their Leave of their dear Flocks, it was a Day not only of Weeping but Howling, like the Weeping of Jazer, as when a besieged City is sacked.

This

This I take to be a very proper Place to record the Names of the Presbyterian Ministers of this Church, who were thrown out of their Churches by the Spite and Enmity of the Bishops. Most Part of them were cast out by that Act at *Glasgow, October 1st*, and that *December 23^d* last Year. Some indeed continued preaching for some Time at their Peril; and several of the elder Ministers, who were ordained before the Year 1649. were not so directly reached by those Acts.

1663.

But I have put together all the Ministers ejected at this Time, and formed the best Account I could give from several Papers come to my Hand, of such as were cast out from their Charges now, and in a very little after. The List I give is as complete as now, after Three-score of Years, I could have it. Probably there may be some Mistakes in some of their Names, their Parishes or Presbyteries where they resided, because this Account is made up in part from the verbal Notices given by old Ministers, and taken out of several old Lists which I have seen. And, which I more lament, there are some Parishes out of which I know Ministers were ejected, and yet I can by no Means recover their Names. But I persuade myself this is the most exact List that yet hath been framed, and the best I could give from the Helps in my Hand.

List of the Presbyterian Ministers ejected at this Time.

I have added it *App. N^o. 37.* and, as far as I could recover them, have added the Names of such as conformed to Prelacy, that the Advocates for that Government may see whom they have to glory in, especially in the West and South. And to make this List of Nonconformists to Prelacy as full as might be, I have added an Account of such Presbyterian Ministers in the North of *Ireland*, who refused Conformity to Episcopacy there, and suffered severely enough for it; because I have always found the elder Presbyterian Ministers in *Ireland* reckoning themselves upon the same Bottom with, and as it were a Branch of the Church of *Scotland*. It stands *App. N^o. 38.* as it comes to my Hand, under the Correction of the Reverend Ministers of that Kingdom; and the Reader may see a full List of the ejected and nonconformist Ministers in *England*; in the Abridgment of Mr. *Baxter's* Life formerly mentioned.

App. N^o. 37.

List of non-conformist Ministers in the North of Ireland.

App. N^o. 38.

The Ejecting near Four Hundred such worthy Ministers, was the greater Hardship, that generally speaking they were Persons of remarkable Grace and eminent Gifts. They were pious, painful, and a great many of them learned and able Ministers of the Gospel, and all of them singularly dear to their People. Many of them were but young Men, who had but a small Share in the Actings in the late Times of *Reformation*, so much reproached now. Most of them had suffered under the Usurpation, for their Loyalty to the King, and their refusing the *Tender*.

Character of the ejected Ministers.

Those Persons were not only deprived of their Livings in Time to come, but of the last Year's Stipend, for which they had served; and in the Winter Season obliged with sorrowful Hearts and empty Pockets to wander, I know not how many Miles, with their numerous and small Families, many of them scarce knew whither. But the Lord wonderfully provided for them and theirs, to their own Confirmation and Wonder. And should I set down here many Accounts I have from very good Hands, of the remarkable Interpositions of kind Providence in their Straits, they might tend to the Conviction of Unbelievers: But they are too many to come in here, some of them will fall in afterwards.

Hardships in their Ejections.

All this was for no other Fault in them, save a Firmness to their known and professed Principles. They are deprived of their Ministry, which of all Things on Earth was dearest to them, without ever being summoned, called, or heard; no Libel was given them, neither were they ever heard upon the Reasons of their Nonconformity.

They are punished without any Process.

This severe Procedure with so many excellent Men was the Foundation of many of the Distractions and Troubles, until the happy Revolution. In the North Parts of *Scotland*, many Places of the Highlands and Isles, a good many Ministers conformed; so that this Stroke lay heaviest where People had most of the Gospel and Knowledge of real Religion, which made it the worse to bear. And it was the more distressing to the People, that their Ministers suffered so hard Things, merely for their adhering to the Doctrine, Worship, Discipline, and Government of this Reformed Church, and the *Covenants* which they themselves had sworn solemnly, and often renewed.

This Ejection falls heaviest on the West and South, and was Foundation of much of the Trouble till the Revolution.

I find those worthy Ministers blamed for leaving their Congregations so easily, and going out at the first Publication of the Council's Pleasure. At this Distance I reckon the most Part of my Readers must be very much unacquainted with Circumstances of this Hour and Power of Darkeness, and wonder why so many excellent Persons, in good Terms with their God, their Conscience, and their People, did so easily part with their Charges. Therefore, besides what I have already given from Mr. *Robert Douglas* upon this Head, I think it not improper to give the Reader a Taste of the Circumstances Things stood in at this Time, and leave him to form a more favourable Judgment of the Conduct of so many Presbyterian Ministers, than some have done.

The Censures passed upon them for leaving their Charges, considered.

Preaching after the First of *November* last was declared a seditious Conventicle, and some forbore to hear the Presbyterian Ministers who continued to preach, notwithstanding of the Act of *Glasgow*; so fickle and uncertain are the Sentiments of a Multitude, that some were ready even to have jealousied the Ministers, had they continued at their Posts, as secretly in

Collusion

1663.

Collusion with the Bishops, as afterwards did appear in the Reproaches cast on some this Way.

Upon the other Hand, the most solid and judicious, and far greater Part of their People, encouraged Ministers at this Time to enter upon Suffering: So far were they from censuring them for quitting their Charges, that they rejoiced in their Honesty and Firmness to the Principles and Covenants of this Church.

None of the Ministers questioned the Magistrate's Power over their Persons and Families, or that upon just Grounds, which indeed were not in this Case, he might banish and confine them, as well as imprison or put them to Death. And to be sure it was impossible for them to maintain themselves against the persecuting State in the Issue; and the Benefit arising to their Flock by continuing at their Work a few Sabbaths, till Force should be employed to dispossess them, they were of Opinion would never have balanced the Penalties of the Acts, a Minister's Ruin, and at best his Banishment.

Further, they had the Example of Multitudes of worthy Ministers in neighbouring Churches, to lead them into the Method they took. In *England* Presbyterian Ministers took this same Course, when absolutely discharged the Exercise of their Ministry; whereas here, this was only done by Consequence.

And if we may reason from Events, and the Issue of this their Practice, it is plain, that if the Ministers had continued at their Work publicly, until they had been gradually turned out one by one in a Way of Violence, which was Bishop *Sharp's* Scheme, and their Room had been still filled up as the Prelates had Leisure, the Change had neither been so sensible and affecting as it was to many, nor the Opposition to Bishops by far so considerable as it came to be. But now this uniform Course for many Ministers jointly fell into, was the first and a very remarkable and clear Stand against Prelacy, a fair Testimony against this horrid Invasion made upon the Church, and did mightily alienate the Nation from the Bishops. Indeed this Wound, made by such a general Act of *Passive Obedience*, and cheerful Suffering, was what the Bishops could never heal in the West and South of *Scotland*.

Let me only add, that as the Violence of the Time was such as they had no probable Prospect of standing out against it, so the Ministers judged it would be more for the Interest of their People, to be left in some Measure to be useful now and then to them privately, in Visiting, Conversing, and Preaching, than that, by absolute Disobedience to the Acts, they should be entirely deprived of them.

The melancholy Circumstances of their People.

The Reader will easily perceive, that the Circumstances of conscientious Presbyterians were most deplorable, by the ejecting of so many worthy Ministers. Last Winter and this Spring were the heaviest, Presbyterians, that is, the Bulk and Body of the People in *Scotland* of the greatest Piety and Probity, ever saw.

Multitudes of Congregations without the preached Gospel.

Parish Churches, generally speaking, through the Western and Southern Shires, were now waste and without Sermon, which had not happened in *Scotland* since the *Reformation* from *Papery*; and the brighter and sweeter the Light had been formerly, the blacker and more intolerable was this sudden and general Darkness. The common People now had Leisure, as well as Ground enough, to heighten their former Aversion at the Bishops the Authors of all this Calamity.

Their Hardships before they could hear any Sermon.

In many Places they had 20 Miles to run before they heard a Sermon, or got the spiritual *Manna*, which of late fell so thick about their Tents. Some went to the elder Ministers, not directly touched by the Act of *Glasgow*. Such who could not reach them, frequented the Family-worship and Exercises of the younger Ministers, now outed of their Churches. And so great were the Numbers who came to their Houses, that some were constrained to preach without Doors, and at length to go to the open Fields. This was the Original of Field-meetings in *Scotland*, which afterwards made so much Noise, and in some few Years was made Death by Law, first to the Minister, and then to the Hearers.

Original of Field-meetings.

Terrible Abuses committed on the Lord's Day.

At this Time began the barbarous and unchristian Abuses, committed upon the Lord's holy Day by the rude Soldiers, which shall be afterwards noticed. When People flocked to the Churches of the few remaining Presbyterian Ministers, Parties of armed Men went up and down upon the Sabbath, to exact the Fine imposed upon such as did not keep their own Parish-church, by the Proclamation, *December 23^d* last: This, we shall find, turned frequent in a little Time; and upon the Road, and at the Churches of the old Presbyterian Ministers, they plundered and abused such as would not presently swear they were Parishioners in that Place.

The People suffered yet more from the Ministers thrust in upon them.

As the Presbyterians in *Scotland* suffered in a most sensible Part, by the Loss of their own dear Pastors, who had been so useful among them; so they reckoned themselves in some Sort yet more oppressed by thrusting in upon them a Company of Men, who were not only useless, but hurtful unto them, and really the Authors of most of the Harassings and Persecution of the common People to be narrated.

Those termed Curates, which Observes on that Name.

Those Underlings of the Bishops were called by the Country People *Curates*, a Name rather odious than proper; for the most Part of them were both unfit for, and very much neglected the Cure of Souls. The Prelates, strictly speaking, were *Sine-cures*, and few or none

of them preached, save at extraordinary Occasions. Those Substitutes of theirs were set to the *Care* and *Cure* of Souls; but as their Care was about the Fleece, so they rent and wounded the Sheep and Lambs, instead of *curing* them. 1663.

That the Reader may have some View of the Manner of their coming in at this Time, and somewhat of their Character; he would remember that the Bishops diocesan Meetings last Year were very ill kept; in some Places there were not so many Ministers came as there had been Presbyteries in the Diocese, and I find it observed, that some Prelates had none at all. General Remarks on the coming in of Curates.

Wherefore this Winter and Spring, the Bishops were busied in levying a Crew of those Curates to fill up the now Multitudes of vacant Parishes. They were mostly young Men from the northern Shires, raw, and without any Stock of Reading or Gifts: These were brought West, in a Year or two after they had gone through their Philosophy in the College, and having nothing to subsist upon, were greedily gaping after Benefices. To such the common People were ready to ascribe all the Characters of *Jeroboam's* Priests; and it must be owned great Numbers of them were as void of Morality and Gravity as they were of Learning and Experience, and scarce had the very Appearance of Religion and Devotion. Character of them.

They came into Parishes, much with the same Views a Herd hath when he contracts to feed Cattle; and such a Plenty of them came from the North at this Time, that it is said a Gentleman of that Country cursed the Presbyterian Ministers heartily; For, said he, *since they have been turned out, we can't have a Lad to keep our Cows*. Those, with some few elder Expectants, who, by Reason of their Scandal and Insufficiency, could have no Encouragement under Presbytery, were the Persons forced in upon People in room of the routed Ministers. The Manner of their Entry to Parishes.

In many Places the Patrons, some from Principle, and others because they were under a Necessity to please the Bishop in their Nomination, refused to present; so the Right of Presentation devolved into the Bishops Hands. Indeed the whole of the Curates were of the Prelates Choice; and perhaps it may a little excuse them, that really they had no better, among such as would subject to them, to fix upon. The most of them chosen by Prelates.

Certainly this was a very ruining Step to the Interests of Prelacy in *Scotland*; and some, when too late, saw so much. I know some of that Perswasion do endeavour to reproach Presbyterians after the *Revolution*, for taking the same false Step; but their Information, to say no more, is ill. If any insufficient Ministers have been at any Time brought in by Presbyterians to Congregations, I shall blame it in them as well as the other Side; and more, because they in other Things are agreeable to the Divine Institution, and ought not to take the Liberty others do: But that I may set this Matter in its due Light, Presbyterian Ministers, at the *Revolution*, wished they had found more Labourers at first to send into the Lord's Vineyard; and yet they had a considerable Number of godly and learned Youths, very ripe for the holy Ministry. I shall not say, but in the Morning of the Church's Recovery, some few here and there, who had not that Time they would have desired for Study, were put to work in the Lord's Vineyard: But then accurate Care was taken, that any insuperable Defects this Way should be supplied by a shining Piety, Seriousness and Diligence. And whatever Outcry some of the Episcopal Party make as to the hasty filling of Churches after the Revolution, Presbyterians are willing a Parallel be drawn 'twixt the Intrants to the holy Ministry after the 1688. and those after the 1661. and are no way afraid of the Issue. Remarks upon the Settlement of Parishes by Presbyterians, after the Revolution.

Indeed there was never a more melancholy Change made in a Church, than when Presbyterian Ministers were thus turned out, and the Bishops with their Curates came in. This will be more than evident, if we consider the State of the Church of *Scotland* in the preceding Years, and compare it a little with the lamentable Circumstances it is now falling into. Comparison of the former State of the Church of Scotland under Presbytery, with its present State.

Before the Reintroduction of Prelacy last Year, every Parish in *Scotland* had a Minister, every Village a School, every Family, and in most Places each Person, had a Bible; the Children were all taught to read, and furnished with the holy Scriptures, either at their Parents or the Parish's Charge: Every Minister professed and obliged himself to adhere to the *Protestant* Reformed Religion, and owned the *Westminster* Confession, framed by the Divines of both Nations, and were regulate by our excellent Acts of Assemblies. State of Things before the Restoration.

Most Part of Ministers did preach thrice a Week, and lecture once, to say nothing of Catechizing, and other Pastoral Duties, wherein they abounded according to the Proportion of their Ability and Faithfulness. None of them were scandalous, insufficient, or negligent, as far as could be noticed, while Presbyteries continued in their Power. A Minister could not be easy himself without some Seals of his Ministry, and Evidences of the Divine Approbation in the Souls of his People, of which there were in that Period not a few. One might have lived a good while in many Congregations, and rode through much of *Scotland*, without hearing an Oath. You could scarce have lodged in a House where God was not worshipped, by singing, reading the Word, and Prayer; and the publick Houses were ready to complain their Trade was broke, every Body now was become so sober.

As soon as the Prelates and their Curates were thrust in, one would have met with the plain Reverse of all this, which was the heavier, that it resembled King *Saul's* Change, a bad Spirit after a good. Some Two Years ago there was scarce a Minister or Expectant in this Church, but professed himself a covenanted Presbyterian; and so the Bishops and Curates in the Eye of

The plain Reverse of all this after it.

1663.

The Curates
very coldly re-
ceived;

of the common People came in with *Perjury*, written in their Foreheads, where *Holiness* to the Lord should have been; and one need not wonder at the Opposition made to them.

When the Curates entered their Pulpits, it was by an Order from the Bishop, without any Call from, yea contrary to the Inclinations of the People. Their personal Character was black, and no wonder their Entertainment was coarse and cold. In some Places they were welcomed with Tears in Abundance, and Intreaties to be gone: In others with Reasonings and Arguments, which confounded them: And some entertained them with Threats, Affronts, and Indignities, too many here to be repeated. The Bell's Tongue in some Places was stolen away, that the Parishioners might have an Excuse for not coming to Church. The Doors of the Church in other Places were barricado'd, and they made to enter *by the Window* literally.

And in some
Places violent-
ly opposed:

The laxer of the Gentry easily engaged to join in their drinking Cabals, which with all Iniquity did now fearfully abound, and sadly exposed them: And in some Places the People, fretted with the dismal Change, gathered together, and violently opposed their Settlement, and received them with Showers of Stones. This was not indeed the Practice of the religious and more judicious; such Irregularities were committed by the more ignorant Vulgar, yet they were so many Evidences of the Regard they were like to have from the Body of their Parishioners. Such who were really serious mourned in secret, as Doves in the Valleys, and from a Principle could never countenance them, and others dealt with them as hath been said.

Which drew
down Persecu-
tion.

This Opposition to the Settlement of the Curates, occasioned severe Enquiries and Prosecutions before the Council; and we shall meet with Instances of it just now from *Irongray* and *Kirkcudbright* this Year, and more Instances will offer from many other Parishes of the Kingdom. The Punishment became very severe, Banishment to *America*, cruel Scourgings, and heavy Finings. Thus the Effects of forcing the Curates in upon Congregations were Confusion, and every evil Work, and the first Fruit of the Prelates Ministers was the Scattering of their Congregations.

Debates arise
about the
Lawfulness of
hearing the
Sermons of the
Curates.

Towards the Beginning of this Year I am now upon, that Question sprang up among the People, which was the Occasion of so much hot Persecution afterwards, *Whether they might hear the Curates?* They were looked upon as coming in over the Belly of solemn Oaths and Covenants the Kingdom was under to the Lord; and the People did not find their Conscience relieved from these by the Act of Parliament introducing Prelacy; and 'tis not much to be wondered at, that there were Scruples to hear Men put into Pulpits by military Force, and kept in by so many Banishments, Fines, and so much Cruelty.

The Immorali-
ties of the
Curates.

The longer they continued, and the better they were known, the more they were lothed for their dreadful Immoralities. If that Party were to be dealt with in their own Coin, a black List might be given of Scandals, unheard of except among Popes and *Romish* Priests, about this Time breaking out among them: But I do not love to rake into this unpleasant Subject. Some of them, alas too many, were heard swearing very rudely in the open Streets. And this was but of a Piece with the Doctrine taught in their Pulpits, that *to swear by Faith, Conscience*, and the like, were innocent Ways of speaking. And they used to adduce Bishop *Andrews*, as of those Sentiments. Instances were sadly common of their staggering in the Streets, and wallowing in the Gutters, even in their canonical Habits; and this needs be no Surprise, when many were Witnesses to Bishop *Wishart's* Preaching publicly, that he was not to be reckoned a Drunkard, who was now and then overtaken with Wine or strong Liquor, but he only who made a Trade of following after strong Drink.

If I should speak of the Uncleanliness and vile Practices of Mr. *Bruce* Curate at *Balmerino*, Bishop *Sharp's* Chaplain; *Chisholm* of *Liliesleaf*, Mr. *John Paterson*, afterwards Bishop, who was chastised by the reformed Bishop; Mr. *Keith* in *Ginglekirk*, Mr. *Thomas Hamilton* at *Carnwath*; the Accounts would stun the Reader, and offend modest Ears. Mr. *Archibald Beith* Curate in *Arran*, of whom we shall hear afterwards, and one *Duncan*, near *Perth*, were processed, and the last executed for Murder. Mr. *Edward Thomson* at *Anstruther*, and Mr. *Gideon Penman* at *Creighton*, were charged with Crimes yet of a higher Nature. The first made a terrible Exit, either by his own Hands or the Devil's; and the last, tho' delated by many confessing Witches, escaped what he deserved. I find all those taken Notice of, as Things notoriously known in this Period I am describing, in the Papers of a worthy Minister; and Multitudes might be added; but indeed this is a Subject I don't love to enlarge upon. Those and many other Things gave Ground to People, to form a very black Idea of those Persons now thrust in upon this Church. And if all be true which at this Time was believed of *Primate Sharp*, one needs not wonder such Persons were brought in, and overlooked, notwithstanding of their prodigious Wickedness.

Their Work,
when they
come into Pa-
rishes, height-
ned Peoples
Dislike.

Indeed tho' the Curates had been freer than they were of those gross Immoralities, they had Work upon their hand, ready enough of it self to give People bad Impressions of them. They were to subdue the People of *Scotland* to the hated Bishops, yea, to persuade them to alter their Religion and Principles in some Measure. The Way of their coming in, and this Carriage when in, helped the *Odium* forward.

When

When a Presbyterian Minister came in by the hearty Choice of the People, and recommended himself by Faithfulness and Painfulness in his Master's Work, and a humble Dependence upon the Lord, there was no Need of Soldiers to force People to him; Hearers came unconstrained: But the Curates were settled by the secular Arm, Compulsion and Violence; and the Wonder must be the less that their Doctrine was unacceptable, and themselves loathed. The Apostle of the *Gentiles* recommended himself to the Consciences of those he dealt with, *Pureness, by Knowledge, by Long-suffering, by Kindness, by the Holy Ghost, by Love unfeigned, by the Word of Truth, by the Power of GOD, by the Armour of Righteousness.* Now another Course must be taken, since those Things were not to be found. The Curates were commended by *Fines, Imprisonments, Banishments, Relegation and selling for Slaves, scourging, stigmatizing, and bloody Executions.*

1663.
As did likewise
their Settlement
by the Army

Most Part of Presbyterians did agree in the Conclusion and Practice of forbearing to hear the Curates, when they were thus forced in upon this Church; but the Grounds they went upon were very different, as may be seen in the Papers upon this Head, both in Print and Writ, which were pretty throng at this Time and afterwards.

Grounds of
many then
withdrawing
from Hearing.

There were some who thought the Curates Ministry null and illegal, because their Authors, the Bishops, Ordination was void, in as much as they were fallen from their Office, by open Violation of their own and the Land's Solemn Covenant, nullified their former regular and scriptural Ordination by *Re-ordination*, and now derived any Power they claimed from the Supremacy entirely.

Many thought the Curates had no Relation to the Congregations where they entered, and upon that Score refused to joyn in with them, without dipping into the Validity of their Ministerial Actings: And indeed 'tis undeniable, they came in by Force almost every where, and not only without the Invitation, but against the Inclination of the People; and refusing to hear them for a while, was the only Testimony the most sober and judicious had to give against this unaccountable Intrusion; and, one would think, a very modest and proper Testimony.

Some could not hear, because they observed the Bulk of them so immoral and profane, that they were ashamed to haunt their Company, much less could they own them as their Ministers; and those who were smooth and blameless, which was the Case of a few in more eminent Posts, many of these were erroneous in their Principles, and their Doctrine *Pelagian*, and very much tending to *Popery*. All of them were settled among them by Bishops, by virtue of the King's absolute Supremacy Ecclesiastical; and it was what stuck much with a good many, that by joyning with, and subjecting to their Ministry, they concurred all they could in their private Capacity, in owning that iniquous and burdensome Imposition.

In short, the Generality did reckon themselves bound, by the Oath of God's Covenant, against Prelates, and their Underlings: And since both were obtruded upon them by an Oppression in their Civil Liberties and Reformation-rights, they could not prevail with themselves actively to concur in the Deformation now established, or by countenancing it, to bind it down upon themselves and their Posterity. And lastly, a good many forbear Hearing, because it was offensive and stumbling to many serious and religious People.

Those Things prevailed with the Generality, at this Time, to refuse to countenance the Curates. Indeed some now, but especially many Years after this, when the whole Presbyterian Ministers were silenced and banished, and they had no other Way of publick Worshipping of God, and not daring to call entirely in question the Validity of their Mission, and having no sinful Terms of holding Communion, as they thought, imposed upon them, did hear, especially a little before the Liberty, when Circumstances were not a little altered from what they were at this Time I am upon.

Some continued
to hear, and
their Reasons

And such as withdrew now, alledged many Things in their own Vindication, which I shall not here enter into the Detail of. They advanced Instances in other Churches; the Practice of the Christians in *Chrysostom's* Case, when, by the Emperor unjustly turned out of his Charge, his People would not subject to such who came in his Room; the Practice of many worthy Persons in *Holland*, when several worthy Ministers there were turned out by the *Barnaveist* Faction, and *Arminians* put in their Place, they would neither hear nor submit to their Ministry, but went and joyned in Word and Sacraments with the *Calvinist* Ministers remaining among them.

Reasons
brought by
Withdrawers
in their own
Vindication

Further they alledged, That Scripture, primitive Practice, and the Method of this Church of Scotland since the Reformation, gave them ground to withdraw from such who were settled in Congregations, not only *renitente*, but even *contradicente Ecclesia*: And they declared, That in such Cases they could never see where the Pastoral Tie, and Ministerial Obligation was bottomed; and in some of those Reasonings they brought the Judgment of some of the best Writers in the *English* Church it self to support them.

Those Reasonings I only relate as an Historian: The Consequence of so many gravelling Scruples, and the Nonconformity which followed upon them, was first empty Churches. The Ministers forced in upon the West and South, in several Places, for some Time had

Consequences
of the Curates
Intrusion.

1663.

bare Walls, and no Body to preach unto; and many had scarce Twenty or Thirty Hearers; yea, in very numerous Congregations not above Fifty. And in the next Place, a grievous Persecution, till vast Numbers of the more ignorant and meaner Sort, were compelled by Force, and even too many others were brought by Violence to do what was against their Profession, and the Light of their own Conscience. This was a long and fiery Trial.

The following
Persecution
merely for
Conscience
Sake.

It will be noticed now, upon every Turn, by the Reader, without my Help, That all the Branches of the Persecution now growing so hot, were merely for Conscience Sake, and not upon any real Disregard to the King and Government, which they did heartily own and submit to, in all Civil and lawful Things. Indeed the Whole of the Persecution I am entering upon this Year, and the Two following, was barely upon the Score of Nonconformity to Prelates and Curates; and no other Reason can be assigned for the Severities during this Year, or the Rigour and terrible Heights of the High Commission, and heavy Oppression of the Country, which issued in the Rising at *Pentland*; as will appear fully in the Sequel of this Book.

S E C T. II.

Of the more general Acts and Proceedings of the Council, this Year 1663.

General View
of the Proce-
dure of Coun-
cil.

WE shall meet with very severe Persecutions of many Ministers, Gentlemen, and Country People, by the Privy Council this Year: But, before I come to them, let me take a View of the Acts of that Court, and the Parliament, in as far as they concern suffering Presbyterians; and I lay them before the Reader from the Registers, and begin with those of the Council.

The *Act of Fines*, made last Session of Parliament, and the Earl of *Middleton* his Endeavours to have a Share of the *Fines*, turned about to his Ruin. Those *Fines* concern Presbyterians so much, and the Procedure of the Managers about them being but very little known, I shall give a Detail of what I meet with in the Council-registers about them this Year altogether, and then go on to other Matters which took up that Court.

What they did
about the *Act*
of *Fines*.

This Matter will stand best in its own Light, from the principal Papers themselves, which are not very long. *February 12th*, the Council receive and read a Letter from the King, of the Date, *January 23^d*, last; which follows.

Right Trusty, &c.

King's Letter,
Jan. 23. to
Council.

WE have considered that late Act of the last Session of Parliament, Intituled, on the Back of that Copy sent to Us, *Anent Persons excepted forth of the Indemnity*, bearing Date at *Edinburgh*, the 9th of *September*, 1662. which Act hath not the Names of the Persons, nor the Proportions of the Fines imposed: Yet we have lately received a List of the Names, and those Proportions, which we have not as yet taken into Our Consideration. In the mean Time, seeing this Act appoints the Sums imposed to be paid, the one Half at one Term, the other at another, (both which Terms are blank in the Copy transmitted to Us) with this express Certification, That whoever of the fined Persons shall not make Payment of the respective Sums imposed upon them, betwixt and the above mentioned Terms, they are from thenceforth to lose the whole Benefit of Our Pardon and Indemnity: And the said Days being past, and the Sums not paid, 'tis now as then, and then as now declared, That they have no Share in Our Pardon, but are excepted therefrom, and their Estates, Rents, and Goods to be sequestrate and raised for Our Use, their Persons secured, and they punished as guilty of Sedition, Usurpation, and Rebellion. And that you, Our Privy Council, and others of Our Ministers and Magistrates, are ordained to see this Act put in due, exact, and punctual Execution, conform to the Tenor thereof, as you will be answerable. And seeing We are informed, that the first Term's Payment is at *Candlemas* first, upon serious Consideration of the whole Matter, We have, for Reasons importing the Good of Our Service, thought fit to suspend the first Term's Payment of the said Fines, until Our further Pleasure be signified thereanent; Likeas, We do by these Presents suspend the first Term's Payment. As also by Our Royal Prerogative We do dispense with all the Penalties contained in the said Certification, which the Non-payers should have incurred by their not Payment at the Term foresaid. And We do hereby require you to make publick Proclamation of this Our Command, for the Suspending of the first Term's Payment of the Fines, until We shall declare Our further Pleasure concerning the same; as also Our dispensing with the Penalties, as afore said, by open Proclamation, and all other

Ways

‘ Ways requisite; to the end Our good Subjects may take notice of the same. And further, if any Person be, or is impowered to be Receiver of the Fines, you shall in Our Name discharge him to receive any of them till Our further Pleasure shall be declared. We also require you to registrate this Our Letter in the Council-books: And to these Our Commands We expect your ready Obedience, and a speedy Account. Given at Our Court at Whitehall, the 23^d of January, 1662, and of Our Reign the Fourteenth Year.’

1663.

By His Majesty's Command,
LAWDERDALE.

The same Day the Council draw up a Proclamation, intimating the Suspension of the first Term's Payment of the Fines, and the Penalties incurred, just in the Terms of the above Letter, and so it needs not be repeated; and order the Macers to pass to the Market-cross of Edinburgh, and intimate so much. *Subscribitur.*

Glencairn Chancellor,
Hamilton,
Eglinton,
Linlithgow,
Roxburgh,
Southesk,
Callender,
Halkerton,

Bellenden,
Jo. Gilmer,
Ja. Lockhart,
Kinnaird,
Geo. Mackenzie,
Wauchope,
Robert Murray.

But next Day, February 13th, I find in the Registers as follows. ‘ There being a Letter directed from the Lord Commissioner his Grace, of the Date the 7th of this Instant, bearing, ‘ That if you have not published any Thing relating to the Fines, I do, in His Majesty's Name, desire that nothing may be done; for his Majesty's Commands are obeyed by the not Publication of the *Act* for Fines.’ Therefore the Lords of his Majesty's Privy Council ordain the Proclamation subscribed, anent the Fines, of the Date the 12th of this Instant, be not published until further Order; and recommend to the Lord Chancellor to write to the Lord Commissioner, to give an Account thereof to his Majesty.’

Council's Act, Feb. 13 upon a Letter from the Commissioner Middleton, sitting Proceed.

Glencairn Chanc. I. P. D.

Thus Matters stood till March 17th, when I find the Proclamation agreed upon February 12th, was published by the Chancellor in the Interval of Council-days, upon his receiving the Letter just now to be spoke of; and next Council-day, March 24th, his Majesty's Letter directed to the Council, anent the Fines, was read; the Tenor whereof follows.

Proclamation at length published, March 17.

Right Trusty, &c.

‘ UPON Consideration of an Act of the last Session of Our Parliament, Intituled, *Act* *nent Persons excepted forth of the Indemnity*, bearing the Date of the 9th of September, 1662. We did, by Our Letter of the 23^d of January last, command you to make public Intimation of Our Pleasure for suspending of the first Term's Payment of the Fines, until We shall declare Our further Pleasure thereanent; as also for dispensing with the Penalties, and that by open Proclamation, and all other Ways requisite, to the end all Our good Subjects might take Notice of the same: This Letter We commanded you to registrate in Our Council-books, and to these Commands We did require ready Obedience, and a speedy Account. In Pursuance of which Letter, We were informed that you gave Order for a Proclamation upon the 12th of February last: But We wondred to hear, That by the 13th of February, you did ordain by an Act, that that Proclamation should not be published until further Order; yet, not having heard any Thing from you concerning that sudden Change, We did forbear the declaring of Our Pleasure concerning the same; till We should see an Extract of the said Act. And now finding, by a subscribed Extract of that Act, that a Letter was directed by the Earl of Middleton, Our Commissioner, to Our Chancellor, in these Words, *That if you have not published any Thing relating to the Fines, I do in his Majesty's Name desire that nothing may be done:* We have again thought fit to let you know, that We do again require you to obey Our said Letter of the 23^d of January last, according to the Tenor of it. So expecting a speedy Account of these Our renewed Commands, We bid you heartily farewell. Whitehall, March 10th.

The King's Second Letter suspending the Fines, March 10.

By His Majesty's Command,
LAWDERDALE.

1663.
Council's Pro-
cedure on it.

When the Chancellor presented the above Letter to the Council, he acquainted them, that upon the Receipt of it he had immediately given Orders to the Clerk to make Publication of the Proclamation at the Cross of *Edinburgh*. 'The Lords of his Majesty's Privy Council do approve of the Lord Chancellor's Proceedings, and give him hearty Thanks for his Diligence and Care in prosecuting his Majesty's Commands. And considering that Part of his Majesty's Letter, *January 23^d*, requiring Persons impowered to receive the Fines, not to uplift them; Therefore do discharge all who have been, or shall be appointed, to intermit with the said Fines, or to uplift the same or any Part thereof, while his Majesty's further Pleasure be known; and ordain Intimation hereof to be made to Sir *Alexander Durham* Lyon, and others having Interest.'

This is all I meet with in the Registers as to the Fines this Year. The Reader will easily perceive where the Stop of the King's Letter's being execute, lay; and this was a very considerable Article against *Middleton*, who had, it seems, kept up some Orders, formerly sent him, delaying the Execution of the Fines. In the following Years we shall find the King's Pleasure declared, and the Fines severely exacted.

Mr. Jo. Wilkie,
Collector of
the vacant
Stipends, peti-
tions; and
the Bishops
are writ to for
exact Lists.

March 3^d, the Council, in Prosecution of the former Acts of Parliament, ordaining vacant Stipends to be uplifted, having named Mr. *John Wilkie* to collect them, write the following Letter to the several Bishops through the Kingdom.

My Lord,

THE Lords of Privy Council, having heard a Petition presented by Mr. *John Wilkie* Collector of the vacant Stipends, did recommend to me to write to your Lordship, that you make Trial what Churches have been vacant within your Diocese, how long they have vaiked, and the true Quantity of the Stipends; as also what of the said Vacancies have been uplifted by the said Mr. *John Wilkie*, that the Case of the said Vacancies may be truly known, and all Obstructions removed that may hinder the Ingetting of what is resting, to be employed to the Uses for which the same are destinate: And that with your Conveniency you may make a Report thereof to the Parliament, or Privy Council. I am,
&c.

GLENCAIRN Chancellor.

I find no more upon this Head. Many were the Vacancies made by the late Acts of Council and Parliament, and there would be a round Sum to distribute among such as they called Sufferers in late Times, whereas Presbyterian Ministers were among the greatest Sufferers, and now are brought to a new Scene of suffering.

The Diet of
the diocesan
Meeting in
Galloway de-
layed.

That same Diet of Council, 'The Lords of Council finding it most necessary and expedient upon very grave and good Considerations, that the Diet of the Diocesan Meeting of the Synod of *Galloway*, should be continued while the 2^d *Wednesday* of *May* next, have thought fit, and hereby do continue the same till that Day, and ordain Macers or Messengers at Arms, to make Publication hereof at the Market-crosses of *Edinburgh*, *Kirkcudbright*, and other Places needful.' The Reason of this was, few or none of the Ministers in that Synod did comply with Prelacy, and none were expected at this Synod. Most Part of the Ministers of that Country, as we shall hear, were cited in *February* before the Council, either to frighten them into a Compliance, or in order to a Banishment.

While the Council are persecuting Presbyterian Ministers, and the very Day the *Galloway* Ministers are before them, *March 24*. they have such Accounts of the terrible Increase of Popery, as draw out the following Letter to each of the Bishops.

Right Reverend Father in GOD.

Letter to the
Bishops about
Popery.

THE Lords of his Majesty's Privy Council, having received frequent Informations of the great Increase of Popery within this Kingdom, and the insolent and bold Carriage of many of that Profession, who not only make open Avowance of the same, tho' contrary to Law, but make it their Work to pervert and seduce his Majesty's good Subjects into that sinful and wicked Way, and to corrupt them thereby both in their Religion, Obedience and Allegiance: And finding themselves obliged, in Conscience and Duty, to prevent the further Growth of this Evil, have therefore thought fit by those to desire your Lordship to take some effectual Course at the next Meeting of your Synod, or any other Way you shall think fit, that an exact Account of the Number, Quality, and Names of all Persons within your Diocese, who profess Popery or are popishly affected, and upon that Account withdraw from the publick Ordinances, and that with all Diligence you send in the same to his Majesty's Council; and that in the mean Time all Means be used for bringing them to Conformity; and in case of their Obstinacy, that the Censures of the Church be execute against them. Herein expecting the Fruits of your Care and Diligence, we rest your Lordship's affectionate Friends.

GLENCAIRN Ch. &c. ut in Sederunt.

In

In the Progress of this History we shall find the Bishops backward to this Work, and nothing done in it to purpose, tho' one would think there was no great Difficulty in it, had their Zeal against Papists been equal to that against Presbyterian Ministers. 1663.

That same Day they give the following Order about private Meetings. 'Information being given that there are several Persons who study to keep up private Meetings and Conventions, in several Parts of the Kingdom, studying to alienate the Hearts of the Subjects from the present Government in Church and State; the Lords of Council do recommend to the Lord Chancellor to write to Sir James Turner, or any other whom he shall think fit, to take Notice of all such Persons, and to give Account thereof to the Council.'

Council's Order about private Meetings.

What is meant here by private Meetings, I shall not determine; I take them to relate to the Meetings in the outed Presbyterian Ministers Houses for Worship, when they were turned out; or to the Meetings among good People for Prayer and Conference, in this black and sinful Time. This I know, that at neither of them was there any alienating People from the King's Government; and if their Complaints to God against the Invasions upon the Church by introducing Prelates and Curates, and Confession of their own and the Land's Sins, alienate Peoples Hearts from the prelatical Government of the Church, this they avowed, and could not but pour out their Soul before the Lord in the Distress this Church was at this Time under. I only further remark, that Prelatical Men in this Church, and Prelates, have ever been against Meetings for Prayer and Christian Societies this Way; and even during Presbytery, towards the 1640. and afterwards, Mr. Henry Guthrie, and other Malignants among the Ministry, who had continued at their Charges under Presbytery, but were for Prelacy in their Judgment, made a terrible Sputter against private Meetings and Societies for Prayer: But Mr. Rutherford, Dickson, and Douglas took up that Matter, and were so happy as to fall upon an Act of Assembly, that did much to heal the Rent that was like to rise upon this Head. The Lord, it is certain, did wonderfully countenance private Meetings for Prayer in this Period I am describing.

Remarks upon it.

The Council, April 14th, make the following Appointment. 'The Chancellor having declared to the Council, that he had received a Letter from a sure Hand, that there was great Abuse committed by several Heritors and Parishioners in Galloway, (I am of Opinion it ought to be in Renfrew or Air-shire, and I observe here, the Registers are not so exactly writ as to the Names of Persons and Places, as I could wish) especially those of the Parish of Nisbetoun, tending highly to the Disquiet of the Government, both of Church and State, without present Remedy be provided; the Lords of Council, upon Consideration thereof, appoint the Marquis of Montrose, the Earl of Eglinton, and Lord Cochran, and the Lord Chancellor to be Supernumerary, if his Affairs can permit, to meet at such Times and Places as they shall think fit, and to call the Persons, who have been either the Committers or Assistants to that Abuse, before them, and, after hearing them, to examine Witnesses, if need be, for proving what shall be laid to their Charges; and if, after Examination of Witnesses and Parties, there shall be just Ground found, that the said Lords shall either cause secure their Persons in Firmance, or cause them find sufficient Caution to answer before the Council with all Diligence; and that a Report thereof be made to them.'

Commissioners appointed to enquire into the Abuse in the Parish of Nisbetoun.

Very probably this Letter was from the Archbishop of Glasgow; and it shews how ready the Council were to serve the Prelates, when, upon one Letter from them, or others, they straight appoint such a Committee as this is. I find no more about this Affair, and suppose nothing was made of it. Another Evidence of this is, what follows in the Registers. 'The Chancellor having declared, that there were several Ministers, and preaching Expectants, who inveighed highly against his Majesty's Government, ordered that Letters be direct to cite all such Ministers, or preaching Expectants, as the Lord Chancellor shall give Order for, to compare before the Council next Council-day, to answer for their Misdemeanors.'

Little further remarkable of a general Nature offers until the 13th of August, when the Council pass their Act and Proclamation of this Day's Date, which may be termed *The Scots Mile Act*. I have added it, App. N^o. 39. The Council had had considerable Numbers of Presbyterian Ministers before them, for the refusing Obedience to the *Act of Glasgow*, as we shall see in the Fifth Section. It had been endless Work to have called the vast Numbers from all Corners before them, who were Recusants to their former Acts; and therefore, after they had, to terrify the rest, brought not a few before them, and banished them benorth Tay, they come to a shorter Way, and comprise them all in this Act.

Proclamation August 13. ordering Ministers to remove so many Miles from their Charges. App. N^o. 39.

It deserves our Remark in the Entry, that it was not formed, as most of other Proclamations are, upon Letters from the King, but at *Edinburgh*, without any Orders from his Majesty about it: And it is the first Act of general Concern made after the Two Archbishops are admitted Counsellors; and indeed it favours much of their fiery persecuting Spirit. The Reader will further notice, That it was made during the Sitting of Parliament, the proper Legislature. Whether the Prelates dreaded the Parliament would not come in to so unreasonable an Act, or whether the Council inclined to assume this Power, properly Parliamentary, under their Nose, and, from their Connivance at such a Practice, plead a Right to make

Remarks upon it.

1663.

Laws for the Subjects, when the Parliament was not sitting, with a better Grace, I do not determine.

By this Act, Presbyterian Ministers entred since the 1649. not receiving Presentation and Collation, are to remove with their Families from their Parishes in Three Weeks, and must not reside within Twenty Miles of the same, or Six Miles of *Edinburgh*, or any Cathedral Church, or Three Miles to any Burgh Royal in the Kingdom, under Pain of Sedition. All Heritors or Housholders are discharged to receive them, but in the above Terms; and the Ministers ordained before the 1649. who attend not the Dioceſan Synods, are to be proceeded against as Contemners of his Majesty's Authority; as the Act it ſelf more fully bears.

From this Act we may ſee that the Biſhops would have none of the Presbyterian Ministers ſo much as breathing Air near them. The *Five Mile Act* in *England* was reckoned abundantly ſevere, but this runs far higher; and all along we ſhall find our Prelates ſcrew every Thing higher than the *English* Laws go.

In Part I have already taken notice of the Hardſhips in this rigid Act, and the bare Reading of it will diſcover them. Every Body muſt ſee what Charges and Trouble it puts poor Miniſters to, as well as their ſmall Families. They are removed merely for Conſcience ſake, far from their beloved People, from whom at leaſt they might have been allowed ſome Commiſeration in their Diſtreſs: But the Biſhops, in as far as lies in their Power, deprived them of any Thing which might in the leaſt alleviate their Sufferings, and very barbarouſly ſend them to make the beſt they can of a hard Lot among Strangers.

Presbyterian Miniſters had been already thrice puniſhed for their ſimple Nonconformity; and this is indeed the Fourth Proclamation and Punishment for the ſame pretended Crime of mere Nonſubjection to Biſhops, and their Adherence to the Reformation-rights of *Scotland*, and their own known Principles: And where the Equity of this Procedure lies, the Reader muſt judge.

According to the Epiſcopal Principles, at leaſt the Profeſſion of many of them, and ſure, according to the very Laws of this Time, the Government of the Church is ambulatory, a Matter indifferent, and entirely at the Diſpoſal of the Magiſtrate. At the worſt that can be made of the Miniſters Practice, they were only guilty of an Omiſſion in a Matter indifferent; and it is at beſt grievous Oppreſſion to violent Men at ſuch a Rate, and to force them to run counter to their own Light, in a Thing of ſuch a Nature, according to the Prelatiſts own Principles.

By former Laws none but one Miniſter muſt reſide in one Congregation; and I am of Opinion, the nicest Geographer will ſcarce find Room for near Four Hundred Miniſters to live in ſeparate Congregations, provided they keep by all the Conditions in this Act, Twenty Miles from their own Pariſh, Six Miles from *Edinburgh*, and from every Cathedral, and Three from every Burgh Royal.

Several of the outed Miniſters had Relations and Friends in Towns and Burghs, and the Industry of their Families was now the only Means of their Subſiſtence, and there they had the beſt Occaſion of imploying themſelves. By this Act they were almoſt deprived of the Means of educating their ſmall Children, at leaſt they muſt be at double Charges this Way, and have them removed from their Inſpection when at Schools. In a Word, it was every way unprecedented, as well as unreaſonable, to oblige poor Miniſters to remove themſelves and Families the Third Time, in leſs than the Space of one Year. Yet ſuch are the tender Mercies of the Wicked.

Upon the 7th of *October*, another ill-natured Act is paſſed in Council. The Biſhops were fretted that any of the Presbyterian Miniſters of *Ireland* ſhould have a Shelter in *Scotland*, and no leſs grated that ſuch Multitudes withdrew from hearing the Curates; and therefore, to reach both, this Act is framed; which being the Foundation of very much Perſecution, and not having ſeen it in Print, I ſhall inſert it here, tho' it be pretty long.

Act, October 7.
againſt People
who come out
of *Ireland*,
with ſome ſe-
vere Clauſes
againſt Non-
conformiſts
here.

Apud Edinburgh, 7th October, 1663.

WH E R E A S his Majesty, with Advice and Conſent of his Eſtates of Parliament, by their Act and Proclamation bearing Date the 22^d Day of February 1661. finding, That many ſeditious and turbulent Perſons, Miniſters and others, in the Kingdom of *Ireland*, who by Reaſon of their Phanatick Principles could not comply with the Adminiſtration of his Majesty's Authority and Government ſo happily eſtabliſhed in that Kingdom, were coming over, expecting Shelter here, that they might be the more able to carry on their Deſigns in perverting the Allegiance of the Subjects, and ſubverting the Peace of the Kingdom; and it did much concern the Publick Peace, that ſuch Wafps and unworthy Perſons, Enemies to all lawful Authority, and to whom it is natural to ſtir up Sedition, and undermine the Peace wherever they are, ſhould have no Countenance in this Kingdom; did therefore declare, that no Perſons whoſoever coming from *Ireland*, without a ſufficient Paſs and Teſtimonial in Writ from the Lord Lieutenant, or from the Lords of Council, or ſome having Power from them, or the Sheriff of the County, or Mayor of the City where theſe Perſons lived, of their peaceable Carriage and Conformity to the Laws, ſhould be allowed any Reſidence, Re-
ſcit,

ceit, and Stay within this Kingdom; but it should be lawful, likeas all Magistrates and Justices of the Peace, are hereby required to seize upon, and imprison such Persons wanting such Testimony, who should not willingly remove out of the Kingdom within fifteen Days after the intimating of the said Proclamation to them (excepting all ordinary known trafficking Merchants) likeas, by the said Act it is ordained, that all such Persons, who should come over with any such Testimony, should within fifteen Days after their Landing make their appearance before the Parliament, or in case of their not sitting, before his Majesty's privy Council, or such as shall be warranted by them, and make known the Reasons of their coming hither, and give Security, such as shall be thought fit, for their peaceable Carriage, otherwile to remove off the Country in fifteen Days; wherein if they should fail, Magistrates, Sheriffs, and other publick Ministers, are by the said Act empowered to apprehend, secure, and imprison them, till Course shall be taken with them as with seditious and dangerous Persons.

1663.

And seeing the said Act and Proclamation was only to endure for a Year after the Date thereof, and longer as the privy Council should think fit; and seeing the same has not yet been renewed or prorogated, neither as yet have any Person or Persons been nominated and empowered, before whom those coming from Ireland in Manner foresaid, should be examined, and make known the Reasons of their coming hither, and to whom they should find Caution for their peaceable Carriage in Manner mentioned in the said Act; by Reason whereof several Ministers have presumed to come from Ireland to this Kingdom, without either acknowledging the Authority of his Majesty's Parliament, or privy Council their Authority, Civil or Ecclesiastick, some of which have been so bold as to preach publicly in Churches, and others privately do watch their own Opportunities, to stir up the Subjects to Sedition, and alienate their Minds from the Government so happily established in Church and State: The Lords of his Majesty's privy Council have renewed, and by those presents do renew the said Act and Proclamation, and ordain the same to stand in full Force, Strength, and Effect, and to be put to due Execution against the Contrabeners thereof, and for that Effect have nominated, appointed, and empowered, and by thir presents nominate, appoint, and empower, William Earl of Glencairn Lord Chancellor, Hugh Earl of Eglington, the Earl of Galloway, William Lord Cochran, the Provost of Glasgow for the Time, the Provost of Air for the Time, Maxwell of Munthes, the Provost of Wigtoun for the Time, and Stuart of Taudergie, or any of them, to call before them all such Persons coming from Ireland, wanting sufficient Testimonies and Passes from the Lord Lieutenant, or other Persons mentioned in the said Act and Proclamation, who shall not willingly remove off the Kingdom within fifteen Days after the Publication of those presents, and to secure their Persons till his Majesty's Council be acquainted therewith; with Power also to the forenamed Persons or any of them, to examine all such Persons as shall come over from Ireland, having such Testimony, concerning their Reasons of coming hither, and to take such Caution and Security of them for their peaceable Carriage, as they shall think fit; and, in case they shall not find the said Security, to cause them to remove off the Country within fifteen Days, otherwile to apprehend, imprison, and secure them, until they be proceeded against as seditious Persons, and Disturbers of the publick Peace.

Moreover, the Lords of his Majesty's privy Council taking to their Consideration, that notwithstanding of the Acts of Parliament and Council, published for the preventing and suppressing the Seeds of Separation and Disobedience to Authority, divers Persons in several Parishes presume to withdraw and separate themselves from attending upon the ordinary Meetings for Divine Worship, in those Parishes where Ministers are legally planted, to the scandalous Contempt of the Laws, and great Increase of Disorder and Licentiousness, and that some do pervert the true Meaning of the Act of Parliament against Separation and Disobedience to Ecclesiastical Authority (of which we shall hear in the next Section) which appoints every Minister to give Admonition in presence of two Witnesses, to such Persons as shall be given up to the Council as Transgressors of the said Act; therefore the Lords of his Majesty's privy Council, for Explanation of that Clause of the said Act, according to the true Meaning and Intent thereof, do declare that those Persons shall be proceeded against by the Council as Transgressors of the Act, who withdraw from their Parish-church after three publick Admonitions given by the Ministers of the respective Parishes out of the Pulpit, in the Church, upon the Lord's Day, after Divine Service, and that the Minister's Attestation under his Hand, that in the presence of two or more sufficient Witnesses, he hath from the Pulpit upon three Lord's Days intimated the Names of such who ordinarily and wilfully absent themselves from the ordinary Meetings for Divine Worship in their own Parish-church, shall give a sufficient Ground of proceeding against such Persons as Transgressors of the said Act. For putting of which into the more effectual Execution, as they do discharge such Persons, who under the pretext of their being Elders in Kirk-sessions formerly, do go about to leaven the People with Dissatisfaction and Disobedience to the Laws and Ecclesiastical Authority, upon the Pain of being proceeded against as seditious Persons; so they do require such Persons as shall be called by the Ministers legally planted, to assist them for suppressing of Sin and Disorders in the Parish, to give their Concurrence for that Effect. And further they do command and require, and hereby authorize and warrant all Noblemen, Sheriffs, Magistrates of Burghs, Justices of Peace, and all Officers of the standing Forces, as they tender his Majesty's Service and the Peace of the Country, to give their Assistance and effectual Concurrence to Ministers in their respective Bounds in the Discharge of their Office, and to put the Law in Execution, and to execute the Penalties which are expressed in the Acts of Parliament and Council, from all and every Person who are Transgressors in every Parish, unless the Minister of the Parish where the Transgressor does reside, shall give a sufficient Reason why the said Person or Persons should not be proceeded against; and to take Care that the said Penalties be employed for the Relief of the Poor, and other pious Uses within the respective Parishes. And further, all Magistrates, Sheriffs, and other publick Ministers, are hereby ordained, as they will be answerable

1663.

able upon their Duty, to put this present Act and Proclamation, with the Acts of Parliament and Council, hereby renewed and explained, to due Execution, against the Contraveners thereof, in Manner therein expressed, and ordain those Presents to be printed and published.

Remarks upon it.

This Act speaks for it self. I know not but the Noise about *Blood's Plot*, which was about this Time, might occasion a greater Severity in the first Part of this Proclamation, than otherwise perhaps might have been; but none of the Ministers who came here many Months ago, were in the least concerned in any Thing disloyal, and the Sedition talked of here, is only their Dislike at Prelatical Government. What I remarked upon the former Act, as to the Council's Procedure during the Sitting of Parliament, comes in upon this; for the Parliament was yet sitting: And what an arbitrary Step must it be in them, to explain and enlarge, yea, alter some of the Branches of an Act of this present Parliament, even when they themselves are sitting? After this, I confess, we need not be surprized to find few Parliaments, except upon some very special Occasions, since the Council take their Power to themselves, even when sitting.

Execution of it put in the Hand of the Army.

In short, the Reader no doubt hath observed, that the Execution of this Act, and the Uplifting of the Fines, afterward called *Church-fines*, for Absence from the Parish-church, are put in the Hands of the Army. Indeed Noblemen and others are named, but 'tis only *pro more*, and the Army were the Uplifters of the Penalties; and the Curates, we see, the Informers, and Witnesses in their own Cause, which certainly was very impolitick, as well as unreasonable.

Declaration much pressed in the End of this Year.

Towards the End of this Year, the Council are at much Pains to press the Declaration imposed by the Parliament, and it became Matter of sore Suffering to Multitudes. I shall give what I find in the Registers about it altogether. November 17th, the whole Lords of Privy Council present, *viz.* Chancellor, St. Andrews, Dumfermling, Roxburgh, Tweeddale, Kincardin, Halkerton, President, Register, Justice-clerk, Hatton, Niddry, Sir Robert Murray, did subscribe the Declaration appointed by Act of Parliament to be taken by all Persons in publick Trust; and recommend it to the President of the Session, to see that the same be taken by all the Members of the College of Justice.

That same Day, the following Letter was ordered to be directed to whole Sheriffs of Shires and Stewarts.

Assured Friends,

Letter to Sheriffs and Burghs upon the Declaration.

SEEING it is recommended to the Council, by the Parliament, to see their Act concerning the Declaration, to be taken by all Persons in publick Trust, put in Execution, and receive Obedience conform to the Tenor of the said Act, and that a speedy Account be returned thereof, immediately after the expiring of the Terms appointed for that Effect; we have thought fit to give you timeous Notice thereof, that your Deputes and Clerks subscribe, and be careful to require all those within your Shire to subscribe the Declaration, who are appointed to take the same, according as is appointed by the said Act of Parliament, whereof we have sent you a printed Copy, with the Declaration annexed; and that you give an Account of your Diligence immediately after the first of January next to come.

And because we are informed likewise, That the late Act of Council concerning Ministers that have entred since the Year 1649. and have not obtained Collation from their Ordinary, has been openly and avowedly disobeyed, the said Ministers still remaining in those Places prohibited by the said Act; therefore we require you to take Trial what Ministers within your Bounds and Jurisdictions have disobeyed the foresaid Act, where they live and reside, and give Advertisement to the Clerk of Council, to be communicate to us, that further Order may be taken thereanent. We rest

Your assured Friends.
Ut in Sederunt.

Another Letter is directed to the Burghs, and a Copy of the Act and Declaration is sent, of the same Tenor with that above; only that Part about Ministers is not insert in it, now that Ministers are discharged from all Burghs. And as to the Burghs where Sea-ports are, this Addition is made. 'We being informed, That the Pestilence is raging at *Hamburgh* and *Amsterdam*, so that the keeping Commerce with these Places may endanger this Kingdom; therefore you are to take Care that no Ships, Persons and Goods from thence, be suffered to enter your Harbour, till they abide the ordinary Trial of Forty Days, during which Time you are to cause them keep apart by themselves.'

Their Returns about its being signed, to be attested.

And December 2^d, 'The Lords of Council considering, that many Reports from the Burghs, anent the subscribing the Declaration, are informal, do therefore appoint and ordain the whole Shires and Burghs to return to the Clerks of Council in Writ, the very Words of the Declaration, subscribed by those who are appointed to take the same; and that the

Clerk

Clerk of the Court do testify, the same is truly subscribed by the whole Persons whose Names are subjoyned; and where any refuses, that the Names of the Refusers be returned under the Hands of the Magistrates of Burghs, Sheriffs of Shires, and their Clerks. 1663.

We see the exact Care taken about the Subscription of this *Declaration*, whereby the *Covenants* were renounced; and in the Beginning of the next Year, we shall find more Efforts used this Way. Great Numbers refused this *Declaration*, and severals left their Places and Offices. I find it remarked by no Enemy to this Imposition, 'That in December, Sir James Dalrymple of Stair, Sir James Dundas, and Sir George Mackenzie of Tarbet, refused the signing of this *Declaration*, among the Lords of Session; but in a little Time my Lord Stair repented, and signed it.'

November 24th, the Council finding the Army making some Misimprovement of the general Powers granted them by the Proclamation, October 7th, give an Explication and Restriction of it, to the Penalty of Twenty Shillings Scots for Abience, perhaps to quicken them to persecute, by binding them down to this Particular. Their Order runs, 'Forasmuch as the Lords of Council, in Prosecution of the Acts of Parliament and Council, for settling Church-government, and for preventing and suppressing the Seeds of Separation and Disobedience to Authority, did emit an Act and Proclamation, of the 7th of October last, and, by a Clause of the said Act, did give Warrant to all Noblemen, &c. and Officers of the standing Forces, to give their Assistance and effectual Concurrence to Ministers, in their respective Bounds, in Discharge of their Office, and to put the Laws in Execution, and to exact the Penalties expressed in the Acts of Parliament and Council, from all Persons Transgressors thereof, within their respective Parishes: The said Lords, for the Explanation of the foresaid Act, and for clearing the Power thereby given to the Officers of the Army, anent the exacting the Penalties contained therein, do declare that the said Officers of standing Forces, shall have no Power to exact any of the Penalties contained in the said Acts, except allanarly the Penalty of Twenty Shillings Scots, from every Person who stay from their own Parish-churches upon the Sabbath-day; which they are to exact in Manner, and for the Use contained in the Act of Council.' Wolves will not be tamed; and when the Soldiers were once let loose, we shall find they soon got over their Restrictions, and no Notice was taken of them for so doing.

Further Explication of the Act, October 7.

This Year the Council had many particular Ministers, Gentlemen and others before them; but those will afford Matter for a *Section* by themselves, if once I had given some Account of the Parliament this Year.

S E C T. III.

Of the Acts of Parliament, in as far as they relate to the Church, with some Account of Middleton's Fall this Year 1663.

THE former Two Sessions of Parliament had done so much in overturning the Reformation, Government, and Discipline of this Church, that very little was left to this Session to do. And because I am to be very short upon the Proceedings of this Court, I shall begin with the Change of their Commissioner, the Earl of Middleton, who had managed the Two former Sessions very much to the Prelates Satisfaction.

Another Commissioner to this Parliament.

The History of a Church under the Cross, can scarce be well given without intermixing something relating to the State, especially when the Cross comes from the State, supporting corrupt Church-men; yet I have given, and shall insist upon as little of the Civil History of this Period, as is consistent with the Reader's understanding the Springs and Circumstances of Presbyterians Sufferings.

Towards the Close of the last Year, the Earl of Middleton hastes up to London, and quits the Stage of Scotland, upon which he had acted a severe, rough, and unacceptable Part, never to return to his native Country again, as I am informed, a Country Woman told him at Coldstream, when he passed by; from what Art she had her Information I know not, but she assured him, He would never have any more Power in Scotland.

Middleton's Disgrace.

When he came to London, the King welcomed him with that angry Question, Whether he was sent to Scotland to be a Check upon the King, and controul his Orders? The Reason of this is, what was remarked before, his concealing Letters writ to him, and stopping the Proclamation anent the Fines.

Coldly entertained when he comes to Court.

In a little Time I find Lawderdale gave in a Libel and Charge of High Treason against him, consisting of many Particulars. One of them, I hear, was, that he had taken Bribes from some of the greatest Criminals in Scotland, to keep them out of the Exceptions from the Act of Fines.

Lawderdale's Charge against him.

1663.

He resigns all
his Offices.Cause of his
Disgrace.Middleton's Pa-
trons.Lawderdale's
Patrons.Middleton sent
to Tangier.His Death
there.Chancellor
Hide's Fall in
England.Lawderdale
comes down
to Scotland
with the Com-
missioner.

Fines. The King was pleased to keep the Issue of this Controversy 'twixt those Two great Men in his own Breast, until the Time of the Parliament drew near.

At length his Patent for being King's Commissioner is recalled; and, as we shall hear, the Earl of *Rothes* is put in his Room. And in *December*, after the Parliament is up, and the Act of *Ballotting* rescinded, his Commissions, as Governor of *Edinburgh* Castle, and General of the Forces in *Scotland*, are recalled, and he resigned all his Places to his Majesty's Hands.

The Causes of this Disgrace at this Time were said to be, The Act of *Fines*, and the illegal Manner of contriving it; the Act that none should address themselves to his Majesty in any Matter, without first applying to the Commissioner or Council; the *Ballotting* Act incapacitating Twelve Persons of Honour, from all Places of Trust and Power; his uplifting and Misapplication of some Months Cess imposed by the Usurper; his misemploying the Cess and Excise, to the Value of Forty thousand Pounds *Sterling*; a mislive Letter of his to a certain Delinquent in the late Times, requiring him to pay a great Sum of Money to one of his Friends, otherwise assuring him he should abide the highest Pains of Law; a Letter of his to the Duke of *Ormond* Lord Lieutenant in *Ireland*, desiring Correspondence and mutual Assistance, when there was need in either Kingdom, without any Warrant; which Letter, 'tis said, the Duke sent over to his Majesty: And lastly, his stopping the Proclamation for prorogating the Payment of the *Fines*. Those were alledged as the Grounds of this great Man's Fall; some of them are certain, the rest I give as I find them in the Memoirs of this Period. Since the writing of this, I find the Earl of *Lawderdale's* Charge and *Middleton's* Answer, are both printed in *Brown's Miscellanea aulica*, 8^{vo}. *Lond.* 1702. where the curious Reader may see them.

Middleton had for his Patrons, the Duke of *Tork*, Chancellor *Hide*, and the Bishops of *England*, whom he had so much served in *Scotland*. It fared no doubt the worse with *Middleton*, that a Party in *England* was about this Time a forming against the Chancellor; and in *July* this Year the Earl of *Bristol* and others in Parliament managed a Charge of High Treason against him, and carried their Point so far, as he in some Time resigned his Places. Thus the grand Introducers of Prelacy in *Britain*, began to fall about the same Time.

Lawderdale was a complete Courtier, and had very much of his Master's good Graces, and stood much by the Interest he had with *Barbara Villiers*, first Mrs. *Palmer*, and then Dutches of *Cleveland*, the King's She-favourite.

The Earl of *Middleton*, in his own rough Way, uttered some Expressions of his Regard to the Duke of *Tork*, which were wanting in that Respect he owed to the King: Those *Lawderdale* failed not to improve. After a long and considerable Struggle, *Middleton*, notwithstanding of his great Friends and remarkable Services, fell before his Rival, for whom the King had a personal Kindness and Regard: And he was obliged to live obscurely enough, until the Governor's Place of *Tangier* fell vacant by the Death of the Lord *Rutherford*; and as an honourable Sort of Banishment, the King was prevailed with to bestow this Post upon him as a Reward of his establishing Prelacy in *Scotland*.

Our *Scots* History makes it evident, That all, who, since our Reformation by Presbyters, put hand to build the *Hierarchy* in *Scotland*, were turned out of their Estates and Honours, as might be shewn at great Length; and this last Builder, after he had banished so many worthy and excellent Ministers from their native Country, was himself sent to die in a strange Land.

In *Tangier* he lived but a short while in Contempt, till Death seized him; and by a Fall he broke the Bone of his right Arm, and the broken Bone, at the next Tumble down a Pair of Stairs, went into his Side and wounded him, so as he turned first stupid, and very quickly died. I have it from good Hands, that in Times of taking the *Covenant*, such was his forward Zeal for it, that coming out of the Place where he and others had taken it, he said to some Gentlemen and others about him, 'That this was the pleasantest Day ever he had seen, and if ever he should do any Thing against that blessed Work he had been engaging into, holding up his right Arm, he wished to God, that might be his Death.' Whether he had his Wish at *Tangier*, he now knows best.

This was the Fate of the great Overturner of our Reformation-establishment in *Scotland*, and, as hath been hinted, Chancellor *Hide's*, who acted much the same Part in *England*, was not much better. The Attack began upon him this Year, and after he was disgraced at Court, in a little Time he was forced, to escape the Punishment of what was charged against him, to flee his native Country, and died in a strange Land after a Seven Years Exile: So dangerous a Thing is it to meddle with the Church of Christ!

The Dependence of these Debates 'twixt these Two great Men, made the Parliament to be adjourned more than once: At length 'tis determined it shall meet, and a new Commissioner must be provided. *Lawderdale* now has all *Scots* Affairs entirely in his Hand, and finds it not convenient to fill that Post himself, but pitches upon the Earl of *Rothes*, afterwards Duke; and to make all sure in *Scotland* against a new Rival, and that he might be at the Bottom of *Middleton's* Plot against him, he comes down to *Scotland* with him, and brings a Remission to the Lord *Lorn*, as we shall hear; and *Rothes* hath a Multitude of Places heaped upon him; and

and the Earl of *Tweddale*, whose Son married *Lawderdale's* Daughter, is made President of the Council.

1663.

Upon *June 15th* the Commissioner comes down to *Holy-rood-house*, and *June 18th* the Parliament sat down. The Bishop of *Aberdeen* had a Sermon before this Session opened, and the Commissioner and Chancellor had Speeches, which I have not seen; and the formerly absent Members took the Oaths.

Parliament sits down *June 18.*

The chief Business of this Parliament seems to have been to enquire into the Act of *Ballotting*, and the Design formed during the last Session against *Lawderdale*, which I leave to Civil Historians. The Lords of the *Articles* were changed, and *Middleton's* Party left out in the Nomination. I find it remarked, that after all the Search was made into this Plot against the Secretary, it was found mostly to land on *Middleton*, *Lennox*, and *Newburgh*.

Enquiry made into the Act of *Ballotting*.

The former Sessions had left very little to this Meeting of Parliament, to do in Favour of the Prelates, unless it was to guard them against the Spite of the Country,* and to lay the Foundations of a more open and universal Persecution, than ever *Scotland* saw since Popish Prelates were removed.

Slavish Principles as to Civil Rights and Liberty, still lead the Van to Persecution for Conscience Sake; and therefore, tho' indeed it hath little Reference to the Church, I could not but notice the Tenor of the * First Act of this Session anent the Lords of *Articles*.

Remarks upon their first Act.

By this Act the King in a Manner hath the Whole of the Business of the Parliament in his Hand; the Prelates being the Creatures of the Court, and having the Choice of the Nobility who were to be Members of the Committee, would not readily fix upon any who were not acceptable to the Court. The Nobility, who chose Members from the Bishops, could scarce go wrong, they being all absolute Creatures of the King's making: And those Two together chose the Barons and Burgeses, who indeed could not mis to be right chosen of their own Kidney; and they were on the Matter but Cyphers, the Officers of State being supernumerary, and the Chancellor President always. By this Committee, every Matter which was not agreeable to the Court, was effectually kept out of the House, be it never so much for the Good of the Country. This was certainly one of the highest Incroachments possible upon the Privileges of the Subject, as well as the Christian; and one of the most slavish Acts that could be well made, limiting the supreme Power, and making the King as absolute almost as he can wish; and the Parliament must fall in with every Thing proposed. They were a mere Shadow, and as Sir *George Mackenzie* somewhere calls them, *The King's Baron-court*. The Narrative of this Act appeared to me odd enough when I read it. The Commissioner is brought in representing that it is his Majesty's express Will and Pleasure, that in this and all succeeding Parliaments, the Way used in choosing the Lords of *Articles* in the Year 1633. shall be observed; and then 'tis added, *The Parliament in all humble Duty acquiesced thereunto*.

One must take it for a Jest to call this an Act of Parliament; it was the King's Will and Pleasure, and that was to be the Rule of their Actions, as this Parliament, in their eccentric Loyalty to the King, are pleased to express themselves in their printed Letter to his Majesty, at the End of this Session, to be seen in the printed Acts. Thus they tamely fall in with the old Maxim of Tyrants, before the Restoration truly a Stranger in *Scotland*.

Sic volo, sic jubeo, stat pro ratione voluntas.

This being their Rule, let us see what was his Majesty's Will and Pleasure, signified to them in their following Acts, as to Church-affairs.

We need not doubt but the Prelates and their Adherents were chagrin'd by the general Opposition made to their Curates through the West and South, and many other Parts of the Kingdom. To bear down this as far as they can, they make their second Act against Separation and Disobedience to Ecclesiastick Authority. This Act was termed, *The Bishops Drag-net*, and all alongst this Reign it was altered, amended, and confirmed in their Favours, as their *magna charta*; and therefore I have added it, App. N^o. 40.

Their 2d Act against Separation.

Many Remarks might be made upon it, but they fall much in with what hath been said on the Acts of the former Sessions. The Parliament begin with a heavy Libel against Presbyterian Government, as the Fountain of the Evils in the late Times. If we suppose this enacted as the King's Pleasure signified to them, which now, it seems, must be their Rule as to Truth as well as Practice, every Body will not acquiesce in it, and to be sure it was no infallible Rule.

App. N^o. 40. Remarks upon it.

They next resume their former Acts last Session, which have been considered; only this Act speaks out the Design of some of the preceeding more plainly than many at first believed, to bring all Ministers to subject to Bishops. Then the King is made to engage his Roy-

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al

* The Folio Edition, 1663. wants this, but the 8^{vo}. 1683. has it, and the Numbers of the Acts are as here. In the other Edition the 1st Act is against Separation. &c. The Reason of this Difference I know not.

1663. al Word *pro futuro* to maintain the Prelates, and *not to endure or give any Connivance to the least Variation from Prelacy*. It had been better to have used softer Terms, than afterwards, in a Kind of Contradiction to this, when there appeared an absolute Necessity to grant Indulgences, and to travail in Accommodations to please some of the Bishops.

Next, they give us to understand, That the Acts of the First, as well as the Second Session of this Parliament, were made to settle the Episcopal Dignity, tho' the contrary was at first pretended: But the Fashion now was, to make Acts in general and dubious Expressions, and in a Year or Two after, fully to extend their Meaning, when King and Council had practically explained their Sense.

Accordingly, the Council, in the next Place, are made the Bishops Executioners, and the Execution of all Laws and Acts relative to the Church, is put into their Hands: This Clause was of great Use to the Prelates, and for many Years that Court served them vigorously. But Generals are not sufficient, therefore more particularly the Council is required to begin the Persecution of Ministers who dared to fulfil the Ministry they had received from *Christ Jesus*, without the Bishops Collation, and Patrons Presentation, and to punish them as *seditionous*, and *Contemners of Royal Authority*.

The following Clause is in Favours of the condemned Curates, who are pretty singularly described, *Ministers by publick Authority admitted to Parishes*. This Kind of Ministers, I dare say, the Christian Church was unacquainted with for Three hundred Years after *Christ*. Ministers they were literally of the King and Bishops, and not the People, the *sacra plebs*, their Choice, *settled by publick Authority*, and the Reader may add, *by military Force*, and not by Consent, and consequently Servants of Men, and not of *Christ*, or his People for his Sake.

Further, all are required to subject to those Ministers as his *Majesty's Government Ecclesiastical now established*; and the not hearing of those Creatures of the King and Bishops, is declared to be *of seditionous and dangerous Example and Consequences, and punishable* by the Fines specified in the Act. Indeed the uplifting of those Fines drew prodigious Sums of Money from the Country; but constrained Worship cannot be conscientious.

In a *Parenthesis* the Papists are cast in with the Presbyterians, and made censurable for withdrawing from their Parish-church: But I never heard of any of them troubled by our zealous Protestant Bishops! In the next Session of Parliament, this Clause is expunged, and the Papists left to their own Freedom, and the Anger of the Government levelled only against religious *Protestants*.

Toward the Close of the Act, the honourable Privy Council are *de novo*, that all might be sure, constitute Executioners of this Act, and impowered not only to exact the Fines from all whom the Curate shall delate, but further corporally to punish them, as they shall think fit. How far corporal Punishment in Law extends, I am not to determine; but they seem impowered by this to make poor People's Life a Bitterness to them. Last of all, the Council are warranted to do all Things necessary for procuring Obedience to this Act, in the Intent thereof. How far this goes, I know not; but it looks very like the Spirit of the Treaty we heard of since in another persecuting Country: We need not doubt that the Bishops, in this Case both Judges and Parties, sufficiently extend the Intent of the Act. In a Word, this Act contains a *Rule and Canon*, I cannot call it Ecclesiastical, but 'tis sufficiently so to Prelates, when to suspend and deprive Ministers of the Gospel.

We have seen the Council very soon explaining and enlarging this Act; and the first Persecution of Country People, which was any way general, began upon this; and indeed it was the Foundation of much Severity.

Their 3^d Act specifies the Time of signing the *Declaration*, appointed last Year to be subscribed by all Persons in publick Trust, which hath been insert, and needs not be repeated. All are required to sign twixt and the 11th of *November*, and make Returns to the Council against the 1st of *January* next to come; and 'tis recommended to the Council to be careful it be put in Execution, which, as we have seen, and shall have Ground to observe further, they were careful to do.

At this Time a new Clause is added, unreasonable enough: If Persons be elected Counsellors or Magistrates, and refuse to sign the *Declaration*, they are not only for ever declared incapable of being Magistrates, but are to *forfeit all the Privileges of Merchandizing and Trading*. The Remark is so obvious, that we need not be surprized that this was called *the Mark in the right Hand*, without which none might *buy or sell*. This was highly unjust. A Party in a Town that had a Mind to be rid of a Man, who, it may be, was their Rival in Trade, and knew he could not declare *the Covenants to be in themselves sinful*, had no more to do but to get him chosen a Counsellor or Magistrate; and then, tho' otherwise he was not obliged to take the *Declaration*, yet now, by Pique and Party, he must be turned out of all his Trade and Business.

This *Declaration* comes pretty near the *Sacramental Test*, annexed to Civil Places and military Posts in some Nations; upon the Account of which we are so much abused by the Papists, for prostituting that holy Ordinance, contrary to our own Protestant Principles, and the

Act 3. about
the Declaration.

Observe upon
it.

the Nature of the Institution. For refusing this *Declaration* imposed last Year, *John Earl of Crawford* lost his Office of Lord Treasurer, and *Sir James Dundas* of *Arny* his Post of One of the Lords of Session. The Lord *Stair*, and *Sir George Mackenzie* of *Tarbet*, since Earl of *Cromarty*, after some Difficulties, came at length to sign it.

1663.

Their 5th Act is for *establishing a National Synod*, which, because it concerns Church-affairs, tho' never put in Execution, I have annexed it, *App. N^o. 41*. The Bishops who framed this Act, and with whose Concurrence, and at their Desire it was passed, took effectual Care to prevent the convocating any such Synod; and we shall afterwards hear of some Debate upon this Head among the Clergy.

Act 4th. about a national Synod. App. No. 41.

By this Act, and consequently by the Bishops, it is declared, *That 'tis necessary for the Honour of GOD, and Good of Souls, there be a National Synod*. And if the Act be true, our Prelates had neither of these before their Eyes. By this Act, besides other Members constituent of this Synod, (the dignified Clergy, and some from Universities, but none from Burghs) a Power is lodged in the Meeting for Exercise, to send one to the Synod who is a *Presbyter*. These Meetings which, for what I can find, were very unfrequent, they will not call by the Name of *Presbyteries*.

Remarks upon it.

The Power of this Synod is very much narrowed, that it may be as near the *English Convocation* as possible. Here indeed they differed, that in *Scotland*, *The King or his Commissioner behoved always to be present*; and without him there can be no National Synod. This looks as if no Restrictions could bound them, neither a perpetual *President*, nor the *King's Will expressly signified to them, from Time to Time, by the Archbishop of St. Andrews*, but the King or his Commissioner behoved always to be present.

How far the Frame of this Act agrees with the Foundation of *Scots Prelacy*, where all Church-power is lodged in the Persons of the Bishops, as Creatures of the Regal Supremacy, and the King's Delegates in Church-affairs, I shall not spend Time in considering. By this Act the Jurisdiction seems to me to be lodged in the Plurality of the Meeting, and the Vote of the meanest *Presbyter* goes as far as the Vote of the Bishops, and one of the *Archbishops*. Indeed the *President* hath a Negative, and tho' the Plurality of the Meeting, yea the whole Bishops and the other *Archbishop* should vote a Matter, yet if the *Primate*, the constant *President* of this Synod, go not in, it cannot pass into an Act or Canon; and thus it was Pity the *Primate* set not up the Claim of *Infallibility*, which seems necessary to such a Power as is lodged here in his Hands.

But I shall leave those Things to be debated and determined by the Friends of this Frame of Government in *Scotland*; only Things are here upon a very different Plan from the Make of the diocesan Synods, where *Presbyters* were only allowed a consultative Voice; and if they fall not in with their Bishop, they may be prosecuted as seditious Persons, and deprived.

This Session of Parliament continued long, and did very little; the Reason was, the Act of *Ballotting* was to be rescinded, and the Commissioner and *Lawderdale* resolved to be at the Bottom of it; and the searching into the Authors and Promoters thereof took up very much Time: At length the State of that Affair was drawn up, and sent to his Majesty, by *Sir William Bruce* Clerk to the Bills, that the King's Pleasure thereanent might be had; and till that came, the Parliament was adjourned from Day to Day. At length, as will best appear from the printed Act rescinding this *Ballotting Act*, it was declared, 'A Way never formerly practised under Monarchy, or any Government, to punish Men without making known their Names to the Parliament, who gave Sentence, and what was contrary to his Majesty's Honour and Interest, and after which none could be secure in their Honour, Estate, Liberty or Life,' and so rescinded.

The Parliament sits long, and the Reason of this.

September 23^d, the Parliament order a Levy to be made, if Need be, of Twenty thousand Foot, and Two thousand Horse, for the Preservation of Christendom against the Turks. It was never made, but their Army had certainly been much better employed this Way, than in persecuting Protestants. This Session rose, *October 9th*, and the Parliament was rode from the House to the *Abbey*, but it was very thin, many of the Nobility being absent. Bishop *Fairfoul* lived not long after this Parade, as we shall hear. When the Parliament was up, many of our great Folks went to Court: The Earl of *Roths* was well received by the King, and made a Member of the Privy Council in *England*.

A Levy made against the Turks.

The Parliament rises, Oct. 9.

The rest of the Acts of this Parliament relate to Civil Matters, and, as far as I have observed, have nothing in them relative to the History I have now in hand; and so we have done with Parliaments for more than Six Years Time. I come now to the Sufferings of particular Persons this Year, and the sealing the Laws of this and former Sessions, with the Blood of the excellent Lord *Waristoun*.

No more Parliaments for Six Years.

S E C T. IV.

Of the Sufferings and Martyrdom of the Lord Waristoun, July 22d, 1663.

1663.

HAVING thus got through the general Rules and Acts, which were the Foundation of the particular Sufferings of Presbyterians, I come to the Hardships which Gentlemen, Ministers and others were brought under this Year; and before I give a Detail of these, the singular Case of the good Lord *Waristoun* deserves a Section by it self, and I place it here, because he was executed in Time of Parliament, as all our Three first Worthies were.

I might have brought in the Account of this excellent Person upon the Second Chapter, with that of his dear Friends and Fellow-martyrs, the noble Marquis of *Argyle*, and Mr. *James Guthrie*, both because these Three are the chief Instances of suffering unto Death in this First Book, tho' we shall meet with Multitudes in the following Books; and it was fully determined that my Lord's Life should have been taken at the same Time, but he was not caught: And the Manner of dealing with his Lordship, was much the same with that taken with his Fellow-sufferers unto Death, if not more base, tho' less seen; and the Cause was much the same he died upon, tho' his Circumstances, in some Things, differed from the former Two; yet I thought it most proper to keep to the Order of Time in which he suffered, as much as might be.

As the Foundations of Prelacy in *Scotland*, attended with the Destruction of our Civil Liberty, were soked with the Blood of one of the best of our Noblemen, and one of the most eminent of our Ministers, so the Walls now fast building, and pretty far advanced, behoved to be cemented with the Blood of this excellent Gentleman; so this godly and innocent Person must fall as a third Sacrifice.

Orders given
1660. for
seizing the
Lord Waristoun,
but he then
escapes,

In the 1st Chapter it hath been already observed, that the King by his Letter ordered Major General *Morgan* to seize Sir *Archibald Johnstoun* of *Waristoun*, Lord Register: The Day upon which his Two excellent Friends, Sir *John Chiesly* of *Carswel*, and Sir *James Stuart* of *Priestfield*, were seized, my Lord *Waristoun* knowing nothing of the Orders, was providentially out of Town visiting a Friend. When in his Return, just entring the Town, he got Notice of the Warrant for apprehending him, and turned his Horse, and retired a while from the Storm.

and leaves the
Kingdom.

For some Time he was very narrowly hunted up and down, till, after his escaping many imminent Hazards, at length he got off the Kingdom in the Habit and Character of a Merchant.

Two Acts
made against
him by the
Parliament,
1661.

In the Second Chapter we have heard that his Persecutors, during the first Session of Parliament, got passed Two Acts against him: By the First they declare him incapable of all publick Trust and Office, after, by a Proclamation, he had been declared Fugitive. By their next they pass a Sentence of Forfeiture and Death upon him, in Absence; the Grounds of which we already heard. The first was as unnecessary as the last was unjust.

He lurks for
some Time in
the Low Coun-
tries, and at
Hamburgh,
where he is
abused by a
Physician.

Mean while this excellent Person is obliged to lurk very closely, sometimes in the Low Countries, sometimes in *Germany*, and mostly at *Hamburgh*. I find in the Preface to the *Apologetical Narration*, that when he was at *Hamburgh*, and under Sickness, Doctor *Bates*, one of King *Charles's* Physicians, being, as was said, hired either to kill or distract him, did give him Poison in his Physick, and took from him upwards of Sixty Ounces of Blood, whereby he was brought to the Gates of Death, and so far lost his Memory, that he could not remember what he had done a Quarter of an Hour before.

He goes into
France.

After *Waristoun* had wandred a Part of Two Years, he most unadvisedly went into *France*, the unsafest Place he could go to. The King or some Body about him at *London* got some Hints of this, and caused seize one Major *Johnstoun*, and bring him before him, expecting more particular Accounts from him, it seems, than any he could think upon. The Major was imprisoned and threatned with Death, if he would not discover where *Waristoun* was. What he told I cannot positively say, but when dismissed and gone to his Lodgings, he never came any more abroad, but pined away in Grief, till in a few Days he died. Those Circumstances, and a good Part of what is in this Section, I have from the Papers of a Reverend Minister, who lived at this Time, and had a particular Occasion to know the State of my Lord's Sufferings.

Alexander Mur-
ray sent in
Quest of him,
and he is
seized at Roan.

In the mean Time one *Alexander Murray*, commonly called *crooked Murray*, is dispatched over to *France*, where Notice had been got my Lord *Waristoun* was: The Messenger, they say, was not unfit, and it was believed, as he lived, so he died an Atheist. This Man, when he went over, found Means to trace out the Lady *Waristoun*, and by noticing her narrowly, at length he came to discover my Lord at *Roan*. In that City, a very little after he was come to that Lodging, he was seized, when at secret Prayer, which Duty he was much exercised in.

Murray

Murray applied to the Magistrates to send over *Waristoun* to England, producing the King's Commission to him for that Effect. They put my Lord into Custody, and sent up an Account of the Affair to the French King and Council, before they would take any further Steps. I hear the Question was put in Council, Whether the Prisoner should be retained or delivered up? and the most Part were for his being kept in France, at least till more Reason was shewn for giving him up than yet appeared. But that King, to whose Influence in part we owe many of the bloody Measures, and destructive Steps to good Men and Religion, fallen into during the Reigns of the Two Brothers, determined he should be delivered up.

Accordingly, in January this Year he was brought over Prisoner, and put in the Tower of London; and in the Beginning of June he is sent down to Edinburgh, to be executed with the greater Solemnity, when the Parliament is sitting. By the Council-registers I find that, June 2^d, 'The Lords of Council having received certain Intelligence, that *Archibald Johnstoun*, sometimes of *Waristoun*, is coming home, and that in a few Days he is to arrive at *Leith*, do therefore ordain the Magistrates of *Edinburgh* to provide a sufficient Guard to receive him at the Shore of *Leith* when he is landed; and that he be brought up from thence on Foot bare-headed to the Tolbooth of *Edinburgh*, where the Magistrates of *Edinburgh* are to secure his Person in close Prison, without suffering his Wife or Children, or any others, to have Access to speak with him, while further Order from the Council or Lord Chancellor.'

June 8th he landed at *Leith*, and was brought up under a Guard, and dealt with as above. June 9th the Council meet, and the King's Letter about him is read. 'Right trusty, &c. You shall give Order to receive into our Prison, the Body of *Archibald Johnstoun*, sometime of *Waristoun*, whom we have sent into that our Kingdom, to the End that he may be proceeded against according to Law and Justice. Given, &c. May 16th, 1663.'

That same Day the Council give the following Order, about the Desire of my Lord *Waristoun*'s Friends. 'The Council having considered the Desire of several Friends of *Archibald Johnstoun*, late of *Waristoun*, desiring they may have Liberty to speak with him, do grant Liberty to any one of his Relations or Friends, to have Access unto him, at any Time 'twixt Eight of the Clock in the Morning and Eight at Night, and do discharge the Magistrates of *Edinburgh* and Keeper of the Tolbooth, to suffer any more Persons to enter the Prison but Three at once; and those Three to stay no longer than an Hour, or Two at farthest, and ordain the Keeper of the Tolbooth by himself, or those he shall intrust, to wait upon the Chamber where he is, to take Care of the Security of his Person, that he escape not in Disguise or otherwise; and continue to determine the Time and Manner of his Execution, till next Council-day.'

If would seem from this, that at first it was projected that the Council should name the Time and Place of his publick Death, upon the old Sentence passed by the Parliament: But afterwards it was resolved to bring him before the Parliament, and to have his Sentence solemnly pronounced at the Bar. Accordingly, July 8th, he is brought before the Parliament. I suppose their Forms in his Circumstances did not make any Indictment necessary, at least I have heard of none, nor of any Lawyers allowed him.

When he appeared at the Bar, he was so evidently weakned in his Memory and Judgment, by the vile Methods taken with him, that every Body lamented the vast Change upon him. My Lord *Waristoun* was once in Case to have reasoned before the greatest Assembly in Europe, yea, to have presided in it; but now he could scarce speak to any Purpose in his own Case. The Primate and Bishops, now Members in Parliament, pleased with this vast Change in this great Man, scandalously and basely triumphed over him, and mocked him in the open House.

No sober Man could refuse him a great deal of Compassion in such Circumstances, and, it seems, most of the Members of Parliament were inclinable to spare his Life. This began to appear in the Vote upon this Question, *Whether the Time of his Execution should be just now fixed, or delayed?* When the Rolls were called, at first a great Number of Members were for a Delay. Which *Lawderdale* observing, and knowing he needed scarce return to his Master if *Waristoun* were spared, contrary to all Order and Form, in the middle of the Calling the Rolls, rose up and had a very threatening Harangue for his present Execution. And thus upon the proceeding in the Rolls, Sentence was pronounced against him, That he should be hanged at the Cross of *Edinburgh* the 22^d Day of July, and after he was hanged dead, that his Head be severed from his Body, and put up upon the *Nether-bow* Port, beside his dear Friend Mr. *James Guthrie*'s.

It is said, with what Certainty I know not, That the Bishops would have had the Day of his Execution to have been the 23^d Day of July, as a Kind of Expiation for what was done against their Predecessors in Office, July 23^d, 1637. when the first open Opposition was made to their Innovations and the Service-book: But they were not humoured in this.

I regret that I can give so little Account of this great Man's Christian and affecting Carriage while in Prison. A Person of very great Worth, who was several Times with my Lord while in the Tolbooth, hath left this Account of him, 'That when there he was sometimes

1663.

Debate, about sending my Lord Prisoner to England

He is sent over, and put in the Tower of London, January 1663.

Brought to Edinburgh Prisoner, June 8.

His Friends permitted to see him.

He is brought before the Parliament, July 8.

A vast Change appears upon him at the Bar.

Many inclined to favour him in his present Circumstances, but his Execution is pushed.

His Sentence.

The Bishops not humoured as to the Day of his Execution.

1663.

‘under great Heaviness and Distress, and born down with bodily Weakness and Melancholy, yet he never came in the least to doubt of his eternal Happiness, and used to say, *I dare never question my Salvation, I have so often seen God’s Face in the House of Prayer.*’

He was wonderfully revived the Day before his Execution.

It was certainly a most remarkable Appearance of Providence in behalf of this good, and once great, Man, that the very Morning before his Execution, notwithstanding for some Time formerly, he had, as it were, lost the Exercise of those extraordinary Parts and Talents he once enjoyed, and his Memory for some Time was almost quite gone, yet like the Sun at his Setting, after he has been for a while under a Cloud, he shone most brightly and surprizingly, and so in some Measure the more sweetly. That Morning he was under a wonderful Effusion of the Spirit of Sons, as great perhaps as many have had since the primitive Times. With the greatest Confidence and holy Freedom, and yet the deepest Humility, he repeated that, *Father, Father, Abba, Father*, the Savour of which did not wear off the Spirits of some who were Witnesses for many Days.

His Carriage at his Death, July 22.

The Day of his Execution, an high Gallows or Gibbet was set up at the Cross, and a Scaffold made by it. About Two of the Clock he was taken from Prison: Many of his Friends attended him in Mourning. When he came out he was full of holy Cheerfulness and Courage, and in perfect Serenity and composure of Mind as ever he was. Upon the Scaffold he acknowledged his Compliance with the *English*, and cleared himself of the least Share in the King’s Death. He read his Speech with an audible Voice, first at the North Side, and then the South Side of the Scaffold: He prayed next with the greatest Liberty, Fervour and Sense of his own Unworthiness, frequently using the fore said Expression. After he had taken his Leave of his Friends, he prayed again in a perfect Rapture, being now near the End of that sweet Work he had been so much employed about through his Life, and felt so much Sweetness in.

Then the Napkin being tied upon his Head, he tried how it would fit him, and come down and cover his Face, and directed to the Method how it should be brought down when he gave the Sign. When he was got to the Top of the Ladder, to which he was helped because of bodily Weakness, he cried with a loud Voice, ‘I beseech you all who are the People of God, not to fear at Sufferings for the Interests of Christ, or stumble at any Thing of this Kind falling out in those Days; but be encouraged to suffer for him; for I assure you in the Name of the Lord he will bear your Charges.’ This he repeated again with great Fervour, while the Rope was tying about his Neck, adding, *The Lord hath graciously comforted me.* Then he asked the Executioner if he was ready to do his Office, who answering he was, he bid him do it, and crying out, *O, pray, pray! praise, praise!* was turned over, and died almost without any Struggle, with his Hands lift up to Heaven. He was soon cut down, and his Head struck off, and his Body carried to the *Gray-Friars Church-Yard*. His Head was put up upon the *Nether-bow Port*; but in a little Time, by the Interest and Moven of Lieutenant-General *Drummond*, who married one of his Daughters, it was permitted to be taken down and buried with his Body.

His Speech upon the Scaffold is printed in *Nephtali*; and there he declares, that what he had prepared to have said at his Death, was taken from him, but he hoped it should be preserved to be a Testimony to the Truth. In what is printed he speaks his very Heart, touching his own Soul’s State, his Sins and Infirmities, the Publick, and his poor Family, and present Sufferings; and tho’ it hath been often printed, I could not but insert it, *App. N^o. 42.* with some Account of his Carriage before and at his Death, printed at this Time.

App. N^o. 42.

Remarks upon his Compliance with the *English*.

Many Things are laid to this great Man’s Charge most falsely, of which he was perfectly innocent, particularly his Accession to the King’s Murder, as to which he vindicates himself in his printed Speech. The one Thing which he himself heavily lamented, frequently to his dying Day, and which was the only reasonable Pretext for this severe Sentence, was his Compliance with the *English*, in taking the Office of Clerk-register, and sitting and presiding in some Meetings at *London*, after *Cromwel’s* Death.

In the Year 1657. after many and long Struggles against *Cromwel’s* Usurpation, when he was sent up from *Scotland* about some important Affairs, he was prevailed upon to re-enter upon his former Office of the Clerk-register, by *Cromwel*, who was abundantly sensible how much it would be for his Interest to have so bright a Person gained over to him. During Five Years and more, he wrestled and acted with the utmost Vigour for the King’s Interest, and being a Man of great Resolution, he both spoke very openly, and wrote against *Scotsmens* submitting to take Offices under the Usurper. I have it from good Hands, that in the Meeting at *Edinburgh*, which sent him up to *London* upon Business, he reasoned against, and to his utmost opposed his being sent up. With great Ingenuity he acquainted them with what he thought was his weak Side, and that he was sensible of the Easiness of his Temper, and that he could not resist Importunity, and begged he might not be sent among Snares; but after all he was peremptorily named.

My Lord’s Family was numerous, and very considerable Sums were owing him, which he had advanced for the publick Service, and a good many Years of bygone Salaries: And when no other Way appeared to recover what was justly his, he was, thro’ Importunity, prevailed upon to fall in with the Usurper, there being now no other Door open for his Relief. Thus he

he fell before the Temptation, that all Flesh, even the best, may appear to be Grass. After his Compliance he was observed to be generally sad and heavy, and not what he had been formerly; neither did his outward Affairs thrive much upon his Hand. 1663.

But it is certain enough, that it was neither his lamented Compliance under the Usurpation, nor his great Activity in the Work of Reformation, both which the Government now were pretty much above; but a personal Prejudice and Pique at this good Man, for his Freedom in reproving Vice, was at Bottom of this bitter persecuting him to the Death. This was what could never be forgot or forgiven, either to him or the Marquis of *Argyle*, as was pretty plainly intimated to the Earl of *Bristol*, when interceding for my Lord *Waristoun*. I have an Account of this holy Freedom my Lord used, from a reverend Minister not many Years ago dead, who was his Chaplain at the Time, and took the Freedom to advise my Lord not to adventure upon it: Yet this excellent Person having the Glory of God, and the Honour of Religion more in his Eye than his own Safety, went on in his design'd Reproof; and would not for a Compliment quit the Peace he expected in his own Conscience, be the Event what it would by disburdening himself. He got a great many fair Words, and all was pretended to be taken well from my good Lord-register, but as he was told by his Well-wishers, it was never forgot.

The true Reason of the Severity exercised against him.

To shut up this *Section*, my Lord *Waristoun* was a Man of great Learning and Eloquence, of very much Wisdom, and extraordinary Zeal for the publick Cause of Religion and Reformation, in which he was a chief Actor; but above all, he was extraordinary in Piety and Devotion, as to which he had scarce any Equal in the Age he lived in. One who was his intimate Acquaintance says, He spent more Time, notwithstanding the great Throng of publick Business upon his Hand, in Prayer, Meditation, and close Observation of Providences, and Self-examination, than any ever he knew or heard of: And as he was very diligent in making Observations of the Lord's Way, so he was visited with extraordinary Discoveries of the Lord's Mind, and very remarkable Providences.

His Character.

He wrote a large *Diary*, which yet remains in the Hands of his Relations, an invaluable Treasure of Christian Experiences and Observations; and, as I am told by one who had the Happiness to see some Part of it, there is mixed in sometimes Matters of Fact very little known now, which would bring a great deal of Light to the History of *Scots* Affairs, in that Period wherein he lived. There he records his sure Hopes after Wrestling, in which he was mighty, That the Church of *Scotland* would be mercifully visited, and freed from the Evils she fell under after the *Restoration*. His numerous Family he left upon the Lord's Providence cheerfully, who provided as well for most of them, as they could have expected tho' he had continued in his outward Prosperity. But 'tis Time to come forward to other particular Sufferers this Year.

His Diary.

S E C T. V.

Of the particular Hardships and Sufferings of great Numbers of Ministers, Gentlemen, and others, this Year 1663.

HAVING delayed the Accounts of the severe Persecution of vast Numbers of Presbyterian Ministers, Gentlemen, and People this Year, especially before the Council, to this Place; I come now to give them altogether, mostly from the Records of that Court, and that much in the Order of Time they ly in.

The Council are scarce ended with the West Country Ministers last Year, and their banishing good Numbers to foreign Places, yea, even before the banished Ministers went off, but they begin, *February 24th*, a new Process against a greater Number of Ministers in *Galloway*. Few or none in that Synod had conformed, and, we have heard, the Bishop's diocesan Meeting was adjourned, because there were few or none to wait upon it: Therefore, probably at his Instigation, the Council pass the following Act.

Process of the Galloway Ministers before the Council, February 24.

THE Lords of His Majesty's Privy Council being informed, That there are several Ministers in the Diocese of *Galloway*, who, not only contrary to the Order of Council, dated at *Glasgow*, October 1st last, do continue at their former Residences and Churches, but in manifest Contempt thereof, and contrary to the Indulgence granted them by the late Act, dated December 23^d last, do yet persist in their wicked Practices, still labouring to keep the Hearts of People from the present Government in Church and State, by their pernicious Doctrine; and more particularly that M^rs. Archibald Ha-

Council's Act about them.

1663. milton Minister at Wigtoun, William Maitland at Whitthorn, Robert Richardson at Mo-
 chrum, George Wauch at Kirkindair, Alexander Rols at Kirkowan, Alexander (it ought to
 be Fergusson) Hutchefon at Sorbie, Ministers in the Presbytery of Wigtoun; Mrs. Alexan-
 der Pedin at the Muir-church of Glenluce, John Park at the Shappel, Thomas Kennedy at
 Litward, James Lawrie at Stainkirk, James Wilson at Kirkmaiden, John McBroom at Port-
 patrick, Ministers within the Presbytery of Stranrawer; Mrs. Patrick Peacock at Kirma-
 breck, William Erskine Minister at Gariltoun, Adam Kae Minister at Borg, Robert Fer-
 gusson at Boittil, Samuel Arnot at Tongland, John Wilkie at Twinam, James Buglos Mi-
 nister at Corfmichael, Thomas Warner at Balmaclelland, John Cant at Kells, Adam Aliton
 at Balmagie, John M'Michan at Dalry, John Duncan at Dundrenean and Kerick, and Tho-
 mas Thomson Minister at Partoun, Ministers in the Presbytery of Kirkcudbright; and
 Mr. Alexander Smith at Cowend and Siddick, are chief Instruments in carrying on that
 wicked Course: Have therefore ordained Letters to be directed against the forenamed Per-
 sons, charging and commanding them, and every one of them, to remove themselves,
 Wives, Bairns, Servants, Goods and Gear, forth and from their respective Dwelling-
 places and Manses, and out of the Bounds of the Presbytery where now they live, be-
 twixt and the 20th Day of March next; and that they do not take upon them to exercise
 any Part of the Ministerial Function: And also charging them to appear before the Coun-
 cil, the 24th of March next to come, to answer for their former Disobedience; with Certi-
 fication as is above specified.

In the Registers there are Five or Six of those Ministers Names blank, and only the Name
 of the Parishes, which I have filled up from another List I have before me; by which I find,
 that Mr. Robert Fergusson and Mr. James Lawrie were ordained before the 1649. and to
 in Law came not under the Two Acts 'tis alledged they broke.

Council's Act
 about them,
 16 arch 24.

Upon the 24th of March, I find Mrs. Maitland, Kae, Wilkie, Wauch, Lawrie, Cant, Ali-
 son, McGachan, and Smith, ' Being called, compeared personally, and being severally ex-
 amined upon their Obedience to the late Acts of Parliament and Council, anent their Obedience
 and Submission to the Government of the Church, as the same is presently established by Law,
 declared, They were not yet clear to give Obedience thereunto; but they were ready and willing,
 likeas they then judicially promised to obey the said Acts, for removing from their Man-
 ses and Parishes, and desisting from Preaching, conform to the same in every Point. In Con-
 sideration whereof, the Lords declare, that they do continue * to insist against them for their
 former Carriages, while they be of new cited.

i. e. delay.

The others who did not compear, were obliged to leave the Manses and Kirks; and I find
 no more about them this Year in the Registers. We shall meet with Mr. Samuel Arnot, Mr.
 John Park, and Mr. Thomas Warner, and some others of them, under new Hardships, in
 the Progress of this Work.

Ministers in
 Dunkeld cited
 before the
 Council.

At that same Diet the Council cite another considerable Number of Ministers before
 them. ' The Lords of His Majesty's Privy Council being informed, that several Ministers
 in the Diocese of Dunkeld, who not only contrary to the Order of Council, dated at Glas-
 gow, October 1st last, do continue at their former Residence and Churches; but in manifest
 Contempt thereof, and contrary to the Indulgence granted to them by the late Act, De-
 cember 23^d, do persist in their wicked Courses, still labouring to keep the Hearts of the
 People from the present Government of Church and State, by their pernicious Doctrine;
 and more particularly, That Mrs. Patrick Campbel Minister at Kilinnie, John Anderson
 at Auchtergavan, Francis Pearson at Kirkrauchael, David Graham at Forgondenny, George
 Halyburton at Duplin, Richard Ferret at Ava, John Miniman at Abernytie, David Camp-
 bel at Minnimore, Thomas Lundy at Rattray, Robert Campbel at Mullen, John Cruikshanks
 at Rogertoun, Thomas Glassie at Little-Dunkeld, Andrew Donaldson at Dalgety, and Tho-
 mas Black at Lesly, are chief Instruments in carrying on these wicked Courses: There-
 fore the Lords of Council ordain Letters to be directed to charge the forenamed Per-
 sons to remove (as above, with relation to the Galloway Ministers) and that they take not
 upon them to exercise any Part of the Ministerial Function, either privately or publicly.
 As also command them and every one of them to compear before the Council the ---
 Day of ----- to answer for their former Disobedience. With Certifica-
 tion.

I find no more about those Ministers in the Registers. I am ready to think, that they
 obeyed the Charge to remove from their Kirks and Manses, and their compearing before the
 Council was not insisted upon. The Bishops at present were pressing to have the Churches
 vacated of those who did not wait on their Synods; and we have heard, that by the Acts
 of Parliament and Council this Year, a general Course was taken with the whole Non-
 conformist Ministers, and they removed at such and such Distances from their Congrega-
 tions.

It hath been noticed already, with what Reluctancy a great many Parishes in the South and West, permitted the Curates to enter among them, when Presbyterian Ministers were turned out. In some Places open Opposition was made to them, especially in *Irongray* near *Dunfriess*, and *Kirkcudbright*. The Tumults in those Two Places, as they were the first of this Kind, so they were severely noticed by the Council; and I shall give as distinct an Account of this as I can, from the Registers; if once I had set down an Abbreviate of it, I find in the Papers of a worthy Minister who lived at the Time.

1663.

Resistance made to the Curates in *Irongray* and *Kirkcudbright*.

The first open Opposition to the Settlement of the Curates, I have heard of, was at *Irongray*, where Mr. *John Welsh* was Minister. The Curate at first not finding peaceable Access, returned upon them with an armed Force. None ventured to appear openly save Women, and those of the meaner Sort. However, the Women of *Irongray*, headed by one *Margaret Smith*, opposed a Party of Soldiers who were guarding the Curate, and fairly beat them off with Stones. *Margaret* was afterwards brought in to *Edinburgh*, and banished to *Barbadoes*: But when before the Managers, she told her Tale so innocently, that they saw not fit to execute the Sentence. In April 1663. or about that Time, Ten Women were brought in to *Edinburgh* from *Kirkcudbright*, for a Tumult there, and were for some Time kept in Prison, and afterwards pilloried, with Papers on their Foreheads signifying their Fault. But I come to give the Detail of this Matter, as I have it in the Council-books.

May 5th, the Chancellor having written a missive Letter to the Magistrates of *Kirkcudbright*, for finding out the Persons most guilty of the Tumult lately there, and ordained them to be cited before the Council this Day; and if any Women be guilty, that their Husbands, Fathers, Masters, or such as have the Charge of them, be cited. In Obedience thereunto, at the Magistrates Instance, appeared *Adam Gumquhen*, *John Halliday*, *John MacStaffen*, *Alexander Maclean*, ----- *Renthoun*, *John Carsan*, *Alexander MacKey*, Indwellers in the said Burgh, who being examined, denied any Hand in the Tumult. *MacStaffen* and *Maclean* are ordained to find Caution to produce their Wives before the Council, and the rest to enter their Persons in the Tolbooth of *Edinburgh*, till they exhibite their Wives who were present at the said Tumult; and ordain *James Hunter* in *Kirkcudbright*, cited and not appearing, to be denounced: But the Council, in their great Zeal in this Matter, go further, and appoint a Committee to go and enquire into that Affair in the South, and send in Part of the Army with them. The Act and Commission is as follows.

Account of the Council's Procedure about this, from the Registers.

THE Lords of his Majesty's Privy Council, being certainly informed of the very great Insolencies committed in the Burgh of *Kirkcudbright*, and Parish of *Irongray*, by the tumultuary Rising of divers Persons within the same, and in a barbarous Manner opposing the Admission of certain Ministers who were appointed and came to serve there, and their offering and committing several Abuses and Indignities upon the Persons of the said Ministers, to the high and great Contempt of his Majesty's Authority, and the disquieting of the Government both of Church and State; as also that there is no settled Magistracy and Government within the said Burgh, as has been within the same, and that several who have been chosen to exercise the Office of the Magistracy, do refuse to accept of the same; whereby the said Town is left desolate of Civil Policy, and the Inhabitants at Liberty to do what they please: The said Lords of Council, in Consideration thereof, and of the great Trust reposed in them by his Majesty, do appoint and commissionate the Earls of *Linlithgow*, *Galloway*, and *Annandale*, the Lord *Drumlanerk*, and Sir *John Wauchop* of *Niddry*, or any Two of them, to repair to those Places, at such Times as they shall think fit, and to call all the Persons who have been either Plotters of, Committers, or Assisters to, or Connivers at the Insolencies and Abuses foresaid; and after hearing of them to examine Witnesses, and receive all other needful Probation for proving what shall be laid to their Charge; and if thereafter, the said Commissioners, or Quorum foresaid, shall find just Ground, that they secure their Persons, and send such of them to *Edinburgh*, as they shall think fit, to that Effect, or take sufficient Caution from them, to answer before the Lords of Council, the ----- Day of ----- under such Penalties as the Commissioners shall think fit. And also, that they examine and try upon what Account, and for what Cause there are, not Magistrates in the said Burgh, who exercise their Offices as formerly; and if they see it meet and just, that they either incarcerate, or take Bond under Caution and Penalty, of such as they shall find to have been Obstructors of a Civil and lawful Government, as formerly, within the said Burgh, or such as have been lawfully chosen, and refuse to accept and exercise their Offices without just Cause. And likewise, that they see a formal and legal Election, according to the Custom of the said Burgh, of others loyal and faithful Persons, for supplying the Places of such as are wanting, or who refuse to accept: Otherwise, by the Advice of such as are well affected within the said Burgh, to nominate such Persons as they shall think fit, for discharging the Office of Magistracy, and ruling the People within the said Burgh, till further Order. As also, that the said Commissioners, if they shall see Cause,

Commission on Earl *Linlithgow* &c. to enquire into the Tumult at *Kirkcudbright* and *Irongray*.

1663.

call for the Charters, Rights and Securities, made and granted in favours of the said Burgh, and concerning their Privileges and Liberties, to the Effect they may be secured and exhibited before the Parliament or Council. And likewise, to be aiding and assisting to the Bishops of the respective Dioceses, for settling such Ministers in those Places, as they shall ordain and appoint.

And for the more exact Performance of the Premises, that the said Earl of *Linlithgow* cause march alongst with him, an Hundred Horse, and Two hundred Foot of his Majesty's Guards, or such other Number as he shall think fit, to the Effect such as will not willingly submit and give Obedience, may be forced thereunto. And for the entertaining the said Horse and Foot, the said Earl is hereby impowered, either to take free Quarters with in the said Burgh and Parish of *Irongray*, or then, with Concourse of the Magistrates of the said Burgh, or such others in the said Places as he shall call for, to raise so much Money off the Burgh and Parish, as will satisfy the said Horsemen and Footmen, at Thirty Shillings *Scots* to each Horseman, and Twelve Shillings to each Footman *per diem*, during their Abode there, by and attour the paying the Officers their ordinary Pay. With Power also to the said Commissioners, by Force of Arms, to suppress all Meetings or Insurrections of the People, if any shall happen. And, if Need be, that the said Commissioners shall call to their Aid and Assistance, the Sheriffs, Stewarts, heritable Bailies, and others within the Sheriffdom of *Galloway*, and Stewartry of *Kirkcudbright*, and all Noblemen, Gentlemen, Stewarts, heritable Bailies, and others his Majesty's good Subjects within those Bounds, with Command to them readily to answer, obey, assist, and concur with the said Commissioners, to the Effect foresaid, as they shall be required. And that the said Commissioners make Report to the Council or Parliament of their Diligence in the Premises, betwixt and the — Day of *June* next to come.

Glencairn Chancellor,
Morton,
Sinclair,
J. Gilmor,

Primrose,
Jo. Fletcher,
Geo. Mackenzie,
Sir Rob. Murray.

When this Commission is granted, the Council joyn with it an Order, that Five hundred Pounds *Sterling* be advanced by the Receivers of the Excise to the Soldiers, as Part Payment of their Pay; with One hundred and twenty Pounds *Sterling* to the Earl of *Linlithgow*, and Fifty Pounds to the Laird of *Niddry*, for bearing their Charges.

Observes on
this.

That such a Sputter should be made, because a few Women in Two Parishes had put some affronts upon the Curates, when forced in upon them, may seem odd enough, and could not fail to increase the Dislike the People in the Southern Shires had against them. I scarce know what could have been done further, if the highest Acts of Treason had been committed: But the general Averfation of that Part of the Country from Prelacy, and the Complaints of the Bishops upon that Score, put them on those harsh Measures; and we shall after this meet with a constant Tract of Oppression and Devastation in that Corner, till they were forced to the Rising in *Pentland*. And for about Twenty four Years, the West and South of *Scotland* were the continual Scene of such Severities: But I go on to the Procedure of these Commissioners.

June 9. the
Commissioners
make
Report.

June 9th, they make their Report to the Council, and 'tis very large; I shall give as short and distinct an Abstract of it as I can, that we may have some View of this first publick Step of heavy Oppression of Country People, for their Adherence to their Principles, and Averfion to Prelacy. Their Report was given in in Writ, and is in short.

At Kirkcudbright, May 25th, 1663.

Report from
Kirkcudbright.

IN Obedience to our Commission, we having met at sundry Diets, and caused convene before us such Persons as were Committers of, or Assisters at the Tumult at *Kirkcudbright*, to wit, *Agnes Maxwell*, and about Thirty two Women, (most of them Widows and Servants, who need not be named here) with *John Lord Kirkcudbright*, *John Carsan* of *Sennick*, and *John Euart*; and after hearing Depositions and Confessions, find *Agnes Maxwell*, *Christian McCavers*, *Jean Rennie*, *Marion Brown*, and *Janet Biglaw*, are guilty of, and have been most active in the said Abuse, and ordain their Persons to be carried Prisoners under a Guard to *Edinburgh*, to answer before the Council. And *Bessie Lawrie*, with Thirteen others, have been accessory thereto; and ordain them to be imprisoned till they find Caution to appear before the Council, under the Pain of a Hundred Pounds *Sterling* each. *Helen Crackin*, and some others are found absent, and left to the Sheriff of *Wigtoun* and Magistrates of *Kirkcudbright*, to apprehend and imprison. And finding by *John Lord Kirkcudbright's* own Confession, and the Depositions of Witnesses, that he said, 'If the Minister came in there, he should come in over his Belly, and that he should lose his Fortune,

‘*Fortune, or some such Words, before he should be Preacher there; and that by his own* 1663.
‘*Confession, he acknowledges the Receipt of my Lord Chancellor’s Letter before the Tu-*
‘*mult, and that he refused to compesce the same; and that he declared, If the Minister had*
‘*come in by his Presentation, he should have commanded as many Men as would have compesced*
‘*the Tumult, and bound them Hand and Foot; and therefore we declare him guilty of the*
‘*Insurrection, and ordain him to be carried Prisoner to Edinburgh by a Guard. The said*
‘*John Carsan of Sennick, being lately Provost of the said Burgh, and having great Interest*
‘*therein, and being with the Lord Kirkcudbright in the Town in the Time of the Tumult,*
‘*and desired by James Thomson Commisary to go with the rest to compesce the Tumult,*
‘*said scornfully, By what Authority could he go? and when the Commisary offered his Au-*
‘*thority, he said, His Authority was more over the dead than over the living: As also, That*
‘*he being a Commissioner of the Assize, refused his Advice or Concurrence to compescing*
‘*the Tumult; therefore we declare him to have had Accession to the Tumult, and ordain*
‘*his Person to be carried Prisoner to Edinburgh under a Guard. And finding by Deposition*
‘*of Witnesses, That John Ewart, late Provost of Kirkcudbright, being desired to give his*
‘*Advice for compescing the Tumult, he refused the same, alledging he was not a Counsel-*
‘*ler. We find that at the last Election he was chosen Provost, and without any just Cause*
‘*refused to accept of his Office, whereupon we declare him to be the chief Cause why the*
‘*Magistrates did not exerce their Office for the said Burgh: And finding, that notwithstanding*
‘*of his foresaid Refusal, he has sitten as a Commissioner of the Excise, and having ten-*
‘*dred to him the Declaration of Parliament, he refused to subscribe it; wherefore we ordain*
‘*him likewise to be carried to Edinburgh under a Guard. They add, That, according to the*
‘*Set of the Burgh, a new Council was chosen, and Magistrates, Mr. William Ewart Provost,*
‘*John Newall and Robert Glendonyng Bailies, and John Livingstone Treasurer, who accep-*
‘*ted in Terms of Law; and they signed a Bond in their own Name, and of the haill Inha-*
‘*bitants of the Place, binding and obliging them, and ilk one of them, conjunctly and sever-*
‘*rally, during their publick Trust, That they and all their Inhabitants within their publick*
‘*Liberties, should from the Day and Date thereof behave themselves loyally and peaceably,*
‘*and in all Things conform to his Majesty’s Laws made and to be made, both in Civil and*
‘*Ecclesiastical Affairs; and that they should with all Diligence execute any Commands that*
‘*are or should be directed to them, during the said Time, that flow from any Authority de-*
‘*rived from the Sacred Majesty of our dread Sovereign: As also, That they should protect*
‘*the Lord Bishop of Galloway, and the Minister of their Burgh, who should be established*
‘*there, and any other Ministers that are or shall be established by Authority; and that they*
‘*should fulfil all the above Particulars, under the Penalty of Eighteen thousand Merks Scots,*
‘*to be paid by them, or any of them, within a Month after they shall be declared guilty by*
‘*the Lords of his Majesty’s Privy Council. Which was subscribed in our Presence, and the*
‘*Presence of the Community of the said Burgh, and delivered to us.*’

At Dumfries, May 30th, 1663.

‘**I**N pursuance of the foresaid Commission, as to the Trial of the Abuse lately at *Irongray*, Report from Irongray.
‘*we caused cite before us William Arnot of Littlepark, George Rome of Beoch, and sever-*
‘*al other Persons said to be concerned therein; and after we had examined Witnesses, we*
‘*found that there had been several unlawful Convocations of the People of that Place, for*
‘*the opposing of the Admission of Mr. Bernard Sanderson to be Preacher at the said Parish,*
‘*especially against the serving of his Edict, and thereafter hindring Mr. John Wisheart to*
‘*preach, who was to have admitted the said Mr. Bernard. By the said Depositions we find,*
‘*that the said William Arnot did keep several Meetings before the Tumult; and that, when*
‘*he was desired and required by the Messengers who went to serve the Edict, to assist to*
‘*hold the Women off them, he declared, he neither could nor would do it; that he drew*
‘*his Sword and set his Back to the Kirk-door, and said, Let me see who will place a Mini-*
‘*ster here this Day. Therefore we find him guilty of the said Tumult, and ordain him to*
‘*be sent into Edinburgh under a Guard. We find George Rome of Beoch accessory, as being*
‘*present upon the Place, and not concurring for compescing of the Tumult, and ordain him*
‘*to go to Prison until he find Caution, under Five thousand Merks, to appear before the*
‘*Council when called. And as to the rest of the Persons, we find there hath been a great*
‘*Convocation and Tumult of Women; but, by reason there is no special Probation of any*
‘*Persons particular miscarrying, more than their being there present at the Tumult, we*
‘*thought fit to ordain the whole Party of Horse and Foot to be quartered upon the said Pa-*
‘*rish of Irongray, upon free Quarters, until Munday next; and that the whole Heritors of*
‘*the said Parish give Bond, upon the Penalty of One hundred Pounds Sterling, for their fu-*
‘*ture loyal Behaviour, conform to the Bond given at Kirkcudbright: And recommended to*
‘*the Sheriff of Niddale, to apprehend and try some who had not compeared, and report to*
‘*the Parliament or Council, twixt and the 28th of June. And they order Ten Pounds Ster-*
‘*ling*

1663. 'ling to their Two Clerks, as much to Three Messengers, and Twenty Shillings to an Officer who waited on them, to be paid by the Heritors of Irongray, if the Council think fit.'

Annandale,
Drumlanerk,
Linlithgow,

Galloway,
J. Wauchop.

This Day the Council do no more upon the giving in of this Report, save the appointing of a Committee to examine the Earl of *Linlithgow's* Accounts of his Charges in the said Commission. And Five of the Inhabitants of *Kirkcudbright*, who had been imprisoned, when appearing for their Wives, as we heard, are set at Liberty by the Council, their Wives having found Caution at *Kirkcudbright*, after they had found Caution in the Council-books, 'To live peaceably and submissively to the present Government in Church and State, and give all due Deference to the Bishop of the Diocese, the Magistrates and Minister of the Place, and keep their Parish-kirk, and if any Tumults be, that they shall endeavour to compesce the same.'

No more offers about this Matter till *July 14th*. The Council having considered the Report, and the Instructions of the Earl of *Linlithgow* and the Commissioners, find, 'That they have proceeded diligently and legally in Execution of the Trust reposed in them, performed good Service to his Majesty and the Kingdom, and approve and ratify what they have done, and render them Thanks; particularly to the said Earl, who has by the Troops under his Command, ended the Tumults, and left a Party of Guards at the Town of *Kirkcudbright* to keep the Peace, and recommend him for his Expences to the Exchequer; and add the Earls of *Montrose* and *Eglinton* to those formerly appointed, to consider of the Business of *Kirkcudbright* and *Irongray*, to consider the Temper and Disposition of the Prisoners, with Power to call before them the Laird of *Earlstoun*, who is under Bond to compare, and report.'

August 13th, the Lords having considered several Petitions of the Prisoners from *Kirkcudbright* and *Irongray*, and the Report of the Commissioners sent to that Country, do find, 'John Carsan of *Sennick*, John Euart late Provost of *Kirkcudbright*, and William Arnot of *Littlepark* in *Irongray*, to have been most guilty of the Abuses and Disorders there, and fine John Carsan in the Sum of Eight thousand Merks, and the said William Arnot in the Sum of Five thousand Merks; and them to find Caution before they depart from Prison, to pay the said Sums to his Majesty's Exchequer 'twixt and *Martinmas* next, with Certification on if they fail, they shall be banished out of the Kingdom: And ordain and command the said William Arnot, betwixt and the 25th of *October* next to come, to make publick Acknowledgment of his Offences Two several Sabbaths at the Kirk of *Irongray*, before that Congregation. Likeas the said Lords do banish the said John Euart forth of this Realm for his Offence, and ordain and command him forth of the same 'twixt and this Day Twenty Days, not to be seen therein at any Time hereafter, without Licence from his Majesty or the Council, at his highest Peril.'

'And the said Lords finding *Agnes Maxwell*, *Marion Brown*, *Jean Renny*, *Christian McCavers*, and *Janet Biglaw*, to have been most active in the said Tumult, do ordain them, 'twixt and the 15th Day of *September* next to come, to stand Two several Market-days at the Market-cross of *Kirkcudbright*, ilk Day for the Space of Two Hours, with a Paper on their Face, bearing their Fault to be for Contempt of his Majesty's Authority, and raising a Tumult in the said Town; and ordain them before they depart out of Prison, to enact themselves in the Books of Council, to give Obedience to this; and the Magistrates of *Kirkcudbright* to execute the Sentence; and if they fail or delay so to do, that they cause whip them through the said Town, and banish them forth of the same, and the Liberties thereof.'

August 25th, John Euart petitions the Council that his Sentence may be mitigated, by reason of his ill State of Health, after Twelve Weeks Imprisonment, the Circumstances of his Wife and Family; and that the only Ground of his Sentence was his keeping his House in the Time of the Tumult. The Lords prorogate the Execution of his Sentence while the first Day of *March* next to come, and give Warrant for his Liberation, on his giving Bond to keep his Majesty's Peace in the mean Time.

The same Day John Carsan supplicates for a Mitigation of his Fine, seeing he was not present at the Tumult, nor had his Residence for a long Time in the Burgh of *Kirkcudbright*; and that he being in no publick Employment for many Years, did not conceive himself concerned to meddle in that Particular; and such a Fine would be the Ruin of his Family. The Council mitigate the Fine to Four thousand Merks, and ordain him to be liberate upon his giving Bond to pay the same at *Martinmas* next.

William Arnot of *Littlepark* petitions for a Mitigation, in regard he has not so much in all the World as the Fine, and his acting in the late Disorders at *Irongray*, was not from any Disloyalty to his Majesty, for whom he had appeared and suffered not a little in his worldly Interests under the Usurpation, as the Noblemen and Gentlemen about him know. The Lords

mitigate

The Reports
approved by
the Council.

The Council's
Determination
on the whole.

The Fines
moderated.

mitigate the Fine to a Thousand Merks, and continue his publick Appearances after Divine Worship in the Church of *Irongray*, as above.

This is all I meet with in the Registers upon this Head. The rest of the Men, who were imprisoned for their Wives alledged Accession to the Tumult, after Sixteen Weeks Imprisonment at *Edinburgh*, were liberate, upon giving Bond to live peaceably. I find nothing further about the Lord *Kirkcudbright*, neither know I what Course was taken with him.

I find my Lord *Kirkcudbright* joyning with the Lord *Waristoun*, Mr. *Andrew Cant*, and others, 1652. in giving in Reasons why they could not own that Assembly till they had a Conference, even before the Choice of a Moderator; and his being among the *Protesters*, probably made it fare the worse with him now.

It was when those Commissioners from the Council were in the South, that the Troubles of that worthy Gentleman, the Laird of *Earlstoun*, began. All I have upon this, save what follows afterwards from the Registers, I shall give from the original Papers communicated lately to me by his Grandchild the present Laird of *Earlstoun*. The Commissioners knew *Earlstoun's* Firmness to Presbyterian Principles, and were willing to bring him either to comply in settling an Episcopal Minister at *Dalry*, where he was Patron, or if he refused, which they had Reason to expect he would, to bring him to Trouble. Accordingly they write the following Letter to him, which I give from the Original.

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Earlstoun's
Traube from
the Communi-
quers.

Kirkcudbright, 21. May 1663.

Sir,

WE doubt not but you heard, that the Lords of his Majesty's Privy Council have commisionate us to come to this Country, as to take Course with the seditious Tumult raised in this Place, so to do every Thing that may contribute to the settling of the Peace here, and to be assisting to the Bishop for planting of other vacant Churches, by the withdrawing of the respective Ministers: And finding the Church of *Dalry* to be one of those, and that the Bishop hath presented an actual Minister, Mr. *George Henry*, fit and qualified for the Charge, now being, according to the Act of Parliament, fallen into his Hand, *jure devoluto*, and that the Gentleman is to come to your Parish this Sabbath next, to preach to that People, and that you are a Person of special Interest there; according to the Power and Trust committed to us, we do require you to cause his Edict be served, and the Congregation convene, and to countenance him so as he be encouraged to prosecute his Ministry in that Place. In doing whereof, as you will witness your Respect to Authority, so oblige us to remain,

Their Letter
to him.

Sir,

Your loving Friends and Servants,

Linlithgow,
Galloway,
Annandale,
Drumlanerk.

Earlstoun presently gave them a Return, which I transcribe from the Copy he kept, under his own Hand.

For the Right Honourable, and his very noble Lord, my Lord *Linlithgow*, and remanent Nobles at *Kirkcudbright*.

Earlstoun, May 22^d, 1663.

Right Honourable,

AND my very noble Lords, I received this Day an Express from your Lordships, by Mr. *George Henry*; whereunto for Answer, as to what relates to the Bearer, I humbly intreat your Lordships will be pleased to look upon me as one who has been educated from my Youth hitherto, to know my Duty to God, and all such whom he has placed in Authority over his People. I am not ignorant, my Lords, that my Allegiance obligeth me (beside other Engagements) to serve the King's Majesty with my Person and Fortune, and I trust your Lordships will permit me (because it is my Duty) to keep in all Things a good Conscience towards God: Yet, if these should thwart in any Case, I have ever judged it safest to obey God, and stand at a Distance with whatsoever doth not tend to God's Glory and the Edification of the Souls of his scattered People, of which that Congregation is a Part. And besides, my Lords, 'tis known to many, that I pretend and lay Claim to the Right of Patronage of that Parish, and has already (before the Time appointed,

His Answer;

1663. 'ted by the last Parliament did prescribe) determined therein with Consent of the People, to a truly worthy and qualified Person, and an actual Minister, if he may be admitted to exercise his Gift among that People; and for me to condescend to countenance the Bearer of your Lordships Letter, were to procure me most impiously and dishonourably to wrong the Majesty of God, and violently to take away the Christian Liberty of his afflicted People, and enervate my own Right. Wherefore, please your Lordships, believe me it is grievous to me that I am not in Capacity in the present Case to give your Lordships that hearty Obedience and real Observance, that otherwise I am most free to perform to the meanest in whom any of your Lordships may be concerned, seeing I have ever hitherto made it my Study to testify my Duty to your Lordships, as my Superiors whom God has established as Judges over me, under his Majesty, to whose Authority I shall (as hitherto) be most ready to witness all due Respects, as doth become,

My noble Lords,
Your Lordships. most real Friend,
and humble Servant.

Upon this he is cited before the Council; and we shall afterward see what unprecedented Hardships he met with there, from the Council-books. I now return to the Sufferings of other Persons this Year.

We have seen by the former Acts, that the Ministers who were not reached by the Act at *Glasgow*, were restricted and confined to their own Parishes, as a large Prison; and many others confined to particular Places, which was very uneasy to them. They behaved, upon every Civil Affair, to apply to the Council for Liberty to come out of their Confinement. An Instance or Two of this will suffice.

Petition of Mrs. James, and John McGill.

May 24th, 'Anent a Petition presented by Mr. James McGill, late Minister at *Largo*, shewing, That umquhile James Viscount of *Oxenford* has nominated him with several others, Tutors Testamentary to his Children; and a Meeting of the said Tutors is appointed at *Edinburgh* next Week, and Letters are come to the Petitioner to keep that Meeting precisely, which he cannot do being under Restraint, and therefore craves Warrant for that Effect. The Council allows him to repair to *Edinburgh*, or any where else, for doing of his necessary Affairs, for the Space of one Month, and hereby take off his Restraint during that Time.'

That same Day, 'The Lords of Council having considered a Petition from Mr. John McGill, late Minister at *Cowpar*, and now Doctor of Medicine, desiring, That the Restraint put upon him not to return to this Kingdom for a Year, might be taken off: The Lords of Council take it off, and grant the said Mr. John Liberty to return, he obliging himself to appear before them, and give them Satisfaction for his peaceable Behaviour.'

Mr. James Wood cited before the Council, July 23.

In July, I find the Council going on in their Prosecution of the Presbyterian Ministers, in several Corners of the Country, whom the Bishops behaved to berid of. July 14th, 'The Lords of his Majesty's Privy Council taking to their Consideration, That Mr. James Wood, late Principal of the College of *St. Andrews*, did, without any lawful Call or Warrant, intrude himself upon that Charge, and as yet does continue to exercise the same, notwithstanding of all the Acts of Parliament or Council made thereagainst, do ordain Messengers to charge the said Mr. James to appear before them the 23^d Instant, to answer to the Premises, or what else should be laid to his Charge, under the Pain of Rebellion.'

His Character.

Mr. James Wood was Provost of the old College of *St. Andrews*, and Minister there, and one of the brightest Lights we had in this Church during this Period, a Person of eminent Learning, Piety, and Solidity, and his printed Books shew his Abilities. I have been informed he left some very valuable Manuscripts behind him, particularly a complete Refutation of the *Arminian* Scheme of Doctrine, ready for the Press. Mr. Sharp was indebted to Mr. Wood for any Reputation he had, and was under as great Obligations to him, as one Man could be to another. They had been more than ordinarily familiar, and now the Primate could not bear his continuing at *St. Andrews*, and so caused cite him before the Council.

His Treatment before the Council.

July 23^d, Mr. Wood compares. He was asked how he came to be Provost at *St. Andrews*. When he began to answer, he was interrupted in a very huffing Manner, and commanded to give his Answer in a Word. The Archbishop and some others present could not bear his telling them some Truths he was entering upon; and when he saw it was fruitless to insist, he told them, He was called by the Faculty of that College, at the Recommendation of the *Usurpers*, as some here, added he, meaning Bishop Sharp, very well know. Whereupon he was removed, and in a little called in, and his Sentence intimated to him, which thus stands in the Council-books.

'Mr.

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Mr. Wood's Sentence.

His Petition, Sept. 30. with the Council's Answer.

Several Ministers in the West and South cited before the Council, July 14.

Mrs. Hardy, Mackail, and Livingstone compare, and are confined.

Committee of Council to consider the Case of the old Presbyterian Ministers.

Mrs. Ramsay, Walkinshaw, Smith, Hamilton and Blair, cited before the Council.

Occasion of their Trouble.

Mr. John Hardy removed from his Charge.

Mr. James Wood, being called to answer for intruding himself upon the Office of Principality of the old College of St. Andrews, without any lawful Call, and as yet continuing to exercise the same, compeared personally, and declared, That he had deserted that Charge upon Friday last. In respect whereof, and that it was found by the said Mr. James his own Confession, that he had no Right but a pretended Call from the Masters of that College, and an Act of the late Usurpers, for exercising that Office, The Lords of Council, for present, do declare the said Place vacant, and ordain and command him to confine himself within the City of Edinburgh, and not to depart forth thereof while further Order. When his Sentence was intimate to him, he told them, *He was sorry they had condemned a Person without hearing him, whom they could not charge with the Breach of any Law.*

September 30th, a Petition is presented by Mr. Wood, shewing, That in Obedience to the Council's Act, he had remained those divers Weeks at Edinburgh, and is content still to continue there; but by reason his Father is extremely sick, and that he hath several necessary Affairs to do at St. Andrews, humbly therefore desiring Liberty and Warrant for that Effect. Which Petition being read, with a Testificate of the Petitioner his Father's Infirmary, the Council grant Licence to the Petitioner to go to St. Andrews to visit his said Father, and performing his other necessary Affairs, he always returning when he shall be called by the Council. This is all I find about this worthy Person: Next Year, we shall hear, he gets to the Joy of his Lord, and some Bustle is made about him after his Death.

At the same Diet of the Council, July 14th, an Attack is made, at the Bishop of Glasgow his Instigation, against some worthy Presbyterian Ministers in the West and South. The Lords of his Majesty's Privy Council, being informed of the turbulent and seditious Carriage of the Persons underwritten, Mrs. Alexander Livingstone, late Minister at Biggar, Matthew Mackail at Bothwell, John Guthrie at Tarbolton, John Blair at Mauchlin, John Schaw at Selkridge, George Johnstoun at Newbottle, John Hardy at Gordon, Archibald Hamilton at Wigtoun, George Wauch at Kirkcinner, and Anthony Murray at Kirkbean; ordain Masters, or Messengers at Arms, to charge the said Persons to appear before them the 23^d Instant, to answer to such Things as shall be laid to their Charge, under the Pain of Rebellion.

July 23^d, I find Mrs. Hardy, Mackail and Livingstone compear, and are continued till next Council-day, and in the mean time ordained and commanded to confine themselves within the City of Edinburgh, and not depart therefrom without Licence, and that they do not presume in the meantime to keep private Meetings and Conventicles.

That same Day the Council appoint the Lords Archbishops of St. Andrews and Glasgow, the Marquis of Montrose, the Lord Secretary, and Register, to wait on the Lord Commissioner his Grace, to think on a general Course, what shall be done as well anent those Ministers that were admitted before the 1649. and carry themselves disobediently to the Laws of the Kingdom, as those who were admitted since; and to report their Opinion.

Whether it was from this Meeting that the following Prosecution came, or not, I know not; but July 30th, The Lords of his Majesty's Privy Council, being informed of the factious and seditious Carriage of several Ministers in the West, and particularly of Mr. Matthew Ramsay, late Minister at Old-Kirkpatrick, Mr. James Walkinshaw at Badernock, Mr. Hugh Smith at Eastwood, Mr. James Hamilton at Blantyre, or Eglisbam, Mr. James Blair at Cathcart, who, in manifest and open Contempt of the Laws and Acts of Parliament and Council, have taken upon them to convocate great Multitudes of his Majesty's Subjects, for hearing their factious and seditious Sermons, to the great Scandal of Religion, and Prejudice to the Government of the Church: Wherefore they ordain a Charge to be given them personally, and failing that, at the Head-burgh of the Shire and its Market-cross, where they live, and at their late Manses and Dwelling-houses, and at the Market-cross of Edinburgh, to answer for their Contempt, under Pain of Rebellion; with Certification they shall be denounced Rebels.

Many of those Ministers now cited, and Mr. Mackail formerly cited, lay pretty near the City of Glasgow, and the People flocked out to hear them, which grated the Archbishop and those he had put in under him, and so they resolved to have them banished at some Distance from them. This was the Case likewise of Mr. James Cuninghame Minister at Laswade, a little from Edinburgh, who, I find, was brought to Trouble at this Time, but I have not met with him in the Council-books.

July 30th, Mr. John Hardy Minister of Gordon, being cited to answer for his Contempt of the Law, in preaching after he was discharged (this is a good Commentary upon the factious and seditious Carriage of the Ministers now cited) compeared, and having, in Face of Council, acknowledged that he had done so: The Lords of Council find, that he hath highly contemned his Majesty's Laws and Authority; and therefore do declare his Place vacant, and ordain him within Fourteen Days to remove himself and Family Twenty Miles distant from the said Parish of Gordon, and discharge him to reside within Six Miles of a-

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any Cathedral Church, or Three Miles of a Roval Burgh, in Time coming. With Certification if he fail, he shall be pursued and punished as a seditious Person, and Contemner of his Majesty's Authority.

This is a Prelude to the *Mile Act* we have formerly heard the Council passed next Council-day, *August 13th*, which pretty much spared them the Trouble of any more particular Prosecutions. And that Act would seem to be the Issue of that Meeting, just now narrated, of the Two Archbishops, Secretary, and Commissioner; however they go on with such as had been cited before them.

Council's Procedure with Mrs. M^cKail, Livingstone, and Cuninghame,

August 18th, Mr. *Matthew M^cKail* and Mr. *Alexander Livingstone*, late Ministers, confined within the City of *Edinburgh*, being called, compeared. The Lords after hearing of them, ordain the said Mr. *Matthew* to wait on the Lord Commissioner's Grace, and Mr. *Livingstone* on the Archbishop of *Glasgow*, for giving them Satisfaction as to their Behaviour and Carriage. I am told the Archbishop had vowed, Mr. *M^cKail* should never preach again in *Bothwell*, but it did not hold. I think the Bishop himself scarce ever saw *Glasgow* again; for in a few Days after his riding the Parliament, at its rising, he died. And Mr. *M^cKail* being remitted to the Commissioner, he went up to *London* without doing any Thing in his Affair; and Mr. *M^cKail* ventured back to *Bothwell*, and escaped for some Time. I hear, that Mr. *Livingstone* was confined to his Parish till further Orders. Mr. *George Johnston* and Mr. *James Cuninghame* were reached by the Act of *Glasgow*, yet connived at by the Influence of Persons of Note; but now with Mr. *Blair* are confined to the North-side of *Tay*. I have nothing further about them in the Registers.

and Mr. John Blair.

That same Day, Mr. *John Blair*, late Minister, compeared, and, being examined, acknowledged, that notwithstanding he had been admitted since the Year 1649. he had, contrary to the Law, exercised the Ministerial Function, by preaching, baptizing, and marrying. The Lords do discharge him to exercise any Part of the Ministry in Time coming, without Warrant from his Ordinary where he shall reside, and ordain and command him, within Twenty Days, to remove himself and his Family from the new Kirk of *Manchlin* where he did last preach, and to remove himself beyond the River of *Nefs*, 'twixt and the First Day of *October* next to come, and discharge him to transgress the Bounds of his Confinement, under the highest Peril.

Mrs. Ramsay, Smith, and Walkinshaw.

Mrs. *Matthew Ramsay*, *Hugh Smith*, and *James Walkinshaw*, compearing this Day to answer for their Contempt of Authority, in preaching and keeping Conventicles contrary to Law, the Council remit Mr. *Ramsay* to the Archbishop of *Glasgow* to give him Satisfaction, and intimated the late Act of Council of the 13th of this Month to Mrs. *Smith* and *Walkinshaw*, and ordain them to obey it at their Peril. This is all I find about Ministers this Year, and we shall meet with few of them after this before the Council, the *Mile Act* this Year comprehending them all, and the high Commission next Year take some of the Council's Work off their Hand.

Earlstoun cited before the Council.

This Year the Laird of *Earlstoun* his Trouble and Oppression begins. He was a religious Gentleman of good Parts, and a great Support to the Presbyterians in that Country, and we shall meet with him almost every Year till the rising at *Bothwell*, when he got to Heaven. *July 30th*, 'The Lords of Council order Letters to be direct to charge *William Gordon* of *Earlstoun* to compear before them the-----Day of----- next to come, to answer for his factious and seditious Carriage,' that is, His refusing to hear the Curates, and hearing and favouring outed Presbyterian Ministers. And *November 24th*, 'The Council being informed that the Laird of *Earlstoun* keeps Conventicles and private Meetings in his House, notwithstanding the Laws and Acts of Parliament and Council made in the contrary, do ordain Letters to be direct against him, to compear before the Council the-----Day of----- to answer for his Contempt, under the Pain of Rebellion.' We shall meet with him next Year.

The Forces sent to the West and South to uplift the Fines.

I shall end this Section with some Account of the sending the Forces to the West and South Country, to quarter there, and uplift the Fines for not keeping the Parish-churches, which was the Beginning of much Oppression to those Shires for some Years.

October 13th, 'The Lords of his Majesty's Privy Council do hereby give Order and Warrant to *George Earl of Linlithgow*, with all Conveniency to cause so many of the Six Foot Companies under his Command to march to *Kirkcudbright*, as with the Foot there already may make up the Number of Eightscore Footmen with their Officers, and to quarter there till further Order.'

That same Day, 'The Council give Order and Command to Sir *Robert Fleming*, with all Conveniency, to march to the West Two Squades of his Majesty's Life-guard, and to quarter one Squad thereof at *Kilmarnock*, and another at *Paisly*, till further Order.'

Council's Letter of Thanks to Sir James Turner.

It seems Sir *James Turner* had the Command of the Forces in the South, and was very active in raising the Fines for Absence from the Parish-church, and I doubt not but the Guards sent to *Kilmarnock* and *Paisly* were abundantly active this Way: However, Sir *James* gets the Thanks of the Council for his Diligence. *November 24th*, 'The Lords of his Majesty's Privy Council recommend it to the Earl of *Linlithgow* to write a Letter of Thanks to Sir

James

James Turner, for his Care and Pains taken in seeing the Laws anent Church-government receive due Obedience: And withal to acquaint him, that he advise with the Bishop of *Galloway*, and send a Note to the Council of the Names of such Ministers as are come in from *Ireland* to that Country, or others who transgress, by preaching or otherwise, the Acts of Parliament and Council anent the Government of the Church; to the effect that the Council may take such Course therein as they shall think meet. And that also Sir *James* acquaint those Ministers who are debarred from the Possession of their Churches and Manes, that they make their Address to the Lords of Privy Council or Session, who will grant them Letters of Horning, upon Sight of their Presentations and Collations, against the Possessors of the said Manes. And withal my Lord is to acquaint Sir *James*, that the Council have directed Letters to cite *Earlstoun* to compare before them. 1663.

Sir *James Turner* we shall frequently meet with in the Progress of this History. He had been in the late Times a great Servant of the Covenanters, and at the Restoration found it convenient to go over to the other Side, with the same Zeal. He was a Person of a forward active Temper, and had somewhat of Harshness mixed with it; but was endued with a considerable Stock of Learning, and very bookish. This Person was abundantly ready to execute the Orders here given him with Rigour; but was obliged to go even beyond his Inclinations to satisfy the Bishop of *Galloway*, who was severe and cruel, as all Apostates use to be, and the rest of the Prelates. The Council finding the Body of the West and South of *Scotland* most dissatisfied with the late Change in the Church, and having put the uplifting of the Fines in the Hands of the Army, send West a good Body of the Forces, and with them the strictest Orders, to oblige all Persons to Subjection to the Bishops and their Curates. Character of Sir James.

By this a large Foundation is laid for most grievous Oppression and Exactions, under Colour of Law. The Process was very short in Cases of Nonconformity. The Curate accused whom he pleased to Sir *James*, or any of the Officers of the Army, yea, many times to a private Centinel. The Soldier is Judge, no Witnesses are led, no Probation is sought, the Sentence is summarily pronounced; and the Soldier executes his own Sentence, and he would not see the less to this, that the Money, generally speaking, came to his own Pocket; and very frequently the Fine upon some Pretext or other, far exceeded the Sum liquidate by Law. The Army grievously oppressed the Country.

Vast Contributions were under this Colour raised in the West and South: The Soldiers really carried as if they had been in an Enemy's Country, and the Oppression of that Part of the Kingdom was inexpressible. If a Tenant or Master of a Family, was unwilling, or really unable to pay, the Soldiers are sent to quarter upon him, till it may be, he pay Ten Times the Value of the Fine; and indeed many were totally eaten up. And, as if this was not enough, when poor Families were no longer able to sustain the Soldiers, their Stuff and Goods were distrained and sold for a Trifle. Vast Sums exacted.

In those Quarterings the ruffian Soldiers were terribly insolent. Family-worship was mocked at, and People disturbed when at it, as if it had been a Conventicle and contrary to Law. Multitudes were cruelly beat, and dragged to Church or Prison with equal Violence. By such Methods Hundreds of poor religious Families in the West and South were scattered, and reduced to extreme Necessity, and the Masters of them were obliged either to lurk or leave the Country. Insolence of the Soldiers.

Sir *George Mackenzie's* Vindication of all this is, p. 10. 'That 'tis impossible to answer for all the Extravagancies of Soldiers, and Sir *James Turner* was laid aside, which was all the State could do.' We shall afterwards hear the Procedure of the Council against Sir *James*, and find it was upon other Grounds than his quartering his Soldiers at this Time: We shall just now find him put on the high Commission, and sent once and again to harass the West and South; and he himself made it out to the West-country Men, who made him Prisoner, that he was far from going the Length of his Commission, notwithstanding the Heights we shall see he ran to. And we shall afterward find, that when, April 17th, 1683. *John Wilson* Writer in *Lanerk*, was before the Council, and speaks of the Council's condemning Sir *James* for his Cruelty, he is answered in Face of Council, and none contradicted it, That Sir *James* went not the Length of his Commission. Sir George Mackenzie's Vindication of this, considered.

And as to the common Extravagancies of Soldiers, the Reader will easily judge whether this be a Defence for what now passed. Sir *James* understood the military Law sufficiently, and had Spirit enough to have limited his Men; and I should not reckon Sir *James* worthy of the Command he had, if he was not able to restrain his Soldiers from going beyond his Commission. And had he been guilty of this, as Sir *George* insinuates, his Masters should have not only displaced, but punished him, at least they did so with far better Men for less Faults. Even *Cromwel's* Officers were made to answer for the Extravagancies of their Soldiers, tho' Foreigners, Enemies, and Conquerors; and 'tis strange if the like could not be done in Time of Peace, and under a just Government, as Sir *George* calls that. But all this is an insufficient Defence; only no better offered, the Matter did not bear it.

In order to facilitate the Soldiers Work, the Curates formed in most Parishes a Roll of their Congregations, not for any Ministerial Work they gave themselves the Trouble of, but to instruct their Parishioners with Briers and Thorns by their Army; and in order to the Soldiers The Curates Share in this Oppression.

1663.

diers visiting their Families, and examining their People's Loyalty. Sermons were all the Curates Work, and these short and dry enough. And after Sermon the Roll of the Parish was called from Pulpit, and all who were absent, except some Favourites, were given up to the Soldiers; and when once delated, no Defences could be heard, their Fine behoved either presently to be paid, or the Houses quartered upon; and some who kept the Church were some Time quartered upon, because the Persons who last Term lived there, were in the Curates Lists as Deserters of the Church.

The Trouble many were brought to at the Churches of the old Presbyterian Ministers.

The Soldiers Way there.

Another Part of the severe Oppression of the Country, by the Soldiers at this Time sent West, was at the Churches of the old Presbyterian Ministers. Such of those who continued either by Connivance, or at their Hazard, or by the Interest of some considerable Person in the Parish, had very throng Auditories, which grated the Bishops and their Underlings; so Orders were sent to the Soldiers, to go to their Churches likewise.

The Method was, as a good many living Witnesses can yet testify, The Party of Soldiers sat drinking, revelling, and carousing in some publick House in the Parish, till publick Worship was near over; and then came armed to the Church-door, or Church-yard Gates, and guarded those, caused the People pass out one by one, and interrogate them upon Oath, If they were one of that Congregation? If they could not say they were Parishioners, tho' it may be the Congregation they lived in was vacant, and no Curate settled in it, the Soldiers immediately fined them, and any Money they had was taken from them. If they had no Money, or not so much as was required, then their Bibles, the Mens Coats, and Womens Plaids were taken from them. You would have seen the Soldiers returning on the Lord's Day, from one of these Churches, laden with Spoil, as if they had come from a Battle where they had stripped the Slain, or the sacking and plundering a City.

In some Places there was yet sadder Work, tho' this was not so common as the former. The Soldiers would come in Companies in Arms to the Presbyterian Ministers Churches, and without any Ceremony enter the same by Force, and interrupt divine Worship. One Party would stand at the one Door, and a Second Party at the other, and guard them so as let no Body get out; and a Third Party would enter the Church, and obliged the People to go out all by one Door, and these that would not presently swear they belonged to that Parish, they rifled them of all they had, and sometimes forced them to go with them to Prison.

Dreadful was the Confusion and Profanation of the Lord's Day, and several were wounded, and others sorely beat. Many Instances of those Abuses, in this and the following Years, might be given through the West and South, were there Need; particularly at the Churches of *Eglisbam, Stewartoun, Ochiltree, Irvin, Kilwinning*, and other Places, too long to be narrated here.

And after all, the Soldiers were so insolent and severe, as to force People, for Fear of worse, to declare under their Hand, that after all those and many other Outrages, they were kindly dealt with and used, and engage to make no Complaints; and when they had forced this from some People, they thought themselves secure.

Indeed 'tis but a lame Idea can be framed of the Nature and Severities of those Quarterings, now at this Distance: But from this short Hint 'tis evident, the Procedure of the Managers this Year, with that of the high Commission next Year, and the following Severities in the Year after, naturally paved the Way for all Confusions and Extremities the Country fell into afterwards, and may be reckoned the real Causes of them.

S E C T. VI.

Of several other Occurrences this Year 1663.

Occurrences this Year.

Bishop Mitchel dies, February this Year.

The Council's Procedure as to Mr. Dickson's *Therapeutica sacra*.

AS I have done upon the former Years, so I shall end this, by taking Notice of several incidental Things which may tend to clear the History of this Period, and yet come not in upon the former *Sessions*; and I shall run very quickly through them.

February this Year died Mr. *David Mitchel*, who had been Minister of *Edinburgh* before the 1638. and, as we heard, was made first Bishop of *Aberdeen*, after the Restoration, tho' his Character did not merit any Elevation in the Church; and he was succeeded by Bishop *Buruet*.

We heard before, that an Application was made to the Council for a Licence to print Mr. *David Dickson's Therapeutica sacra*, in English, and it was remitted to Mr. *Fairfoul* to revise. As he was a very unfit Hand to come after the reverend and learned Mr. *Dickson*, so I doubt, if, during his Life, any Application was further made; but now that excellent Person having got to his Reward, a new Application is made, *March 24th*. 'The Council having considered the Desire of the Petition presented by Mr. *Alexander Dickson*, Professor of 'Hebrew

‘ Hebrew in the College of *Edinburgh*, Son to umquhile Mr. *David Dickson* Professor of Divinity there, for a Licence to print his Father’s *Therapeutica sacra*, in English; do find it reasonable, and recommend to, and require the Bishop of *Edinburgh*, or such as he shall think fit, to revise the said Book and Translation thereof; and if he or they shall find it useful for the Publick, and give Testimony thereof under their Hand, the Lords give Warrant to his Majesty’s Printer to cause print the same.’

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This excellent Book is upon a Subject the Managers needed not be afraid of, and did not in the least concern Politicks, or their Government in Church and State, but was entirely calculate for the promoting of real Godliness and practical Religion, and hath been singularly useful unto Thousands. Whether it was put into the Hands of the Bishop or not, I cannot say: But *October 13th*, I find there is a Licence granted for publishing it, without any Restrictions. ‘The Lords of Council do hereby licentiate and give Warrant to the Printing of a Book called *Therapeutica sacra*, translated out of Latin into English, by Mr. *David Dickson*, and discharge all Printers to print the same, except *Christopher Higgins* his Majesty’s Printer, as they will be answerable, without the special Licence of Mr. *Alexander Dickson* Son to the said Mr. *David*.’

It may perhaps be thought foreign to this History, and I shall but just name it, to notice, That the Duke of *Monmouth* and Dutcheffs of *Buccleugh* were married, *April 24th*, and in a few Weeks I find a Patent, creating them Duke and Dutcheffs of *Buccleugh*, read in Council and recorded: We shall afterwards meet with his Grace the King’s natural Son in the Progress of this History.

Duke of Monmouth married to the Countess of Buccleugh.

Upon the *26th* of *April*, the *Lyon* King at Arms died, and Sir *Charles Erskine*, Brother to the Earl of *Airly*, succeeded him in that Post, who, *September 26th*, is crowned in Presence of the Parliament; but I don’t find the Formality of a Sermon used, as was at the Coronation of the former King at Arms.

New Lyon King at Arms

June 2^d, the Council pass the following Act with relation unto *Quakers*.

THE Lords of his Majesty’s Privy Council, taking to their Consideration the great Abuse committed by these People who take upon them the Profession of *Quakers*, whereby both Church and State is and may be prejudged, to the great Scandal of the Gospel; and being most willing to remedy the same, they do appoint the Lord Advocate, the Lord Tarbet, and Sir Robert Murray, to meet and call before them John Swinton, sometime of that Ilk, Anthony Hedges of Burnside, and Andrew Robertson, and examine them, and the Papers that have been intercepted, passing ’twixt them and some others, and what Correspondence they have had, either with those in England, or elsewhere, to the Prejudice of the Church or State; and for this Effect give Power to cite and receive Witnesses, and all other Manner of Probation, and to report to the Council. And because it is certainly informed, that there are several Meetings of *Quakers* in *Edinburgh*, both on the Week-day and Sabbath in Time of Divine Worship, who seduce many to follow after mischievous Practices; therefore, for preventing the same in Time coming, they do ordain and require the Magistrates of the Burgh of *Edinburgh*, to cause a strict Enquiry to be made after the Dwelling-places or Houses where those Persons resort, and that they call for the Landlords or Heritors of the said Houses, and cause them take such Course as there be no Meetings of such Persons any more within their Houses; and, if Need be, that they take the Keys of their Houses from them: And withal, that they take Care that no Heritor, Landlord, or others, let any House to such Persons, as they shall be answerable, in Time coming.

Act of Council, June 2d, against Quakers.

Had this good Act been prosecute with the same Vigour those against *Presbyterians* were, we might in this Land soon been freed from that dangerous Sect; but as soon as the Bishops come into Council, in a few Days after this, I observe little more done against them. They gave the Council so much to do against *Presbyterian Nonconformists*, that for some Years I meet with little further against the *Quakers*; and any Thing that was done was so little prosecute, that they spread terribly during this Reign.

June 9th, there is read a Letter from the King to the Council, relative to the Plot, commonly called, *Bloods-plot*, bearing, ‘That by an Express of the *29th* of *May*, before this Time they had received his Majesty’s Letter, declaring his Pleasure for discharging the Two Commissions formerly granted to the Earl of *Middleton*, and requiring them to adjourn the Parliament to the *18th* of *June*, and that they had received the Earl of *Rothes*’s Commission, that it might pass the Seals: But now having received Information of a damnable Plot in the Kingdom of *Ireland*, to surprize the Castle of *Dublin*, and raise a Rebellion, which is now in a good Measure prevented, and some of the principal Persons secured; yet because it is informed, *Gilbert Ker* was engaged in that treasonable Design, and escaped, and because there’s Reason to think he and some others, involved in that Guilt, may endeavour an Escape through the Kingdom of *Scotland*, the Council are required to give immediate Orders, that all Persons, come over in Ten Days before the Date of this, be strictly examined, and

King’s Letter as to Bloods-plot

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Earl of *Roths*
High Com-
missioner and
Treasurer.

Some Remarks
on the framing
the Declarati-
on last Year.

Addition to
Council.

‘ and dealt with as they deserve. ’ A Copy of the *Irish* Proclamation is sent inclosed. This Letter is dated the 1st of *June*. The Council gives Orders accordingly. For any Thing I can learn, no Accession to this Plot could ever be fixed on Colonel *Ker*.

June 15th, the Earl of *Roths*’s Commission, to be Commissioner to the Parliament, is read and recorded in Council, and likewise his Commission to be Lord High Treasurer, in the Room of the Earl of *Crawford*, who had demitted that Place, because he could not sign the Declaration formed by Parliament last Year, and ordered to be taken by all in publick Trust. I am told, that this noble Person was particularly in *Middleton*’s Eye, when the Declaration was penn’d, and he readily went into it at the Bishop’s Instigation, that he might have the Post for himself or one of his Friends. And ’tis said, He was put in Hopes that the Earl of *Lawderdale* might boggle at it: And the Earl of *Lawderdale* said to my Lord *Crawford*, That he wanted not some Difficulties as to the Declaration, and wished it had not been pass’d; but since it was pass’d, he would come over them, and be avenged upon his Enemy *Middleton*.

At the same Time a considerable Addition was made to the Council. The Earl of *Lawderdale* took his Place: His Brother Mr. *Charles*, Master and General of the *Mint*, was added to the Council, by a Letter from the King; we shall afterward meet with him under the Stile of the Lord *Hattoun*; and *John Hume* of *Rentoun* is, by another Letter, admitted Counsellor; as also the Two Archbishops. The Letter relative to them deserves a Room here, and follows.

Right Trusty, &c.

King’s Letter,
adding the
Two Arch-
bishops, to the
Council.

‘ WE Greet you well. Being most confident of the Fidelity and Affection to Our Service, of the most Reverend Fathers in GOD, the Archbishops of St. *Andrews* and *Glasgow*, We have thought fit to add them to Our Council: These are therefore to require you to receive them to Our Privy Council, in the ordinary Way; for which this shall be your Warrant. *Whitehall, June 4th*. ’

LAWDERDALE.

That same Day an Order is given to liberate the Lord *Lorn* from the Castle of *Edinburgh*.

Lord *Lorn* li-
berate, *June 24*.

‘ THOSE are to require and command *Robert Straiton*, Captain of the Castle of *Edinburgh*, immediately upon Sight hereof to put at Liberty forth of the Castle of *Edinburgh*, *Archibald Campbel* eldest Son to the late Marquis of *Argyle*, for which these shall be a Warrant. ’

ROTHES.

and restored
to his Grand-
father’s Estate.

Middleton’s Projects against the noble Family of *Argyle* were now at an End, and the Earl of *Lawderdale* had taken Care to convince the King, that the Sentence pass’d against the Lord *Lorn* was upon no solid Grounds, and had been procured from particular Designs of the Earl of *Middleton*. And so after the Parliament was up, in a few Days came down a Patent restoring the Lord *Lorn* to all his Grandfather’s Estate; and because his Father the Marquis died under a great Burden of Debt, it was ordained that the Lord *Lorn* should have Fifteen thousand Pounds *per Annum* paid to him out of the Estate, and the rest of the Estate was ordered to go to the Payment of the Debts and Creditors, of which the Lord *Lorn* and his Two Sisters were first to be satisfied. And the Restoration of this noble Person was indeed a Piece of Justice done him, as well as a grateful Acknowledgment of his Services to, and Sufferings for the King under his Exile.

Tweddale Pre-
sident of the
Council.

At this Time likewise the Earl of *Tweddale* was made President of the Privy Council in *Roths*’s Room, and a Remission was pass’d for *George Campbel* Sheriff-depute of *Argyle*, Father to that great Light of this Church, the Reverend Mr. *George Campbel*, Professor of Divinity at *Edinburgh* since the Revolution, whom we shall meet with in the Progress of this Work.

Order of
Council con-
cerning the
Prisoners from
Kirkcudbright.

I omitted a pretty singular Order of Council, which might have come in upon the former Section, which no doubt came from the Bishops now in Council, with respect to the Prisoners from *Kirkcudbright*. *June 23^d*, ‘ The Lords of Council being informed, that Ministers and other Persons visit the Prisoners for the Riot at *Kirkcudbright*, now in the ‘booth of *Edinburgh*, and not only exhort, but pray for the said Persons to persist in their wicked Practices, affirming that they are suffering for Righteousness Sake, and assure them God will give them an Outgate; recommend it to the Keeper to notice who visits them, and what their Discourse and Carriage is when with them. ’ Those idle Censures of the Prayers of such as visited the Prisoners, were unworthy of the Notice of the Council. *John Ewart* and some of the Prisoners were eminent Christians, and no doubt suffering for their Regard to

to the Gospel. However, 'tis well the Council went no further, and discharged all Visits to them.

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This Summer, as we heard, a great many were vexed and harassed for not subjecting to the Ministry of the Episcopal Clergy, and not waiting upon Ordinances dispensed by them. Some had Freedom to hear the conformist Ministers, yet, when they had Opportunity, they choosed far rather to joyn with the few remaining Presbyterian Ministers, especially in the Dispensation of Sacraments. And some had no Freedom to hear the Curates, or receive Sacraments from them, till they gave a Testimony or Protestation against what they judged wrong in them, for exonerating of themselves, that they did not by joyning with them approve of it.

Many brought to trouble for not joyning with Curates.

This was insisted upon by some, not only of the more common People, but even of better Rank. That worthy and learned Physician, Doctor *Silvester Rattray*, well enough known in the learned World, was, upon *Thursday* the 23^d of *July* this Year, called before the Meeting of the Episcopal Ministers at *Glasgow*, to receive a Censure for his taking one of his Children out of Town, to be baptized by a Presbyterian Minister; and having this Opportunity of exonerating himself, he gave in the following Paper signed with his Hand.

Doctor *Rattray's* Paper when he appeared before the Episcopal Ministers at *Glasgow*, *July* 23.

I Declare unto you, Sir, before this Meeting, that really I am of the Presbyterian Perswasion and Judgment; and that, not only because I was bred and brought up under it, but also being convinced by clear Evidence from Scripture, that it is the only Government Christ and his Apostles did leave behind them, whereby the Church should be ruled to the End of the World: As also, because of the many Obligations, Ties, and Vows yet recent upon my Spirit for adhering unto it: As also, I am convinced that Prelacy is an human Invention, which derives its Rise only from some antiquated Customs in the Church. And albeit the Lord, in his holy and sovereign Providence, hath suffered this Hedge of Presbytery to be broken down, wherein ye have born deep Shares to your Power, I do declare that I will not separate from the Church of God, but will participate of the Ordinances so long as they remain pure among us, only with this *Proviso*, that this my Participating of the Ordinances do not infer my approving any unlawful or unwarrantable Practice in you, or any other of the Dispensers of the Ordinances.

Doctor *S. Rattray*.

Afterwards, when the bloody and cruel Scheme of Oppression and Persecution opened out, such Declarations as this were not received, and tho' they had, could scarce have been a sufficient Salvo for joyning with the Courses and Defections of this lamentable Time. However, great Numbers, some upon one Pretext, some upon another, were brought to much Trouble for their Nonconformity with the Clergy now set up.

During the Sitting of Parliament, and I think by Order of it, *Angus* and *Neil McLeods* were denounced and put to the Horn, being, as was alledged, the Persons who had taken the Marquis of *Montrose*, *May* 1650. This was done *August* 17th this Year.

McLeods denounced for taking *Montrose*, 1650.

September 29th, Mr. *Thomas Sideferf*, Minister at *Edinburgh*, and Bishop of *Galloway* before the Year 1638. and now, as we heard, Bishop of *Orkney*, died at *Edinburgh*. He was buried honourably there, *October* 4th, being a Sabbath: His Corps lay in State in the Isle of the *East-kirk*, and Mr. *William Annand* had a Sermon before their Interrment, wherein he described, with Abundance of Parade, the Family, Birth, Piety, Learning, Travels, Life, and Sufferings for the Sake of the Gospel, of the deceased Prelate. This is the Second Bishop dies this Year, and just now we shall hear of a Third.

Bishop *Sideferf's* Death *September* 29.

In *September* the Council write to the King about some new Impositions put upon *Scotsmen* in *France* in their Traffick, as follows.

Most Sacred Sovereign,
WE are informed by several Merchants of this Kingdom who traffick with *France*, and some who reside there who are your Majesty's native Subjects, that there being of late some Impositions put upon the Vessels and Merchant-goods belonging to Foreigners, by the *French King*; the general Farmers of those Taxes upon that Pretext have incumbered the Goods and Vessels of your Majesty's Subjects belonging to this Kingdom, so that they are in Hazard to be reduced to the common Condition of Strangers, and lose the Benefit of those ancient Privileges which for many Years they have enjoyed during the Reigns of your Majesty's glorious Predecessors of Blessed Memory, until the Time of the late Usurpers, during which, your Majesty's Subjects of this Kingdom did exceedingly suffer in their Privileges and Immunities in *France*, and other foreign Kingdoms for want of your Majesty's Protection.

Council's Letter to the King upon the new Impositions upon *Scotsmen* in *France*, with an Account of the old League with *France*.

And seeing it can be made appear, that in the Year 787. by a Treaty betwixt *Achaius* then King of *Scotland*, and *Charles* the Great then Emperor and King of *France*, confirmed thereafter in the Time of *Alexander II.* many great Privileges were secured unto this your Majesty's

1663. ' Majesty's ancient Kingdom; and that in the Year 1558. when the Dolphin of France was married to *Mary* then Queen of *Scotland*, there was a reciprocal Naturalization of the Subjects of either Kingdom, ratified and recorded here in Parliament, and the great Council of *France*, which has been punctually observed; and that whensoever any of your Majesty's Subjects were troubled in *France*, for Taxes put upon Strangers, they were declared free by Sentences of those Judicatories, to which they were liable, conform to several Declarations of the *French* Kings from Time to Time, particularly in the Year 1639. by a Declaration and Arrest of the Council of State of *France*, whereby all *Scottish* Men living in *France*, and their Descendents, are declared free of all Taxes put upon Strangers. We found it our Duty humbly to offer the Condition of those your Majesty's Subjects, and their Sufferings and Hazard to your Royal Consideration, and take the Boldness to implore in their Behalf, that your Majesty would be graciously pleased to interpose with the *French* King, for Relief from their present Incumbrances, and the Security of their ancient Privileges for the future, and to put a present Stop to any levying of Taxes from them. And if your Majesty think fit to employ any of your Subjects of this Kingdom to negotiate that Affair, we shall be ready to furnish him Authorities and Originals fit for that Purpose. We are, &c.' I find no more of this till in King *James's* Reign, the Recovery of our Privileges in *France* is brought in to be a Bait to come into the Repeal of the penal Laws against *Papists*.

The Primate
impowered to
supply Mr.
James Wood's
Place.

That same Day the Council considering the Vacancy of *St. Salvator's* College in *St. Andrews*, recommend to the Lord Archbishop as Chancellor of that University, to name a Person to oversee the Masters, Regents, and Scholars, exercising Discipline, and enjoying the Privileges, and uplifting the Emoluments of the Provost of that College: And the Council require the Person named by his Grace to accept. We may see the Archbishop had some Reason for pushing the Removal of the Reverend Mr. *James Wood*, of which before.

As soon as the Parliament rose, a good many went up to Court. The Commissioner who was well received, *Lawderdale*, the Earl of *Dumfries*, Lord *Bellenden*, Treasurer-depute, Sir *John Fletcher* Advocate. The Primate goes not up at first, but in a little Time followed them, and brought down the Warrant for the High Commission next Year.

Archbishop
Fairfoul's Death
November 2.

November 2^d, Archbishop *Fairfoul* died in his Lodgings at *Edinburgh*. Since his riding the Parliament in Pomp and State, he was not well, and continued till this Time when he died. Upon the 11th Instant his Corps were carried to *St. Giles's* East Church, now the new Church in *Edinburgh*, and laid in Mourning before the Pulpit. The Bells rang for the funeral Sermon at Four in the Afternoon. Mr. *John Hay* Parson at *Peebles*, now Archdean at *Glasgow*, preached from *Eccles. 12. 5*. When Sermon was over, the Corps were put into a Mourning Coach, and carried to *Holy-rood-house*, with the Nobility and principal Gentry in Town; the Magistrates, the Lords of Session in Coaches, and the rest on Foot, with Trumpets sounding, and Two Heralds, and Two Pursevants with Coats displayed before the Corps, with great Numbers of Torches; the Chancellor with his Purse after the Corps, and the Archbishop of *St. Andrews* and other Bishops in Coaches; and the Body was interr'd in the east End of the *Abbey* Church. Thus Three of our Bishops are carried off, and Bishop *Burnet* from *Aberdeen* is translated to *Glasgow*. Doctor *Scougal* succeeds him there; and Mr. *Andrew Honniman* is made Bishop of *Orkney*, as we shall hear, next Year.

I shall end this Year with remarking, that the Council are very careful to supply the alledged Necessities of Bishops and their Clergy. The Bishop of the *Isles* was not satisfied with his Rent as Bishop, and so they allow him the Stipend of the Parish where he had been Minister, and they allow a good large Sum out of the vacant Stipends to Mr. *Annand*, tho' his Stipend was not despicable at *Edinburgh*. I shall give both as they stand in the Registers.

Council's Act,
giving the Stipend of *Barnwel* to the Bishop of the *Isles*.

November 10th, 'Anent a Petition presented by the Bishop of the *Isles*, shewing, That the Provision of the Bishoprick of the *Isles* is so mean, that unless his Majesty shall be pleased to take some Course for helping of it, the Petitioner shall not be able to subsist by it, by reason of the Distance of the Place, and the extraordinary Expences he is put to in visiting his Diocese; and seeing the Stipend of *Barnwel*, where the Supplicant served last Twenty two Years, is vacant this Year, notwithstanding of all Endeavours used for planting thereof; humbly therefore desiring, that in Consideration of the extraordinary Expences and Pains that he is put to, the said Year's Stipend may be allowed him for his present Supply, as the Petition bears. Whilk being at length read, heard, and considered, the Lords of his Majesty's Council give Warrant and Power to the Supplicant to uplift the Stipend of the said Parish of *Barnwel* the said Year 1663. and ordain the Heritors, Feuars, and Liferenters, and others liable, to make due and thankful Payment; and, if Need be, ordain Letters to be direct hereupon in Form as effeirs.'

Mr. *Annand*
allowed 200
Pounds Sterling.

The same Day, 'Anent a Petition of Mr. *William Annand* Minister at *Edinburgh*, shewing, That whereas the Petitioner's Father, in Consideration of his Sufferings, was appointed Two hundred Pounds Sterling out of the vacant Stipends, notwithstanding whereof, his Father, during his Lifetime, received nothing thereof; humbly therefore desiring the same Locality might be assigned to the Petitioner, for Payment of the said Sum, or else that he may

may be recommended to the Lord St. *Andrews* his Grace, for that Effect. The Lords of Council recommend him to the Archbishop of St. *Andrews*, to appoint a Locality for the said Sum, and ordain Letters of Horning to be direct upon the Localities so to be granted.' 1663.

CHAP. V.

Of the State and Sufferings of Presbyterians, during the Year 1664.

WE are now got through the most considerable Transactions of the Period 1664. which is the Subject of this first Book: We are to have no more Parliaments for some Years; and the extensive and large Acts of Council, with the severe Execution of them, already described, leave little Room for much further to be done by the Managers, until the Rising at *Pentland* is taken hold of for a Handle to further Severities.

However, the Laws made by the Three last Sessions of Parliament, now begun to be rigorously executed by the Army, did not satisfy the cruel Bishops. The People in *Scotland*, when Episcopacy was forced upon them, had ill enough Impression of them and their Curates; but the Barbarity of the Soldiers, hounded out by the Prelates, and under the Direction of the Curates, brought the West and South of *Scotland*, now mostly the Scene of their Severities, perfectly to lothe the Bishops.

Nevertheless, when they perceived that they could not be loved and esteemed as Fathers of the Church, they resolve to be feared, as Tyrants ordinarily do; and therefore they prevail to get an High-commission Court set up, effectually to bring this about.

This terrible Court is the chief and most remarkable Thing in this year I am now entring upon; and because very little, either as to its Nature or Proceedings, hath, as far as I know, been published, I shall give the larger Accounts of it in this Chapter.

The Work of the Privy Council was pretty much abridged by this frightsom Court; and yet we shall find them going on to put in Execution the Act of *Middleton's* Parliament concerning the Fines, and pushing the Declaration formerly spoken of, and, at the Intligation of the Bishops, making some new and very unaccountable Acts against Presbyterian Ministers, and others of that Perswasion.

Besides, they are going on against some more particular Gentlemen and Ministers, and putting them to new Trouble. Those, with some other incidental Matters that tend to clear the History of this Year, will afford Matter for Five Sections; and I begin with the High-commission Court.

SECT. I.

Of the Erection and Powers of the High-commission Court, with some Reflections upon the same.

WHEN the Plan of Prelacy was perfected and set up in *Scotland*, the King was made to expect, that his Prerogative would be strengthened in *Scotland*, and his Power and Pleasures every Way secured. No doubt somewhat as to both was done for him, but in Reality the Bishops were a dead Weight on his Authority, and a Clog upon his Actions; and as they dethroned him in the Hearts of the best of his Subjects; so they were perpetually teasing and vexing him with new Demands, dishonourable for his Majesty to go into, and very burdenson to his Subjects and the poor Country.

Thus the Archbishop of St. *Andrews*, in the End of *December* last Year, comes up to Court to make new Demands, and use his Interest for filling up the vacant Bishopricks, but especially for erecting the High-commission Court.

The Chancellor, and some other of our Noblemen here, were not for running altogether so fast as our Prelates would have them; and *Glencairn*, in particular, was highly dissatisfied with

Bishops make still new Demands upon the King.

The High Commission owing to the Primate.

Difference falls out 'twixt the Chancellor and him.

1664.

with the Pride and Overdriving of the Archbishop and other Prelates. I am informed, he went so far as to say to the Earl of *Rothes*, before his going up to Court last Year, *That it was Noble mens Interest and Concern to bear down the growing Power of Bishops, otherwise they were like to be treated now by them, as they had been before the 1638.* This coming to the Ears of Bishop *Sharp*, I am told he treated the Chancellor with Indiscretion abundance, and plainly threatned to disgrace and discount him.

The Primate
gains his Point
at Court.

When he got up to Court, he made heavy Complaints of the Backwardness of many Noble men in executing the Laws made for the Interest of the Church; and prevailed with the King, by the Help of the *English* Bishops, and the High-fliers, to grant a Commission for erecting an High-commission Court in *Scotland*, made up of Churchmen and Laymen, to execute the Laws concerning Church-affairs; and it was in every Point modelled according to his Mind. The Nature of this Court will best appear from the King's Commission brought down by the Archbishop; which is as follows.

Commission for executing the Laws in Church-affairs.

King's Com-
mission for this
Court.

OUR Sovereign Lord ordains a Commission to be passed and expedite under his Majesty's great Seal for the Kingdom of *Scotland*, making Mention, That in Consideration of the Multiplicity and Weight of the Affairs of the State incumbent upon the Lords of Privy Council, so as they cannot attend the due Execution of the Laws against Popery, Separation, and Disobedience to Ecclesiastical Authority; and to the effect that the Disorders and Contempt of Authority and the Laws in the Provinces of *St. Andrews* and *Glasgow*, may be timeously suppressed, and the Scandalous and Disobedient may not through Impunity and Connivance be emboldned to violate and affront the Laws, create Disturbances, foment Sedition and Disaffection to the Government of the Church and State, under Pretence of any Engagements: His Majesty by Virtue of his Royal Prerogative in all Causes, and over all Persons, as well Ecclesiastick as Civil, has given and granted, likeas by the Tenor hercof gives and grants full Power and Commission to the Archbishop of *St. Andrews*, the Lord Chancellor, the Lord Treasurer, the Archbishop of *Glasgow*, Duke *Hamilton*, the Marquis of *Montrose*, the Earls of *Argyle*, *Athol*, *Eglinton*, *Linlithgow*, *Hume*, *Galloway*, *Annan-dale*, *Tweeddale*, *Leven*, *Murray*; the Bishops of *Edinburgh*, *Galloway*, *Dunkeld*, *Aberdeen*, *Brechin*, *Argyle*, and the *Isles*; the Lords *Drumlanerik*, *Pitligo*, *Frazer*, *Cochran*, *Halkertoun*, and *Bellenden*; the President of the Session, the Register, the Advocate, Sir *John Hume* Justice-clerk, Mr. *Charles Maitland*, the Laird of *Philorth* Elder, Sir *Andrew Ramsay*, Sir *William Thomson*; the Provosts of *St. Andrews*, *Aberdeen*, *Glasgow*, *Air*, and *Dumfries*; Sir *James Turner*, and the Dean of Gild of *Edinburgh*, or any Five of them, an Archbishop or Bishop being one of the Number, to use their utmost Endeavour that the Acts of Parliament and Council, for the Peace and Order of the Church, and in Behalf of the Government thereof by Archbishops and Bishops, be put in vigorous and impartial Execution against all and every one within the Kingdom of *Scotland*, who presume to violate, contemn, or disobey those Acts and the Ecclesiastical Authority now settled; to summon and call before them, at whatsoever Time and Place they shall appoint, all Popish Traffickers, Intercommuners with, and Resettlers of Jesuits and seminary Priests, all who say or hear Mass, all obstinate Contemnners of the Discipline of the Church, or for that Cause suspended, deprived or excommunicated; all Keepers of Conventicles, all Ministers who, contrary to the Laws and Acts of Parliament or Council, remain or intrude themselves on the Function of the Ministry in these Parishes and Bounds inhibited by those Acts; all such who preach in private Houses, or elsewhere, without Licence from the Bishop of the Diocese; all such Persons who keep Meetings at Fasts, and the Administration of the Sacrament of the Lord's Supper, which are not approved by Authority; all who speak, preach, write, or print, to the Scandal, Reproach, and Detriment of the Estate or Government of the Church or Kingdom, as now established; all who contemn, molest, or injure the Ministers who are orderly and obedient to the Laws; all who do not orderly attend Divine Worship, Administration of the Word and Sacraments, performed in their respective Parish-churches, by Ministers legally settled for taking Care of these Parishes in which those Persons are Inhabitants; all such, who, without any lawful Calling, as Busie-bodies, go about Houses and Places, for corrupting and disaffecting People from their Allegiance, Respect and Obedience to the Laws: And generally, without Prejudice to the Particulars above-mentioned, all who express their Disaffection to his Majesty's Authority, by contravening Acts of Parliament or Council in relation to Church-affairs. With Power to the said Commissioners, or any Five of them, an Archbishop or Bishop being one of the Number, to appoint Ministers to be censured with Suspension or Deposition, and to punish by fining, committing to Prison, and incarcerating them and all other Persons, who shall be found Transgressors, as aforesaid, according as they shall judge the Quality of their Offence to deserve, they always not exceeding the Fines and Punishments enjoyned by the Acts of Parliament and Council. Commanding the Captains of his Majesty's Guards, the Officers of

of the standing Forces and Militia, Sheriffs, Deputes, Bailies of Regalities, Justices of the Peace, and Provosts and Bailies of Burghs, to search, seek, take, and apprehend all such Delinquents, and present them before the Commissioners, upon the Warrant of any Five of them, as aforesaid. Commanding likewise the Constables and Commanders of his Majesty's Castles, Keepers of Prisons, and other Places of Firmance, to receive and detain those that shall be directed to them by the Commissioners, upon the said Warrant, as said is, as they will answer upon their Obedience, or utmost Peril. Ordaining further the Lords of his Majesty's Privy Council, upon any Certificate subscribed by the said Commissioners, or any Five of them, as aforesaid, to direct Letters of Horning for Payment of the Fines imposed by the said Commissioners, in case of the Delinquents Disobedience and Refusal to compare before them; of which Letters of Horning, no Suspension or Relaxation shall be granted without the Certificate of the Archbishop or Bishop, bearing their Obedience to the said Commissioners, and Satisfaction to the Laws. And his Majesty doth make, constitute, and ordain Mr. *Thomas Young*, Clerk to the Commission for Plantation of Kirks, to be Clerk to this Commission, with Power to him to appoint Officers, and other Attendants necessary, and to direct Summons and Precepts in his Majesty's Name, for citing whatsoever Parties or Persons, in any of the Cases aforesaid; whilk Precepts shall be sealed by the Signet, and subscribed by the said Clerk; with Power to summon Witnesses, under the Pains prescribed by Law and Practice; and if the said Witnesses refuse to compare, or the said Persons decerned in any Fine, refuse or delay to make Payment of the same, His Majesty ordains the Lords of Secret Council to direct Letters and Charges upon the Certificate of the said Commissioners, as is above specified. Of the which Fines, to be collected and uplifted by *Alexander Keith* Under-clerk to the Council, one Half shall be employed for defraying the necessary Charges of the said Commission, at the Sight of the said Commissioners; and the other Half shall be employed for pious Uses, as his Majesty shall appoint. And generally the Commissioners aforesaid are authorized and empowered to do and execute what they shall find necessary and convenient for his Majesty's Service in the Premises, for preventing and suppressing of Schism and Separation, for planting of vacant Churches, and for procuring of Reverence, Submission, and Obedience to the Ecclesiastical Government established by Law. And to the end that a Business of so much Importance to the Peace and Well-being of the Church and Kingdom, may take a speedy and successful Effect, as his Majesty hath thought fit to make Choice of such Persons, in whose Judgment and Affection to his Majesty's Service and the Church's Good he doth repose special Trust, so it is his Pleasure that this his Commission shall endure to the First of *November 1664.* and after, until it be discharged by his Majesty: And that the First Meeting thereof be kept at *Edinburgh*, the First *Wednesday* of *March* next to come; and After-meetings shall be appointed in such Places, and as often as shall be found necessary for obtaining the End of the said Commission. And his Majesty doth expect an exact Account of their Proceedings from Time to Time, as of a Service whereof he will take special Notice, and it succeeding well will be very acceptable to him. Commanding lastly, all his Majesty's Lieges who are or may be concerned, to answer and obey the said Commissioners, or any Five of them, an Archbishop or Bishop being one of the Number, under all highest Pains that may after follow. And ordains these Presents to be an effectual Warrant to the Director of the Chancellery, for writing the same, to the great Seal, and to the Lord Chancellor for appending the Seal thereunto, without any further Order or Warrant. Given at our Court at *Whitehall*, *January 16th, 1664.* and of our Reign the 15th Year.

1664.

This Commission is so very extensive and large, that it affords Matter for many Remarks. The Ground alledged for appointing of this new Court, by many termed the *Crail Court*, being the Contrivance of the Primate, once Minister there, with the best Advice he could have in *Scotland* and *England*, is the *Multiplicity of Affairs lying before the Privy Council*. But it is well enough known, the Council spent much of their Time before this in maintaining the Prelates, and bearing down such as would not subject to them, and, bating Church-affairs, their Business was not so very great; besides, when the High Commission sat, the Council could not sit, at least ply any Business of Moment, since the leading and managing Members were on both these Courts. So this Reason is a mere Pretext.

Remarks upon this Commission.

The real Grounds of erecting this Court, were, That there might be Room for the Members, deriving immediately from the King's Supremacy, to act with larger Powers, in a more severe and general Way than even the Council it self could well do. The *Quorum* picked out by the Bishops, would go greater Lengths, than the Council would in their full Meetings. By this Means the Bishops had Occasion to rid themselves of some Members of Council, who were not altogether for their Heights. They were empowered to meet in Places where the Council was not easily to be called; their Influence this Way was more diffusive, and a small *Quorum* of this Commission would effectuate the Bishops Business more quickly, and in a more extensive Way, by travelling up and down the Country for harassing and persecuting the Presbyterians, than could be done in the former Chancel.

Grounds of erecting this Court.

1664.

Its Design is against Presbyterians,

It is pretended in the Commission, the Design of this Court in the first Place, is, *Against Papists, and to execute the Laws against Popery*: But in reality, Popery in this Case is a mere Cypher to fill up the current Stile. Presbytery was levelled at, under the Name of Separation; whereas strictly speaking, and according to the natural and ordinary Signification of Words, the Prelatick Party were in *Scotland* the *Separatists*, our Reformation-establishment being undoubtedly by *Presbyters*, and *Contemners of the Ecclesiastical Authority*, that is, such as refused to subject to Bishops. The Actings of the Prelates is the best Commentary on this Grant, and it is notour, never one Papist was called before them, or prosecuted before this Court. Their Designs lay not that Way, and indeed all Things were ripening for the Introduction of Popery to these Lands.

and some Gentlemen and Ministers in *Fife* and the *West*.

The Dioceses of *St. Andrews* and *Glasgow* are named; both to extend their Power through the whole Kingdom, and, as their present particular Level was, against some Ministers and Gentlemen in *Fife* and the *West* Country.

The Covenants are made a special Ground of Prosecution before this Court, under the Stile of *pretended Engagements*. The Prelates had a particular Grudge against these, as what they themselves had broken scandalously, and they could not well bear that their Obligations should be owned by any.

King's Prerogative and Supremacy the Basis of this Court.

His Majesty's Royal Prerogative is made the Basis of this Court, and by virtue of his Supremacy over all Persons and Causes Ecclesiastical and Civil, this rampant Commission is granted. Indeed nothing else could be the Parent of so monstrous a Birth. This being their Foundation, and their being of such a Constitution, made severals to scruple to appear before them, who could not homologate this Supremacy.

The Primate at the Head of it.

The Archbishop of *St. Andrews* is put in the Front of this Commission, and placed before the Chancellor and other Officers of State, by virtue of a Letter from the King, of which notice shall be taken afterwards, giving him the Precedency.

Its Members and Quorum.

In this Commission there are Nine Bishops to about thirty Five Laymen: But the Bishops are made necessary Members, and Four with any one Prelate are to be a *Quorum*; and they might be sure enough to find Four in three Dozen, who would do as they pleased. This was a very small *Quorum* of so numerous a Meeting, and so much the fitter for the Purposes now in Hand.

Its Work to maintain the Bishops, who take all Hands to support them in *Scotland*.

The chief Work of this High Commission, is to maintain the Bishops, and to use the utmost Endeavours that the Acts of Parliament and Council be executed. What an untowardly and ill-thriving Weed was Prelacy in this Kingdom! And what Pains and Force must be used to plant and maintain it! The Authority of Parliament, it seems, is not enough, the Executions of the Privy Council do not suffice, even when supported with the Quarterings of the Army: The Prelates must have this new Court set up for their Support, and to put the Laws, made in their Favour, to Execution.

Its excessive Powers.

In Proportion to the Difficulties justly expected in the Maintenance of Bishops in *Scotland*, the Powers of this Commission are extended. Every Man in the Nation may be called before this high and mighty Court, at any Time or Place they shall please to appoint. The Bishops of *Brechin*, *Dunkeld*, *Argyle*, and the *Isles*, with Sir *James Turner*, or to put the Matter a little otherwise, three Provosts of Burghs, a Dean of Gild, and the inconsiderable Bishop of *Brechin*, may bring the greatest Peer in the Land to their Bar, fine, confine, incarcerate at their Pleasure.

The Persons against whom those Powers are directed.

I need scarce go through the List of Criminals against whom this Commission is directed. Papists and Popish Recusants are made a Cover for their rigorous Powers against the Presbyterians: Mean while *Jesuits*, Sayers and Hearers of Mass, and all good Catholics are very easy under our Protestant Bishops, and never one of them molested. After the Clause about Papists, all that follows points at the poor *Whiggs*: Beside the ordinary Crimes of Conventicles, and Presbyterian Ministers their continuing at their Master's Work, all such are cast in *who keep Meetings at Fasts, and the Sacrament of the Lord's Supper, which are not approved by Authority*. It was a strange Opposition to serious Religion that brought People this Length, as to arraign Persons meeting together for Prayer on Fast-days and about Communion-times, when so much Wrestling ought to be about all the Members of Christ's mystical Body. No doubt, private Fasts in Families, and private Societies, at this Time so very necessary, are by this Clause made Faults. The Bishops had no mind to have their Guilt, Apostacy, and Oppression, mourned over by others, and complained of before the Lord; some of their Consciences probably smote them, and they were afraid, and not without Ground, of the joyful Prayers and Supplications of the Lord's People.

The next Class of Criminals is extensive with a Witness. *All who write, speak, preach, or print to the Detriment of the Government of the Church*. It is Pity they took no notice of the Dissenters in *England*, and Protestants abroad, for their excellent Books against Prelacy and Popery. Nevertheless, it was good they put not in *thinking* likewise; but this was reserved till some Years afterwards, when they examined and interrogate People upon their Thoughts, Opinions, and inward Sentiments of disputable Matters: Yet without this they have Rope enough allowed them to make most of the Subjects in *Scotland* Offenders.

Just

Just now I took notice of the Smalness of the *Quorum*, for so great a Work, and such vast Numbers of Offenders ; Five only, whereof a Bishop must be one, and all the Five might be Bishops for any Thing I see ; and it was proper, at least safest for them, since the Work was theirs, and it was their Interest and no Body's else was carrying on. Well, the Four Laymen and one Bishop have Power Ecclesiastical and Civil lodged in them, Censures of Suspension and Deposition, as to Churchmen, and Fining, Confining and Imprisonment, for them, or others who shall be made Transgressors. Indeed they are limited to the Acts of Parliament and Council, and the Penalties there ; but it will be just now evident they exceeded those Boundaries, tho' pretty wide.

The whole Army and inferior Magistrates through the Kingdom, are to be their Terriers, and to search for, seek, take, and apprehend all they shall give Orders about ; yea, the Privy Council it self is in some Sort subjected to this exalted Court, those mighty Five, and must direct Letters of Horning, and other Diligence, for paying the Impositions laid upon poor People by them ; and no Relaxation or Suspension must be granted without Warrant from a Bishop.

A very surprising Clause is added in the Commission, whereby the Five are made their own Carvers, and impowered to do and execute what they shall find necessary and convenient for his Majesty's Service in the Premises. And what will the Prelates not find convenient for securing themselves and their Underlings, if we may judge by what they ventured on already ? The poor Country found to their sad Cost, how extensively such general Clauses were executed in this Period. A Clause of this Nature, making the Bishops absolute Tyrants, and such as were Parties supreme Judges in their own Cause, is such a Stretch against Equity and Reason, as none but Bishop *Sharp* would have proposed, and a Parallel cannot be given, unless it be some posterior Acts in the following Years I am to describe.

His Majesty is next made to give an high *Encomium* to the Members of this Court, as Persons to whom he could well commit such important Matters, and in whom he put entire Confidence : And so he might, as to the Bishops, the Cause was their own, and undoubtedly they would look after it with Care enough. Thus the Wolf gets the Wedders to keep, and will give a good Account of them ; and yet they are encouraged to this Work as a Service the King will take special notice of. And in the last Place, all the King's Lieges are required to submit to every Thing done by this Commission, under the highest Penalties, without any Appeal, or reclaiming to any other Court.

From those Things, the Reader may have some View of this extraordinary Court of the Primate's Contrivance ; and cannot but observe the Affinity of the Hierarchy in the Church, and arbitrary Impositions and Burdens upon the Subject.

It may be indeed strange, that the King granted such exorbitant Powers, or that Persons of Honour ever joyned with the Prelates in such a Court : At present the Bishops Cravings were a Rule, but our Noblemen in a little Time wearied to follow them in their Heights. Perhaps this was an Experiment of what was projected for the whole three Kingdoms, in State and Church. Things were fast working to bring Matters in *Britain* up to the Pattern the King saw, and kept his Eye upon in *France*, where the King was turning Tyrant, and made Use of the bigotted high-flying Clergy to help this on, and every Thing was modelling plainly enough, towards the Eastern absolute Prerogative and Power.

Let me finish this Subject with some more general Remarks upon the Erection of this Court. We have seen the Powers and Constitution of it from the King's Warrant. Every one must see that this High Commission in its very Erection, casts a Slur upon the Privy Council, either as remiss in the Execution of the Acts of Parliament expressly committed to them, or wanting Power or Inclination to execute them to the Satisfaction of the Bishops. It is certain the Council were not blame-worthy as to any Thing proper for them to do, yea, they really exceeded their Powers in some Cases, to gratify the Bishops. But these behaved to have more, and the Council generally sat at *Edinburgh*, and so were alledged not to be a sufficient Bridle upon the Presbyterians up and down the Country : And therefore an itinerant Sort of Court, made up of a few Zealots, whom the Bishops should at their Pleasure pick out to travel up and down, and overaw the People who disliked the Church-settlement, was reckoned a better Expedient, especially when clothed with the highest Power the King could put in their Hand.

This High Commission in former Times of Prelacy, had been the last Resort and Plight-anchor of Bishops in the Reigns of *James VI.* and *Charles I.* Whenever the Nobility, Gentry, and Commons in *Scotland* came to have any Sense of Liberty, and awaked out of their Sleep, this Court was complained of, and petitioned against, as most arbitrary and oppressive, and one of the greatest Grievances Subjects could be under.

But the Truth of the Matter was, such Measures as those were still found absolutely necessary to support the *Hierarchy* in *Scotland*. What is contrary to the Constitution and Inclinations of a People, must still be maintained and carried through by violent, rigorous, and illegal Methods. However, in a Year or Two, our Nobility and Gentry fell into a Dis-

1664.
Remarks upon
the *Quorum*.

Army, Magi-
strates, and
Privy Council
to assist this
Court.

Their Power
limited.

Some further
general Re-
marks upon
this Court.
It casts a Slur
upon the
Council.

This Court
still a Grie-
vance in some
land;

tho' necessary
to support Pre-
lacy by Force.

1664.

This Court a
Grievance in
England.

like of this arbitrary Court, and Matters again returned to their old Chancel, the Secret Council, which indeed was a Judicatory abundantly severe and arbitrary.

The *English* Nation, who, when at themselves, are vigorous Asserters of the Liberty of the Subjects, at the Restoration, in the Heat of their Loyalty, run to great enough Lengths in the Surrender they made to the King; and yet when they gave back the Whole of the Dignities and Prerogatives possessed by their Sovereigns formerly, some of which had been reckoned not very agreeable to the Liberty of the Subject, and Constitution of *England*, some few Years before; yet they could not hear of a High Commission: And, as far as I have observed, it was never allowed, tho' sometimes attempted, during the Reign of King *CHARLES* II. Indeed when a Papist mounted the Throne, and all Things pointed towards Popery, and consequently Slavery, this Court was set up there; but any Thing was welcome now to our Managers in *Scotland*, which came from the Royal Prerogative, and was demanded for the Support of Prelacy.

Remarks upon
its Members
and their
Powers.

Somewhat has been already said as to the Members of this Court; and from the List of them in the Commission, the Reader will have remarked, That it is of a heterogeneous Nature: Most of the Members were Laymen, by their Commission empowered to judge of Ministers Doctrine, and suspend and deprive of both Benefice and Office. The Churchmen in the Commission had Power of corporal Punishment, and cognoscing upon Civil Matters. Thus it was a very native Product of the Royal Supremacy, which works Wonders in *Scotland*: It confounds, yea alters the co-ordinate Power of the State and Church, and makes a Layman of a Churchman, and a Churchman of a Layman, without any Difficulty. What can be more agreeable to so mighty a Parent as a Civil Pope? Thus his Holiness at *Rome* commits the Sword and the Keys to the High Court of the Inquisition, who yet are so discreet as to make the Fashion of turning over their Pannels to the Secular Arm, a little before their Death.

Their Severi-
ty.

An ingenious Writer compares this *Crail* Court unto the old Lion in the Cave. There were Abundance of Footsteps, and Traicts of Beasts Feet going to the Cave, but none returning; which when cunning *Reynard* observed, he stopped at the Entry, and went no further. Thus many came to this Court, but very few returned; all almost were devoured who came within their Clutches. I cannot so much as find one who appeared before them, that came off without Punishment; so exact were they in their Citations of guilty Persons, or else made all guilty who came before them.

The Manner
of their Proce-
dure.

Indeed their Procedure was abundantly summar. When a Pannel came before them, they used not the Formalities of a Libel, or Witnesses; whoever the Prelates pleased were cited, and upon their Appearance, a captious Question or Two was asked, and upon their Silence or answering, for both were much the same before this Court, who were determined to punish all that appeared, they presently judge him. It was but seldom they troubled any Witnesses. The taking the Oath of Supremacy was the only Thing that could save such as appeared; but I hear of few before them whose Throats were wide enough for that.

They go be-
yond the Pe-
nalties im-
posed by Law.

Frequently they doubled the Fine imposed by the Act of Parliament, upon some Pretext or other; and not satisfied with the Punishment appointed by Law, added somewhat of their own, further than what the King and Parliament had annexed to the alledged Crimes before them, such as Confinement, Relegation to some of the Plantations, or some remote Place of the Kingdom, some Hundred Miles distant; and some were gifted away, and actually sold for Slaves, which is against scriptural and natural Law and Light.

I find it remarked by a Minister who lived at this Time, that although their Powers were very ample and wide, and they had Abundance of Room to make many Offenders, yet their Powers and Commission were more than once enlarged, and that with an Eye to particular circumstantiate Cases, and many of their Sentences exceeded the largest of their Powers. I have not seen any other Copies of their Commission than that insert, and 'tis very large.

Their rigorous
Procedure
makes the Lay-
members wea-
ry of this
Court, and in
Two Years it
comes to an
End.

In short, their arbitrary and tyrannical Procedure frightened People from coming before them, and it was found more eligible to undergo a voluntary Banishment, than to be sold as a Slave. And in some Time, the violent Procedure of the Prelates made the Noblemen unwilling, and some way ashamed to sit with them; and in about a Year and an Half's Time, our Bishops could neither find Judges to joyn with them, or Parties to appear before them, and so were constrained to give over: And after near Two Years, this Contrivance of Bishop *Sharp's* came to an End, and those heavy Harassings, joyned with the Oppressions of the Army, opened the Door to the Country to rise in Arms, as we shall hear in the Beginning of the next Book. It remains I now give some more particular Account of the Actings of this Inquisition now set up.

S E C T. II.

1664.

Of the *Actings of the High-commission Court, and the Persecution of Gentlemen and others before them, 1664.*

IN this *Section* I do not pretend to give any full Account of the *Actings and Procedure* of this terrible Court. I have been at some Pains to enquire for their Records, if they kept any, but cannot fall upon them: If these could be recovered, or a particular and distinct Account now had, it would make a dismal Figure, and afford a large Heap of Materials for this History. Their Records cannot be found.

It is only a very few Instances of their Procedure with Gentlemen and Ministers, some of which I have from the Persons themselves, that I can set down as Proofs of the Iniquity and Severity of this Court; and from those some Judgment may be formed of the rest of their Procedure. Some more Hints of what they did next Year, may fall in on the following Chapter. Some Instances of their Procedure.

Their Commission bears them to sit down in *March* this Year. Whether the Primate came down by that Time or not, I know not, but I don't meet with him in the *Sederunt* of Council till *April*; and I find they sat down at *Edinburgh, April 15th*. And I have it observed by one who writes at this Time, 'That they ordered Mr. *James Wood*, Professor of Divinity at *St. Andrews*, his *Declaration* to be burnt, and some Ministers, accessory thereunto, were put in Prison in the Tolbooth of *Edinburgh*, and the West Country Recusants were fined in a Fourth Part of their Rent and yearly Income.' We shall afterwards meet with the Trouble Mr. *Carstairs* and some others were brought to, upon the score of a Paper left by the Reverend Mr. *Wood*, upon another *Section*, since I cannot give any distinct Account of the Procedure of this Court on this Affair: And the West Country Recusants, here spoken of, were the Gentlemen who refused to give full Conformity to the Church-government now set up. But I come forward to some particular Instances of the Hardships several worthy Persons were brought to this Year, probably at different Meetings of this Court, as I have them very well attested. They sit down at Edinburgh, April 15, 1664.

James Hamilton of *Aikenhead*, near *Glasgow*, yet alive, at a good old Age when I write this, and attesting the Account I am giving, was among the first brought before the High Commission; and I shall give the whole Detail of his Sufferings at this Time here. We shall meet with him more than once under Hardships in the Progress of this History. The Hardships of James Hamilton of Aikenhead, from this Court.

All that could be laid to this Gentleman's Charge, was his not hearing Mr. *David Hay* Curate in *Catcart* Parish, where *Aikenhead* hath his Estate and House. The Occasion of his deserting his Parish-church was this. Mr. *Hay* was extremely rigorous in exacting his Stipend, and particularly hard upon *Aikenhead's* Tenants in *Langside*, and violently pressed some of them to joyn with him in his Session; upon which, one Day a Squabble fell in 'twixt *Hay* and some of them, wherein the Curate threatned them, and gave them ill Names; and they did not spare to give him some Returns of the same Nature. Mr. *James Blair*, the Presbyterian Minister of the Parish, happened to be upon the Place, and by his Interest with the People protested Mr. *Hay*, else Matters had gone further. When the Fray was over, Mr. *Blair* dealt with Mr. *Hay*, and shewed him how far it was contrary to his own Interest, to inform against his Parishioners for their Disorders; and Mr. *Hay* promised to him, with more than ordinary Assurances, to follow his Advice, and never to delate any of them, and thanked him for his Help and Advice. Yet, notwithstanding his Promise, in a little Time he went in to *Glasgow*, and delated them to the Bishop, who ordered out Sir *James Turner*, at this Time in the West, with a Party of Soldiers, who came and apprehended some of the Country People. *Aikenhead* was abroad at the Time, and when he came home, and was informed of Mr. *Hay's* Carriage, his Cruelty and Prevarication, after that, he for ever disowned him as unworthy to be a Minister, and indeed never called to that Congregation.

When he comes before the High Commission, he is fined in a Fourth Part of his yearly Rent. Some Time after, he is again called before them, to liquidate his Rent; which he did, and gave in an Account of it, and frankly acknowledged he heard not, and never designed to hear Mr. *Hay*, and gave the Court so pointed and well vouched an Account of the Injuries done him and his Tenants by the Curate, as the Archbishop of *Glasgow* promised, in open Court, he should be removed from that Parish.

The Commission then urged the Gentleman to engage judicially to hear and subject unto the Minister whom the Bishop should plant there in Mr. *Hay's* Room. *Aikenhead* thought it soon enough to engage when he had heard him, and knew what and who he was, and peremptorily refused all such previous Contracts. Hereupon, tho' he had some Relations in

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the Court, he is fined in another Fourth Part of his yearly Rent, and remitted to the Archbishop of *Glasgow* to give him Satisfaction as to his loyal and peaceable Behaviour.

It seems Bishop *Burnet* was not satisfied, and therefore, by a new Information from him, he is cited, and actually compeared before the High-commission Court at *Edinburgh*, November 8th, this Year. There he was charged with keeping up the Session-book of *Cathcart*, and the Utenfils of the Church, from the Curate; which he knew nothing about, and offered to depone he knew not where they were. He was further charged for refusing to assist his Minister in Session, when called, and suffering some of his Family to absent from the Church. The Earl of *Rothes* told him, That he had seen him before several Courts formerly, and never for any Thing that was good and loyal, and therefore required him now to testify his Loyalty, by taking the Oath appointed by Law.

Aikenhead answered, His Loyalty was never questioned before, yea, it was so well known, that he could not but reckon it was a Tath upon him to put him to declare it by Oath; That for his Part he had no Difficulty to take the Oath of *Allegiance*, but he knew there was mixed with it an Oath of *Supremacy*. Bishop *Sharp* interrupting, said, That was the common Cant, but it would not do. He added, That he was willing to take it, as it was an Oath of *Allegiance*, providing they allowed him to declare against the Clause relative to the *Supremacy*. The President took him up very sharply, and told him, He ought to be hanged.

Upon *Aikenhead's* refusing the *Supremacy* in the Oath, and because he would not presently enter himself Surety in the Books of the Court for all his Tenants, that they should subject to Ordinances, and live regularly, the Court fined him in the Sum of Three hundred Pounds *Sterling*, and ordered him to go to Prison till he paid it; and then to transport himself to the Town of *Inverness*, which is about One hundred and fifty Miles from his own House, and there to remain under Confinement during Pleasure, which was about a Year and an Half.

He paid the Half of his Fine, and his Estate was sequestrate for the rest of it; and, according to his Sentence, in Three Weeks presented himself to the Magistrates of *Inverness*, and continued there till his Confinement was taken off. And to give all his Sufferings in this Period together, when at length he was allowed to come Home, he was confined a new for Six Months, to his own House at *Aikenhead*, and a Mile round it. And before these were elapsed, *brevi manu* he was one Day carried in to *Edinburgh* Tolbooth, without any Reason or Libel given him, and there he lay Prisoner Nineteen Weeks. After he had been in Prison some Weeks, he found all they had now to lay to his Charge, was his harbouring and lodging some Rebels, as they were called, at the Break of *Hamilton*, about Fourteen Years ago, when some Soldiers laid down their Arms, and would not fight till they had some Satisfaction given them as to what was then termed the *Remonstrance*. He could not depone that none of them had been lodged in his House, and so was continued in Prison, till, by the Payment of Eighty Guineas, he at length got out.

Another Instance of the Injustice of this Court I have in the Case of *John Porterfield* Laird of *Douchall*, in the Shire of *Renfrew*, which is attested by his Successor and Grandchild the Laird of *Porterfield* of that Ilk, an ancient and honourable Family in the said Shire. We shall frequently meet with this worthy Person in the following Parts of this History, and find him dealt with in a Way peculiar to this Period; I only here notice his Treatment before the High Commission.

This excellent and religious Gentleman was brought before that Court in *July* this Year, for his not hearing the Curate in the Parish of *Kilmacomb*, where his Dwelling-house and his Estate lay. He had very good Grounds to withdraw from him as his Pastor, since, besides the ordinary Blemishes of those of his Gang, his intruding himself without, yea, contrary to the Inclinations of the People of that Place, he had abused *Douchall* with groundless, base, and injurious Reproaches.

The Court could not well get by the sustaining of this Defence as relevant, and at his Desire admitted it to Probation. The very first Witness he adduced, deponed all the Gentleman alleged, and much more. The Court finding he would vindicate himself, if Law and Equity took place, interrupted the Examination of Witnesses, and required *Douchall* to take the Oath of *Allegiance*, well enough knowing the *Supremacy* in it would choke him. This he peremptorily refused, unless they would allow him to give in an Explication before his taking of it.

Whereupon they proceeded straight to a Sentence, and fine him in the Sum of Five hundred Pounds *Sterling*, and ordered his Estate to be sequestrate until it should be paid, and confined him in the Town of *Elgin* in the Shire of *Murray*: There he continued about Four Years.

Reflections upon such Procedure are almost needless. Here was plain Injustice, in refusing to permit the Gentleman to vindicate himself, after they had allowed his Exculpation. They go beyond the Acts of Parliament and Council, which allow of no such exorbitant Fines for Non-

The Case of
John Porterfield
of *Douchall*.

Remarks upon
it.

Nonjurancy. Those Hardships for simple Nonconformity did very much prejudice his Estate and Family, and yet we shall find he met with heavier Things afterward.

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But their Procedure with the Reverend Mr. *Alexander Smith*, Minister at *Cowend*, was perfectly tyrannical, antichristian, and barbarous. We heard before that he was turned out of his Charge, and at present he was residing at *Leith*. This worthy and religious Person is called before them, and charged with preaching privately in his own House, or, in the present Stile, for *keeping of Conventicles*.

Their barbarous Procedure with Mr. *Alexander Smith*.

He compared before them; and when charged with Conventicling, his Examination was oddly enough interrupted. In answering some Interrogators Bishop *Sharp* put to him, Mr. *Smith* did not give him his Titles, and called him only Sir. The Earl of *Rothes* asked him, If he knew to whom he was speaking? Mr. *Smith* answered, Yes, my Lord, I do, I speak to Mr. *James Sharp*, once a Fellow-minister with my self.

This was reckoned an high Crime, and without any further Enquiry into the Affair of Conventicles, Mr. *Smith* was immediately ordered to be laid in the Irons, and cast into that nasty Place, commonly called, *The Thieves Hole*, where he had for his Company only a poor furious distracted Man. There he continued for some Time, until the Kindness and Respect of the People of the Town of *Edinburgh* to Mr. *Smith*, made the Bishops ashamed of this unaccountable Step.

So he was removed to another Room in the Prison, where, through Cold and other Pieces of harsh Treatment, he sickned, and was in the Hazard of his Life; yet, such was their Cruelty, he could not get a few Days Liberty from Prison. In some Time, by another Sentence, he was banished to one of the Isles of *Shetland*, where he continued many Years. I am told, That for Four Years he lived alone in a wild desolate Island, in a very miserable Plight; he had nothing but Barley for his Bread, and his Fuel to ready it with was Sea-tangle and Wrack, and had no more to preserve his miserable Life.

Their Treatment of some of the Parishioners of *Ancrum*, deserves likewise our Notice. When worthy Mr. *Livingstone*, as above we have heard, had been taken from them, one Mr. *James Scot*, who had been excommunicated about twenty Years ago, and continued still under the Sentence, was presented to that Charge, although he possessed two Benefices elsewhere. Upon the Day named for his Induction and Settlement at *Ancrum*, a great many People convened to give him that Welcome lothed and forced Ministers use to receive.

Their Treatment of some of the Parishioners of *Ancrum*.

A Country Woman desired earnestly to speak with him, hoping to dissuade him from engaging in the Charge of that Congregation, who were so averse from him; but he would not stay to speak with her. She in her course rude Way pulled him by the Cloke, praying him to hear her a little; whereupon, not like one of *Paul's* Bishops, who were not to strike, he turned and beat her most cruelly with his Staff. This Treatment provoked Two or Three Boys to cast some Stones at him, which touched him not, nor any of his Company. This was presently found to be a treasonable Tumult, and the Sheriff and Country Magistrates thereabout fined and imprisoned some of them. This, one would think, might have atoned for a Fault of this Nature.

But our High Commission behaved to have those Criminals before them: So Four Boys, and this Woman, with Two Brothers of hers, of the Name of *Turnbul*, are brought into *Edinburgh* Prisoners. The Four Boys are brought before the Court, and confessed, that upon *Scot's* beating the Woman, they had thrown each their Stone. The Commissioner told them, Hanging was too little for them. However, the Sentence of this merciful Court was, That they should be scourged through the City of *Edinburgh*, and burnt in the Face with an hot Iron, and then sold as Slaves to *Barbadoes*. It is a Question, if the Spanish Inquisition would have gone further.

That excellent Lawyer Sir *John Gilmor* told them, They had no Law for this cruel Sentence; but when they wanted Law they resolved to make a Practick, which would be as good as a Law to them in their After-procedure against Presbyterians. The Boys endured their Punishment like Men and Christians, to the Admiration of Multitudes.

The Two Brothers are banished to *Virginia*, for no other Crime I can hear of, but their protecting their Sister, tho' they had small Families to subsist by their Labour. The poor Woman was, in great Clemency, ordered to be scourged through the Town of *Jedburgh*. Bishop *Burnet* was applied unto that she might be spared, seeing perhaps she might be with Child. The Answer he was pleased to give was, That he would cause *claw the Itch out of her Shoulders*.

Several Presbyterian Ministers were before them, of whom I have but short and imperfect Accounts. Mr. *George Hamilton*, since the Revolution Minister at *Edinburgh*, and some other Ministers in *Fife*, were cited, and, when they appeared, were discharged to celebrate the Sacrament of the Supper in their Parishes. I know no Account can be given of this, save that when the holy Communion was celebrate, great Numbers gathered from other Places to participate in that Ordinance; which fretted the Bishops.

Mr. *George Hamilton* before them.

Mr. *John Scot* Minister at *Oxnam*, Mr. *James Donaldson*, and other Two Ministers were brought before them, being of the Number of Six or Seven who had been at a Communion,

Mr. *John Scot* with some others.

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The Laird of
Cunninghead
and Mr. John
Hattridge be-
fore them.

which was reckoned contrary to Law. What was done with them I have not learned. Some who were cited to appear before this Court, had no Freedom to compear, unless it had been to have declared their Authority. Others reckoned it a mere Civil Court, and, in Civil Things merely, not to be declined.

When this Court sat at Glasgow, I find Sir William Cunningham of Cunninghamhead before them. He was obliged to produce his Chaplain Mr. John Hattridge, since the Revolution an able and useful Gospel-minister for many Years in the North of Ireland. This excellent Person, when he came before them, intended to say somewhat by Way of Testimony against the Nature and Constitution of that Court, and addressed himself thus to them. 'My Lords, I hope none of you will take it ill, that I declare before you some Things that are Pressures to my Conscience.' At this the Primate started, and interrupted him, saying, *What have we to do, Sir, with the Pressures of your Conscience? go to the Door presently.* And as he was removing, he called to him, without ever consulting the Court, Sir, you are discharged to preach without the Archbishop of Glasgow's Licence, and so he was no more called.

Ker of Green-
knows.

At one of their Meetings at Edinburgh, they had Ker of Greenknows before them, merely for Nonconformity; and when they could prove nothing against him, the Oath of Allegiance was tendered to him. He told them, he had no Difficulty as to it, except in the Clause relative to the Supremacy, and offered to take that according to Bishop Usher's Explication, approved by King JAMES VI. But because the Gentleman would not instantly take it in the Terms offered, without any Explication, they fined him in some Hundred Pounds Sterling.

Act of Coun-
cil about the
Fines imposed
by this Court,
July 7.

I find nothing in the Council-registers for a good while as to this Court; and indeed it was not so consistent with their Credit, as hath been noticed already. At length, July 7th, no doubt, upon Application made to them from the High Commission, 'The Lords of his Majesty's Privy Council ordain Letters of Horning to be direct for Payment of all Fines imposed, and to be imposed by Decrees of the Commission for Church-affairs, upon Sight of Production of the said Decrees to the Clerk of Council.'

Another, No-
vember 9.

And, November 9th, 'The Lords of Privy Council ordain Letters of Poinding to be directed upon all Decrees pronounced, or to be pronounced by the Commissioners for regulating Church-affairs, whereby any Persons are, or shall be fined in liquidate Sums of Money, whereanent thir Presents shall be a sufficient Warrant to the Clerk of Council.' Through this Year and the following, I observe but little in the Council-books relative to the Subject of this History; and the Two Archbishops are still present in the Sederunts, when any Thing of this Nature comes in.

'Tis observed in some Papers before me, That towards the End of this Year the Primate got the Powers of this High-commission Court, termed likewise, *The Commission for Church or Ecclesiastical Affairs*, enlarged, and full Powers to them to banish, stigmatize, and inflict all Kinds of Punishment, save Death. However, it seems, they have assumed those Powers before they were conferred upon them.

These short Hints of the Procedure of this Court, are all I have met with. From them we may easily guess, what a black Figure a full History of this tyrannous Inquisition-court would make, could it be now at this Distance recovered; and the Reader is left to form a Judgment of their Cruelty from this Taste of their Procedure, though indeed those are but the smallest Part of their Actings.

S E C T. III.

Of the more general Acts and Procedure of the Council against Presbyterians, this Year 1664.

The Council
not altogether
idle when the
High Commis-
sion sit.

ALTHOUGH the High-commission Court, during this Year, took a good Part of the ordinary Work of Persecution out of the Hands of the Council, yet we shall meet with several Things before them, which call for a Room in this History. The great Thing before them is the pushing the *Declaration*, and putting the Act about Fines in Execution. We shall likewise meet with some further new and severe Acts passed against Presbyterians.

We have seen, upon the last Year, how Matters stood as to the *Declaration* appointed by the Parliament to be taken by all Persons in Office and Trust: This Year the Council go on in pushing it. January 5th, a Letter from the King upon this Subject, directed to the Chancellor, is read, the Tenor whereof follows.

Right Trusty, &c.

King's Letter
on the Decla-
ration, Jan. 5.

WE Greet you well. We have been informed, that the Lords of our Privy Council, and the Senators and other Members of our College of Justice, have readily signed the *Declaration*, viz. concerning the Covenant. And tho' we are well pleased that those who

who were present, gave Obedience to the Law; yet lest any should shift that Duty, by absenting themselves, and so delay their Subscription, we thought fit to require you to acquaint our Privy Council, that it is our Pleasure, that with all convenient Speed they do return us an Account of the Subscription or Refusal of their absent Members, and of all Sheriffs, Magistrates of Burghs, Justices of the Peace, and all others who by the Act are required to subscribe. You shall also in our Name require the Senators of our College of Justice, to appoint a set Day on which the absent Senators and other Members may either subscribe or refuse, to the end we may take Care for supplying the Places of such as shall on that Account forsake their Station, and that both the Lords of Council and Session respectively do declare the Places of the Refusers void; and that upon no Terms, neither of them admit any written *Explication* or *Declaration* upon the Subscription of any; which would look so like the stating of a Party, that we shall never endure it. So expecting an Account of these our Commands, we bid you farewell.' Given, &c. *December 19th, 1663.*

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These Caveats and Commands, no doubt, refer to the Scruplers at this Declaration we heard of before. Upon this Letter, the Earl of *Linlithgow* is required to see the Earl of *Wigton* subscribe, because at present he is indisposed; and the Council order a Letter to be writ to the haill Shires and Burghs through the Kingdom, 'Acquainting them with his Majesty's Letter above, and requiring an Account of their Diligence in this Affair 'twixt and the 18th of *February* next to come, or sooner if possible; adding, that if they be not punctual in discharging their Duty in this Particular, the Council will look on them as Neglecters of his Majesty's Service, and proceed accordingly; and requiring them presently to deprive all Refusers of their Offices, and punish them otherwise conform to the Act of Parliament.' And, *January 19th*, the Council ordain the Magistrates of *Edinburgh* to make a formal Report anent their subscribing the *Declaration* in Manner prescribed by Act of Council, and to give in a List of their Names, to the Council, who refuse to subscribe 'twixt and the 26th Instant *peremptorie*.

The Council's Procedure upon it.

The Council, *February 23^d*, when they had waited for Returns from the Shires and Burghs to whom they wrote, come to give the King an Account of their Diligence, in the following Letter.

Council's Letter to the King, *February 23.*

Most Sacred Sovereign,

WE have delayed hitherto to answer your Majesty's Letter of *December 19th*, till we should be able to give an Account of our Obedience to your Majesty's Commands concerning the *Declaration*. We did order all Sheriffs and Magistrates of Burghs to offer the same to all within their Jurisdictions, and have sent herewith to your Majesty's Secretary, a Paper, bearing their particular Returns. It will thereby appear, that all the Royal Burghs have given Obedience, except some few who are not considerable. And upon the Desire of some of their Magistrates, we have given Warrant to make a new Election of their Magistrates, consisting of such as are willing to subscribe; whereof we expect a good Account. As for the Shires, many of them have excused themselves for not returning so good an Account of their Obedience at present, by reason that the Justices of Peace are not yet settled, which will now be done in a very short Time. We believe, the Lords of Session will make their own Return to your Majesty, for themselves and all the Members of the College of Justice. As for us of your Majesty's Privy Council, all who reside in this Kingdom have subscribed. We have issued a Proclamation in your Majesty's Name, discharging all in publick Trust, who shall not subscribe betwixt and the 14th of *April* next, to exercise any Place of Office, under the Pain to be proceeded against as Usurpers of your Majesty's Authority. And in all other your Majesty's Concerns, we shall be most willing to give such Obedience to your Majesty's Royal Commands, as may witness us to be,

Most Sacred Sovereign,

Your Majesty's most humble and faithful Subjects and Servants,

Glencairn Chancellor,
Hamilton,
Linlithgow,
Dumfermling,

Southesk,
Kincardin,
Halkertoun,
Bellenden,

J. Gilmor,
A. Primrose,
J. Hume,
J. Lockhart,
Sir Robert Murray.

The Proclamation they speak of follows in the Registers, which being in Print, and the Substance of it narrated, needs not be insert.

Those peremptory Letters and Proclamation, produced a pretty general Giving in to this *Declaration*: A great many in Burghs through the West and South, demitted their Offices, and this brought the Managers under new Difficulties how to get a Council and Magistracy in several

Several Burghs refuse the Declaration.

1664.

veral Places, who would take the *Declaration*, when those who had been brought in to it, were to go off. That the Reader may have all which relates to this Head together, I shall subjoyn the Council's Acts as to this, with relation to the Burghs of *Air* and *Irvine*.

Council's Act
about the
Burgh of *Air*,

September 14th, the Lords of his Majesty's Privy Council being informed of the Prejudice that the Burgh of *Air* is like to sustain, by reason that many Persons within the same have not taken the *Declaration* appointed to be subscribed by Persons in publick Trust, and so cannot be elected Magistrates and Counsellors this ensuing Year; as also, that they want a Town-treasurer: Therefore do ordain the Magistrates and Town-council to elect Persons, who have subscribed the said *Declaration*, to be Magistrates and Counsellors this ensuing Year: But if they shall not find fit Persons who have taken it, the Lords ordain the present Magistrates and Council, to continue in Place for the Space of two Months, and longer, during the Council's Pleasure, and until they consider what Course to take anent the said Burgh: And in the mean Time give Power to them to choose a Treasurer.

and that of
Irvine,

The same Case almost falls before them from the Town of *Irvine*, and they take much the same Method, only order a Prosecution against the Recusants. November 3^d, 'Anent a Petition presented by Robert Cunningham, Provost of the Burgh of *Irvine*, and Henry Lynn, one of the Bailies of the same for the last Year, in Name of themselves and the said Burgh, shewing, That having met on the last Day of September last, and conform to the Order observed in that Burgh, elected the Persons following to be of the Council, to wit, John Porter, Gilbert Wylie, John Reid elder, John Gray, Alexander Gardiner, Ninian Holmes, and some others who were out of the Kingdom; the forenamed Persons who were presented, did all refuse to accept, because they were not clear to subscribe the *Declaration* appointed by Law, as Instruments taken thereupon, and produced, bear; so that thereby the said Burgh is like to be altogether disappointed of Magistrates for the ensuing Year: Humbly therefore desiring Warrant to the Effect underwritten. The Lords of his Majesty's Privy Council, having heard and considered the foresaid Petition, do hereby give Warrant to the said Magistrates and Counsellors, to continue in the Exercise of their Offices, till the Council give further Orders. And in the mean time ordain Letters to be directed for citing the above named Persons, who refused to accept as Counsellors, to compare before the Council, the ----- Day of ----- next to come, to answer therefore, and to cite Witnesses.'

Council's Procedure this
Year, upon
the Act of
Fines.

I find no more about them this Year in the Registers. Some of those cited, I know, were worthy and religious Persons, and stuck at the *Declaration* from a real Scruple of Conscience. Thus we may see how this Affair of the *Declaration* stands during this Year. I go on now to give some Account of the Council's Procedure this Year, upon the Act of Fines.

King's Letter
upon them,
February 16.

February 16th, a Letter is read in Council from the King, upon this Subject; which is as follows.

Right Trusty, &c.

WE Greet you well. Whereas, about a Year ago, We did, by Our Letter, appoint a Proclamation to be issued for suspending of the Payment of the Fines imposed by the Second Session of Our Parliament, until We should declare Our further Pleasure, suspending also the Penalties for Nonpayment in the *interim*: These are therefore to require and authorize you to issue a new Proclamation, in Our Name, in due and ordinary Form, requiring and commanding all such fined Persons, as shall be charged in the Name of Our Treasurer, or Treasurer-depute, or Advocate, betwixt the Date of the Proclamation, and the First Day of August 1664. to make Payment to such as We shall authorize, of the First Half of the Fines imposed by the Act of Parliament for Fines, betwixt and the Feast and Term of *Martinmas* next, this Year 1664. under the Pains and Penalties contained in the said Act: As also, the same Persons who shall be charged to pay the Second Moiety of the Fines, at or before the Term of *Candlemas* next following, in the Year 1665. under the same Pains. For the which Proclamation this shall be your sufficient Warrant. Given, &c. February 16th.

LAWDERDALE.

Proclamation
thereupon,
Feb. 18.

Next Council-day, February 18th, the Draught of a Proclamation is brought in, approved, and ordered to be published at the Cross of *Edinburgh*, and declare the same to be as sufficient as if Proclamation were made at the Head-burghs of this Kingdom. 'Tis sustained in Terms above mentioned, and printed, so it needs not be added.

July.

July 30th, the Payment of the Fines is prorogate a little longer. The following Letter from the King is read, and recorded.

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The Payment of the Fines prorogate by a Letter from the King, July 30.

Right Trusty, &c.

‘**W**HEREAS, by Our Letter dated the 6th of *February*, We gave Order, that such of the fined Persons who should be charged, were to pay in their First Moiety of the Fines, betwixt and the Term of *Martinmas* next, and the Second betwixt and *Candlemas* 1665. and because none are yet charged, We do, by these Presents, authorize and require you to issue out a Proclamation in due and ordinary Form, requiring such as shall be charged betwixt and the last Day of *August* next, to make ready their First Moiety at or before the 11th of *December* next, under the same Certifications contained in Our former Proclamation, and the Second Moiety at or before the 2^d of *March* 1665. Also declaring in this Proclamation, That Citations at the Market-crosses of the respective Shires where the fined Persons reside, shall be a sufficient Citation. For all which this shall be your Warrant, Given, &c. July 26th, 1664.’

LAWDERDALE.

Accordingly, that Day, a Proclamation is issued out in the Terms of the Letter, and ordered to be printed. What the Reason was of this Delay, I cannot tell. It may be the Courtiers were not yet agreed about dividing the Spoil, to be raised from many good Persons by the Execution of this *Act* of *Fines*. Indeed the West and South were sufficiently drained by the Army now among them: But what is delayed is not forgiven, and the Fines are coming on slowly, but surely.

Proclamation in the Terms of it.

At length, when Matters are fully concerted at *London*, and in *Scotland* also, as we may gather from the long Delay of the producing the following Letter, near Seven Weeks after its Date, this Matter of uplifting the Fines is brought to an Execution. Accordingly, the following Letter is read and recorded in Council. November 3^d, ‘His Majesty’s Letter directed to the Council, anent the Fines, is read, and ordered to be registrate; the Tenor whereof follows.’

King’s Letter Sept. 17. read in Council Nov. 3.

Right Trusty, &c.

‘**T**HE Calling in of the Fines being upon some Considerations hitherto for born, We have now thought fit, that without further Delay they be called for; and for that end have signed the inclosed Warrant for a Proclamation, which you shall cause speedily to be published, in due and legal Form, at the Market-cross of *Edinburgh*; or if you find not that Proclamation sufficient, We do allow and require you to cause send a just Double thereof to the Market-cross of the Head-burgh of every Shire, with the Names of the Persons only which belong to that Shire, and the several Sums they should pay, to be with all Diligence published there: And so We bid you heartily farewell. Given at Our Court at *Whitehall*, September 17th, 1664.’

LAWDERDALE.

Follows the inclosed Warrant.

‘**C**HARLES, by the Grace of GOD, King of *Scotland, England, France, and Ireland*, Defender of the Faith; To Our Lovits, ----- Messengers, or Sheriffs, in that Part specially constitute, Greeting. Forasmuch as, during the late Troubles, divers of Our Subjects of that Our ancient Kingdom, have fallen under and involved themselves in many great Crimes, Faults, and Offences of Omission and Commission, did thereby become obnoxious to the Law, and rendered themselves liable to the Pains of Treason, and other high Pains: Yet we being desirous to reclaim, if it were possible, the worst of Our Subjects to their Duty, by Acts of Mercy and Grace, did resolve to grant a general *Act* of *Indemnity*, Pardon, and Oblivion. But considering, that by their troublous and rebellious Courses, many of Our good Subjects have been under great Sufferings, and liable to great Losses for their Loyalty and Affection to Us, and Our Royal Father, of blessed Memory: Therefore, in order to their Reparation, and for divers important Considerations of State, We, with Advice and Consent of Our Estates of Parliament, convened at *Edinburgh* upon the 9th Day of *September* 1662. thought fit to burden Our Pardon and *Indemnity* with the Payment of some small Fines, and so far to except the Persons after mentioned from the Benefit of Our Royal Pardon, with this express Certification, That whoever of the Persons foresaid should not deliver and pay the Sums respectively imposed on them, to any Person or Persons who should be appointed by Us to receive the same,

King’s Warrant for uplifting the Fines.

1664.

and that and betwixt the Terms appointed in the said Act; and when bypast, they should from thence forfeit and lose the whole Benefit of Our Pardon and *Indemnity*, and should have no Share therein, but be excepted therefrom, and their Estates, Rents and Goods forthwith to be sequestered and raised for Our Use, their Persons to be secured, and themselves further punished, as Persons guilty of Usurpation and Rebellion. Likeas, for the Assurance of such as should duly make Payment of the Sums thus imposed upon them, it was declared by Us, with Advice of Our Parliament, That upon due Payment of the Sums aforesaid, the Payers thereof were from thenceforth to enjoy the Benefit of Our Pardon and *Indemnity*, to all Intents and Purposes. And albeit, upon divers good Considerations, We have hitherto forbore to require the calling in of those Sums, so that the Persons liable in Payment thereof, have had Two Years to provide themselves; yet, now considering the great Burdens and Pressures many of Our best Subjects are lying under, and the Extremities they and their Families are reduced unto, by their Sufferings for their Loyalty and Service to Us and Our Royal Father, We find Our selves obliged in Conscience and Honour to be zealous and careful of any Means offered for their Supply and Relief; And therefore, in Pursuance of those Courses, which, in order to their Reparation, have been condescended and agreed to by Our Parliament, We have thought fit that the Sums imposed by the foresaid Act, should now be called for, and paid in to the Persons appointed by Us to receive the same. OUR WILL IS HEREOF, and We charge you strictly, That incontinent, thir Our Letters seen, you pass to the Market-crofs of *Edinburgh*, and other Places needful, and there, by open Proclamation, you do make Intimation unto, and charge the Persons particularly named in the List underwritten, and the Heirs and Executors of such of them as are dead, to make Payment to Sir *William Bruce* Knight, Clerk of the Bills, whom we have appointed Our Receiver for that Effect, of the several Sums of Money after mentioned, imposed upon each of them by the said Act; the one Half of the said Sums to be paid betwixt and *Candlemas* next to come, in the Year 1665. and the other Half in full and complete Payment of the Whole, betwixt and the Term of *Whitsunday* thereafter, in the said Year 1665. under the Pains, and with Certification above mentioned, contained in the said Act, which shall be inflicted and executed without Favour, upon such as shall fail in due Payment of the said Sums, at the Terms foresaid.

By His Majesty's Command,

LAWDERDALE.

The List spoken of here, is that which formerly upon the Third Chapter was insert; and I take the First and greatest Part of this Warrant to be just a Resumption of the Act of Parliament about Fines, and therefore tho' many Remarks might be made upon it, yet I shall only make an Observe or Two, to set Matters, which seem here misrepresented, in their due Light.

Remarks upon it.

This Warrant, or the Act narrated in it, supposes the Persons fined to have been guilty of great Crimes; whereas the Matter of Fact is, they were guilty of no other Thing than what the Managers themselves and the whole Nation was guilty of, a necessary Subjection to the *English*; here they are represented as liable to the Pains of *Treason*. 'Tis hard indeed to define what *Treason* is in this and the following Reign, when every Thing almost is made *Treason*: But this I affirm, That nothing treasonable could be charged on them, save their Compliance with the Usurpers, when forced to it, and it was nationally come in to. Besides, even this ought to have been proven upon them, and some Acts of it produced, wherein they had exceeded others who were not put into this List; and not in a partial clandestine Manner, a Set of the best People in the Nation called out, without any Probation or Reason, and dealt in another Way with than others: While in the mean Time it was certain, a great many of them were less involved with the *English* than those not put in this List, yea, a good many of them were remarkable for their steadfast Adherence to the King's Interests, when at the lowest. But whatever is pretended here, the true Reason of marking out those Persons named in the Act of Fines was, They were esteemed firm Presbyterians, and averse from the Change in Church-government now established, as hath been observed.

Again 'tis alledged, many of the King's Subjects were brought to Sufferings for their Loyalty to the King and his Father, and their Losses were to be made up out of those Fines. This is mere Allegation without Proof. Had an open and legal Process been raised, and the Fact fairly proven, that the fined Persons by their Disloyalty had brought those Hardships upon those who were to share in the Fines, there might have been some Colour of Reason for this Procedure; but nothing of this was done. Neither was this in the least the Rule *Middleton* and his Agents went by in drawing up the List. Besides, 'tis well enough known, that the Fines were neither distributed, nor ever designed to be distributed to such as were Sufferers for their Adherence to the King, otherwise Presbyterian Ministers would have come in for their large Share. *Middleton* designed them for himself and his Creatures; these who suc-

succeeded him would willingly enough have shared them among themselves: But unforeseen Things fell in their Way, and they were applied to Uses quite different from the Projectors Design, as we shall afterwards see; so that all this is mere Grimace, and it was a bitter Satyr upon the King to make him say, He found himself *obliged in Conscience* to uplift those Fines.

Many Things further might be noticed here, but I shall not enlarge. It was a Jest to call them *some small Fines*, and one needs only look back to the List of them to see their Exorbitancy. The Pretext is as groundless, that Two Years Delay made them easier to be paid. The People concerned might rather, from the Delay, conclude, the Managers were so far convinced of the Unreasonableness of the Imposition, as they would be dropt altogether. But I come forward to what the Council do on this Letter and Warrant.

The Lords of his Majesty's Privy Council, in Obedience to his Majesty's Letter of the 17th of September last, commanding a Proclamation to be published, for calling in of the Fines, at the Head-burghs of the several Shires, Stewartries, and Regalities, where any of the Persons to be charged do reside, the said Persons Names and several Fines being first insert conform to his Majesty's Warrant and Order, and a particular List to be given to the Clerk of the Council; for that Effect give Power and Warrant to the said Clerk to fill up the Names of such Persons as are to be charged, with their particular Fines, conform to the said List, in the several Proclamations to be sent to the several Shires, Stewartries, and Regalities, and to subscribe the Doubles thereof, and to signet the same with the Signet of the Privy Council, which is declared to be a sufficient Warrant to Messengers or Macers, for making Publication thereof at the Head-burghs, and to subscribe the Doubles thereof, and signet the same: And that the said Proclamation at the Head-burgh of every Shire, Stewartry and Regality, shall be a sufficient Intimation to all Persons therein named, for making Payment of their respective Fines and Proportions therein contained; and in case of their Disobedience, to make them liable to the Certification, Penalties, and Pains contained in the same.

The Council's
Proceeding
upon it.

This was put in Execution, as we shall hear afterwards, with the utmost Severity. And thus we have a View of this oppressive Step of uplifting so many Fines, imposed upon great Numbers of the best of the Nation, in the most arbitrary Manner. I return now to some other Acts of Council this Year, gravaminous enough.

In such a Time as this, Presbyterian Ministers and others used frequently to meet together for Prayer in private Houses: And Information being given of this by the Bishops and their Underlings, who could not well bear the Prayers of the People of God, the Council emit the following Act. 'Tis indeed only with respect to *Edinburgh*, but no doubt it was designed for a Check upon them in other Places likewise. February 23^d, 'The Lords of Council being informed, that there are several private Meetings and Conventicles within the City of *Edinburgh*, by some late Ministers, and others, contrary to Law; these are to give Warrant to the Magistrates of *Edinburgh*, to cause Search be made anent the keeping of any such Meetings; and that they acquaint the Lord Chancellor with what they discover, and the Persons Names, that Order may be taken about the same.'

Council's Act
February 23. a-
gainst private
Meetings.

April 29th, the Council publish an Act discharging the giving Charity, and making Contributions in favour of suffering Ministers and others, the Parallel of which, I believe, we shall meet with no where. I give it as it stands in the Registers.

Their Act
April 29. a-
gainst giving
Charity to
suffering Min-
sters.

The Lords of his Majesty's Privy Council being informed, That without any public Warrant or Authority, some disaffected Persons to the present Establishment, presume and take upon them to require Contributions from such Persons as they please, and do collect Sums of Money, which are or may be employed for carrying on of their private Designs, prejudicial to the Peace of the Kingdom and his Majesty's Authority; and considering that such Courses and underhand Dealing may strengthen seditious Persons in their Practices and Designs to disturb the Peace, if they be not timely prevented: Therefore in his Majesty's Name they do prohibit and discharge all Persons whatsoever, to seek or demand any Contributions or Supply, or to receive any Sums of Money. As likewise discharge all Persons to grant or deliver any Contributions to any Persons, whosoever shall require the same, unless it be upon such Occasions as have been publicly allowed and known, and heretofore practised; and that they have a special Warrant and Allowance of the Lords of Privy Council, or Lords of the Clergy within whose Dioceses these Collections are to be made. With Certification, that, if they contravene, they shall be proceeded against as Persons disaffected to the present Government, and Movers of Sedition. And ordain these Presents to be Printed and Published at the Market-cross of Edinburgh, and other Places needful, that none pretend Ignorance.

Glencairn Chanc. I. P. D.

1664.

Observes upon it.

This Proclamation is a full Evidence of the Virulence and Malice of the Prelates, and how little of the Spirit of Christianity and Compassion was in them, when they proposed and pushed such an Act. The Pretext, that they are disaffected Persons to the Government, who were employed in those Contributions, is a mere Blind. They might be disaffected to the Government in the Church, but they were not to the State; and 'tis a mere Jest to say, that such Contributions might be prejudicial to the Peace of the Kingdom, unless the preserving the Lives of the Presbyterian Ministers and Families, now by Oppression and Violence brought to a starving Condition, could endanger the same. 'Tis a hard Pass poor Sufferers are brought to, when they are discharged to meet together, and pray to God in their Distresses, and all Subjects are expressly discharged to relieve them in their Distresses, without the Bishops Warrant.

Soldiers sent to force the Parish of Dregborn to comply with the Curate.

June 23^d, the Council send a Party of Soldiers to compel the Parish of *Dregborn*, in the Shire of *Air*, to comply with the Episcopal Minister who had been thrust in upon them. I know no more of this, but what is contained in the Act. 'The Lords of his Majesty's Privy Council being informed, That the Heritors and whole Inhabitants of the Parish of *Dregborn*, do, in manifest Contempt of his Majesty's Authority, and the Government of the Church established by Law, withdraw themselves altogether from the said Parish-church, for hearing the Word, and receiving the Sacraments, to the Scandal of the Christian Profession; do therefore ordain a Party of Soldiers to be forthwith sent to quarter upon that Parish, with Power to them to uplift the Penalty of Twenty Shillings *Scots*, conform to the late Act of Council, *toties quoties*, from every Person residing in the said Parish, who shall withdraw from the said Kirk, and recommend it to the Chancellor to name the Number and Commander.'

Remarks upon it.

This Method of dragooning People to the Church, as it is contrary to the Spirit of Christianity, so it was a Stranger in *Scotland*, till Bishop *Sharp* and the Prelates brought it in. If the Party uplifted the Fines for Bygones, since the Date of the Council's Act last Year, how terrible a Sum must they exact from that Parish; or if they stayed there some Weeks, and we suppose them to be Eight hundred in Number, even as to the Time to come, they shall uplift more every Week than is yearly paid to the Minister. But such Procedure wants no Reflections.

Proclamation discharging Ministers to live in Burghs.

I shall end this *Section* with another Proclamation of Council, of a Piece with those we meet with now so frequently: And, because I have not seen it in Print, I give it here from the Registers, *November 17th* this Year.

I DRASMACH as it is notour, That divers Ministers, who have gone off their Charges, or are outed by Law, do ordinarily repair to Edinburgh, and other Burghs and Places expressly forbid by Acts of Council, and do there, in open Contempt of his Majesty's Authority and Acts of Parliament and Council, hold their Meetings, and keep seditious Correspondences, and use Contrivances for seducing and debauching his Majesty's Subjects, from the Duty and Obedience they owe to the Laws and Authority established, to the Scandal of Religion, and endangering the publick Peace and Quiet: Therefore the Lords of his Majesty's Privy Council ordain a Wacer to pass to the Market-cross of Edinburgh, and, in his Majesty's Name and Authority, to command and charge all those Persons who have been removed from the Charge of the Ministry since the First of January 1661. to remove themselves forth of the Burgh of Edinburgh, within Forty eight Hours after the Publication hereof, and not to remain or reside therein, or in any other Places prohibited by Act of Council, dated August 13th, 1663. unless they ask and obtain Licence to go about their lawful Business, from the Lords of his Majesty's Privy Council, or from the Bishop of the Diocese. With Certification, that if, after the Publication hereof, they be found to repair to, or reside in Edinburgh, or other forbidden Places foresaid, they shall be seized upon, and put in sure Firmance, until they receive the Punishment provided by Law against the Movers of Sedition. And ordain these Presents to be Printed and Published, that none pretend Ignorance.

Observes upon it.

I cannot but observe here, and it holds in a good many Acts of this Time, That the Managers not only lay the severest Hardships upon Presbyterian Ministers, hinder them to pray to God, to get Relief from Men, and see to the Education of their Children at Schools, unless they will own the Bishops so far as to take a Warrant from them; but, in their Acts, load them without any Ground and Reason, or permitting them to answer for themselves, and charge them with Crimes of a very deep Nature, of which they were entirely innocent; or at best, misrepresent Things, so as they might be reckoned seditious and scandalous Persons. Their reasonable repairing to *Edinburgh* and other Burghs, for overlooking their Children at Schools, and other necessary Business, is pretended to be for seditious Correspondencies and Meetings, for Purposes not named. I know no Correspondence they entertained, unless it was in Letters, for strengthening one another in their suffering Lot, and these they might write

without

without being in Burghs. They were all of them loyal in their Practices, and never had any Share in any Thing seditious.

1664.

This was another punishing Proclamation for one, or rather no Fault, mere Nonconformity in Presbyterian Ministers: And the Number of Punishments inflicted for this one Reason is now growing so great, that I do reckon it up. Some at this Time remarked, That all the former Proclamations proceeded from the Prelates Fear of, or Hatred to Presbyterian Ministers; but this proceeds from pure Envy: And the true Reason of it was, The Bishops and their Curates were uneasy at the Respect and Kindness evidenced to Ministers in the Streets of *Edinburgh*. When Mr. *Douglas*, Mr. *Hutcheson*, or other known Presbyterian Ministers, were in Town, they had so many Salutations and Caps, that it galled those of the other Side, who were but little regarded, except from Fear. And no great Wonder, for their Practice, Conversation, and Doctrine, the great Things which ought to create Respect to a Minister commanded but very little to them.

In short, it was evidently hard and unreasonable to banish Presbyterian Ministers from the Town of *Edinburgh*, and other Burghs. Popish Priests, and professed Papists were entirely at their Liberty, while some of the King's Subjects, who had done no Fault, but stood to their known Principles against Bishops and Prelacy, are discharged to be seen in Royal Burghs, and within Six Miles of a Bishop's House, however necessary their Affairs were. The Reader must conclude without my remarking it, That as the taking away of Civil Liberty, paves the Way, and makes Room for Church-tyranny, so this Ecclesiastical Tyranny, like a kindly Child of such a Parent, encourages Slavery, and removes the small Remains of any Thing like Liberty. I go on to the Hardships of particular Persons this Year.

S E C T. IV.

Of the Sufferings of particular Presbyterian Ministers, Gentlemen, and others, this Year 1664.

THE Actings of the High-commission Court this Year, were the most considerable Branch of the Church of *Scotland's* Cross; and, together with the Acts of Council with their Procedure, have, in some Measure, been laid before the Reader upon the former *Sections*; and it remains that I give the Accounts come to my Hand, of the Trouble some other particular Persons were brought under; and I begin with that of Ministers.

Since the general Ejection of the younger Presbyterian Ministers, by the Act of *Glasgow*, the Bishops endeavoured to weed out the elder Presbyterian Ministers, one after another gradually, that they might possess the House alone. Indeed those worthy aged Men were, upon many Accounts, Eye-fores to them.

The elder Ministers gradually attacked.

Wherever an old Minister, settled before the 1649. was found, Summons was sent him to appear before the Bishop in his diocesan Meeting. I find none who obeyed the Citation after the first diocesan Meetings, when, alas! more than might have been expected, both elder and younger, did conform. When Ministers did not obey, and remained at their Charge, the Bishops, piece by piece, as they best might, without disobliging Noblemen and other Heritors concerned; deposed the Minister in Absence.

The Manner of the Prelates Procedure against them.

In some Places the Prelate made the Fashion of calling the Roll of his Curates at their Meeting, that they might give their Assent unto the Presbyterian Minister's Deposition, which they were not backward to; but this was only a Form they used, or not, at their Pleasure. In the Dioceses of *St. Andrews* and *Edinburgh*, the Curates were told, without any Ceremony, That they had no Share in the Government. And when some of the inferior Clergy began to grumble, they were reprimanded by the Bishop of *Edinburgh*, and made to know, that the Power of Jurisdiction was lodged in his sole Person.

The Number of old Ministers, this Way cast out of their Churches, was but small in comparison of such who were laid aside, as being ordained since the Year 1649. and so the Instances of their Sufferings must be fewer. The Hardships of Two of this Kind offer themselves this Year, with pretty singular Circumstances, and they were both very great Men, on different Sides in the former unhappy Breaches; Mr. *James Wood*, Divinity-professor at *St. Andrews*, and Mr. *William Guthrie*, Minister of *Finwick*, in the Shire of *Air* and Presbytery of *Irvine*. The Account of them will let us understand somewhat more of the Methods, Temper, and Spirit of the Time I am describing; and then I shall give the Hardships of some other particular Persons, and their Sufferings, from the Council-books.

Instances in the Sufferings of Mr. *James Wood*, and Mr. *William Guthrie*.

1664.

Mr. Wood's Death, March this Year.

Towards the Beginning of this Year, the learned, grave, and singularly pious Mr. *James Wood*, exchanged this present Life for the Crown of Righteousness. We have had somewhat of him before. Under Presbytery he had been Colleague to Mr. *James Sharp*, and as, after the Restoration, he lamented much that he had been deceived by this unhappy Man, so he regretted that he had been led into some Heights on the Side of the *publick Resolutions*; for which, when Things opened out, and appeared in their true State, he was much grieved. The Bishop at first did not much harass Mr. *Wood*; he was an old dying Man, and his Heart broken with the Change brought in upon this once beautiful Church, and the Primate expected to be soon rid of him; yet he behaved to be turned out, as we have seen.

The Primate visits him on his Death-bed.

But if Mr. *Wood* suffered not in his Body, as some of his Brethren did, yet the Archbishop, it seems, was resolved he should be wounded in his Name and Reputation after his Death, if not sooner. In order to this, the Primate saw good once or twice to give Mr. *Wood* a Visit, when on his Death-bed in St. *Andrews*. He was now extremely low in his Body, and spoke very little to Mr. *Sharp*, and nothing at all about the Changes made, or the State of publick Affairs.

A Report is spread as if Mr. Wood had altered his Sentiments as to Church-government.

However, the Consequent of those Visits was, the Primate spread a Report, That Mr. *Wood*, being now under the Views of Eternity, and near to Death, professed himself very much indifferent as to Church-government, and declared himself as much for Episcopacy as Presbytery. The Bishop talked in all Companies, That Mr. *Wood*, in Conversation with him, had acknowledged Presbyterian Government to be indifferent, and alterable at the Pleasure of the Magistrate, and other Falshoods of this Sort; yea, he had the Impudence to write up Accounts of this to Court, even before Mr. *Wood's* Death.

Mr. Wood vindicates himself.

When the Knowledge of these Reports came to Mr. *Wood's* Ears, they added Grief to his Sorrow; and he could find no Rest till he vindicated himself, by a solemn Testimony against such wicked Calumnies, subscribed, as well as dictated, by himself, and that before Two Witnesses and a publick Notar. It deserves a Room here, and follows, as taken off the Original written from his Mouth.

St. Andrews, March 2. 1664.

His dying Testimony, March 2.

‘ I Mr. *James Wood*, being now shortly, by Appearance, to render up my Spirit to the Lord, find my self obliged to leave a Word behind me, for my just Vindication before the World. It hath been said of me, That I have, in Word at least, refused from my wonted Zeal for the Presbyterian Government, expressing my self concerning it, as if it were a Matter not to be accounted of, and that no Man should trouble himself therefore, in Matter of Practice. Surely any Christian that knows me, in this Kirk, will judge that this is a Wrong done to me. 'Tis true, that I being under Sicknels, I have said some times, in Conference about my Soul's State, That I was taken up about greater Business than any Thing of that Kind; and what Wonder I said so, being under such Wrestlings anent my Interest in *Jesus Christ*, which is a Matter of far greater Concernment than any external Ordinance? But for my Estimation of Presbyterian Government, the Lord knoweth, that since the Day he convinced my Heart, which was by a strong Hand, That it is the Ordinance of God, appointed by *Jesus Christ*, for governing and ordering his visible Church, I never had the least Change of Thought concerning the Necessity of it, nor of the Necessity of the Use of it. And I declare before God and the World, That I still account so of it; and that however there may be some more precious Ordinances, yet that is so precious, that a true Christian is obliged to lay down his Life for the Profession thereof, if the Lord shall see meet to put him to the Trial. And for my self, if I were to live, I would account it my Glory to seal this Word of my Testimony with my Blood. Of this my Declaration, I take God, Angels, and Men, to be my Witnesses; and have subscribed thir Presents at St. *Andrews*, the 2^d Day of March, 1664. about Seven Hours in the Afternoon, before Mr. *William Tullidaff* Minister at *Dumbog*, and Mr. *John Carstairs* my Brother in Law, and *John Pitcairn* Writer here of.’

Mr. *William Tullidaff*,
Mr. *John Carstairs*,
John Pitcairn.

Mr. *Ja. Wood*.

I have in my Hands a pretty large Account of the dying Words and Exercise of this eminent Saint of God, drawn up by several worthy Persons at this Time with him, which contains some further Hints of the Bishop's Injustice to him, and a large Vindication of himself; but the Substance of it being insert in the above Testimony, I shall not swell this Work

Work with it. It contains many sweet Parts of his Attainments and Experiences, when drawing near the End of his Race, till he came to make a pleasant, happy, and glorious Exit, 1664.
March 15th, this Year.

When Mr. *Wood's* Testimony came to be propaled, the Primate raged terribly, and caused summon Mr. *Carstairs*, Mr. *Tullidaff*, and the Notar, before the High-commission Court. The Bishop alledged, yea, spread the Report pretty publickly, That the Notar had informed himself, that when Mr. *Wood* was in great Weakness, Mr. *Carstairs* had imposed upon him, and made him subscribe that Paper he had formed for him.

The Witness
fessed before
the High
Commission.

We have heard some Ministers were in Prison some Time upon this Account, and brought before the High Commission. I have not seen any large Account of their Procedure with them, only I find, That when Mr. *Tullidaff* and the Notar came before them, both of them declared, That Mr. *Wood* had dictated the above written Testimony, Word by Word, and that the Notar wrote it at his Desire, and attested it, as was his Office to do. Here the Primate once more got the Lie given him to his Face; and when they had continued in Prison some Time, and nothing worthy of Death or Bonds could be fixed upon them, the Bishop was forced to dismiss them without any further Punishment, having shewn his Malice, and got Shame for his Reward.

Mr. Tullidaff,
and the Notar's
Declaration
before them.

Mr. *Carstairs* thought fit, on many Considerations, to abscond, and did not compear; only that his Noncompearance might not wrong the Cause, nor be imputed to his Disloyalty, or Contumacy against any who bore Commission from the King, he wrote a Letter to the Chancellor at this Time, a Copy of which is before me, too long to be insert here: However, I shall give some Passages of it, because they will set the Circumstances of Presbyterian Ministers, and this Affair, in some further Light.

Mr. Carstairs
does not ap-
pear, but
writes a Letter
to the
Chancellor.

After an Apology for his taking upon him to write to the Chancellor, he says, 'Some Days ago I received a Citation to appear before the Commission, designing no particular Day or Place, to answer for some Misdemeanors, as keeping Conventicles, and disturbing the publick Peace. As for keeping Conventicles, I suppose it will be difficult, if not impossible, for my Accusers, to prove me guilty of any Contravention of the Law, even in their Sense of Conventicles: And for disturbing the publick Peace, I hope none who know me will look upon me as so disposed; whereof this may be some Evidence, that since I was outed of my Ministry at *Glasgow*, which is now Two full Years, I have had so little Pleasure to see any Person, or to be seen, let be to meddle towards the disturbing the publick Peace, that I have been sometimes Three, sometimes Six Weeks, sometimes Two full Months, that I have never come out of Doors ---- So abstract have I been from meddling, That famous Mr. *Wood*, my Brother in Law, now at his Rest, was sick some Ten or Twelve Weeks before I did certainly know how it was with him, as your Lordship may know from the Incloied from him to me. When he earnestly importuned me to see him, considering our near Relation, and the Concerns of my only Sister, and her Six Children now to be Orphans, I could not refuse to satisfy him, being under no Interdiction to the contrary. Mr. *Wood* finding himself under a Necessity to leave a Testimony behind him, I did with some others, subscribe a Witness to the Truth of this Deed, as done by him; which, being present at the Time, I could neither in Conscience nor Ingenuity refuse, especially since it was so well known to all the World who knew him, that that was his fixed Judgment, and that when a dying it did so much afflict him, that any Report to the contrary should have gone of him. And whereas 'tis like it will be said by some, that it is Forgery, and not his own Deed, or at best extorted from him when he knew not what he did or said, I shall for my own, and especially for the worthy dead Man's just Vindication, beg Leave to say a few Things.' Here Mr. *Carstairs* enlargeth at a considerable Length, upon all the Circumstances of Mr. *Wood's* forming that Testimony, and declares, the Motion of it was not suggested to him by himself or others, but he formed it most spontaneously, sedately, and deliberately; That he at that Time was ordering his other Affairs, and the Physicians did not despair of his Recovery; That in Conversation he did more than once express himself at large upon the Head of Presbyterian Government, and more fully than in his Testimony; That he dictated it, and caused scroll it, and read it over, and transcribe it; and after he again heard it read, signed it; and that he was most distinct and edifying after that, and to his Death, as to his Soul's Exercise and State. After this Mr. *Carstairs* adds, 'So that if it were otherwise convenient for me to appear before the Commission, it would be no Difficulty humbly to justify my Carriage all the Time I was at St. *Andrews*. Neither doth my necessary not compearing proceed from any the least Contempt of his Majesty's Authority, which I desire highly to reverence, and wish his Sacred Person to be every Way most eminently blessed of God; nor out of Disrespect to your Lordship the Lord High Chancellor of the Kingdom, nor to the Lord Treasurer, nor to any of the meanest under his Majesty, called to rule over me, nor to any of his Courts of Judicature, to which, notwithstanding of the greatest apparent Hazard, I have always on the first Call, as it well became me, come; and on which I have patiently and submissively waited, Days, Weeks, and

Abstract of
his Letter.

1664.

Months, as your Lordship well knoweth: But 'tis for other Reasons, which I hope will not offend your Lordship. I shall only presume to add, as to these reverend Brethren cited with me, that Mr. *Henry Rymer* was not at *St. Andrews* with Mr. *Wood*, all the Time I was there, neither did I see Mr. *Alexander Wedderburn* with him, neither did any of the rest, to my best Knowledge, desire him to write this Testimony. Hoping your Lordship will pardon this Trouble, I am,

My noble Lord,

Your Lordship's very humble
Servant in the LORD,

Mr. JOHN CARSTAIRS.

By this Letter we find, some other worthy Ministers were brought to Trouble in this Matter; but I have seen no Accounts concerning them. We shall just now meet with Mr. *Carstairs* cited before the Council. This is all I have met with as to the reverend Mr. *Wood*, who stands entire in his Reputation, notwithstanding of all the base Artifices of the Primate to darken it.

The other Instance I promised as to the Sufferings of old Ministers this Year, is that of the reverend, and singularly useful Mr. *William Guthrie*, Minister of the Gospel at *Finwick*. This extraordinary Person I have particular Opportunities to have certain and distinct Accounts of. I heartily wish some proper Hand would give the Publick a just Narrative of this great Man's Life, which might, I persuade myself, be very useful. The broken Hints we have, before the last Edition of his excellent *Saving Interest*, at *London*, 1705. are lame and indistinct, and were writ without the Knowledge of his remaining Relations, who could have given more just and larger Accounts: I shall therefore here give the more particular History of his Suffering at the Time, and his being forced to part with his dear Flock.

By the Interest of several Noblemen and others, to whom Mr. *Guthrie* was very dear, he enjoyed a Connivance, and was overlooked for a considerable Time, when he continued at his Master's Work, tho' in his Sermons he was more than ordinarily free and plain.

But soon after Doctor *Alexander Burnet* was brought from the See of *Aberdeen* to that of *Glasgow*, he and the few remaining Ministers about him were attacked; such as, Mr. *Livingstone* at *Biggar*, Mr. *McKail* at *Bothwell*, Mr. *Gabriel Maxwell* at *Dundonald*, Mr. *Gabriel Cunningham* at *Dunlop*, and Mr. *Andrew Hutcheson* and Mr. *William Castledaw*, Ministers at *Stewarton*; and perhaps the Chancellor's Death about this Time, helped to pave the Way for the greater Severity against these worthy Persons.

The Archbishop had been addressed by some of the greatest in the Kingdom, in behalf of Mr. *Guthrie*, and treated them very indiscreetly: By no Importunity would he suffer himself to be prevailed upon to spare him any longer. When Means and Intercession could not prevail, Mr. *Guthrie* was warned of the Archbishop's Design against him, and advised by Persons of Note, his Friends, to suffer no Resistance to be made to his Dispossession of the Church and Manse; since his Enemies wanted only this for a Handle to process him criminally for his Zeal and Faithfulness in the former Times: Such was their Spite against this useful Man of God.

Under the Prospect of parting with his beloved People, *Wednesday* the 20th of *July* this Year, was set apart by him for Fasting and Prayer with his Congregation. The Text he preached from was, *Hos. 13. 9. O Israel! thou hast destroyed thy self.* His Sermon was afterwards printed very unfairly and indistinctly, from an uncorrect Copy. From that Scripture, with great Plainness and Affection, he laid before them their Sins, and those of the Land, and of that Age; and indeed the Place was a *Bochim*.

At the Close of that Day's Work, he intimate Sermon upon the next Lord's Day very early, and his own People and many others met him at the Church of *Finwick*, 'twixt Four and Five in the Morning, where he preached twice to them from the Close of his last Text, *But in me is thine Help.* And as he used upon ordinary Sabbaths, he had Two Sermons, and a short Interval betwixt them, and dismissed the People before Nine in the Morning. Upon this melancholy Occasion, he directed them unto the great Fountain of Help, when the Gospel and Ministers were taken from them; and took his Leave of them, commending them to this Great GOD, who was able to build them up, and help them in the Time of their Need.

His People would willingly have sacrificed all that was dear to them, in Defence of the Gospel, and adhering to him. Indeed Mr. *Guthrie* had some Difficulty to get their Affection to him so far moderated, as to keep them from violent Proceedings against the Party who came to dispossess him: They would have effectually prevented the Church its being declared

Mr. William Guthrie.

He continues longer at his Work than many others.

When Bishop Burnet comes to Glasgow, he and some other Ministers are attacked.

Nothing prevails with the Archbishop to spare Mr. Guthrie.

Wednesday, July 20. kept as a Congregational Fast with his People.

He preaches next Lord's Day early in the Morning, and takes Leave of his People.

No Violence used against the Party who came to dispossess him.

clared vacant, and were ready to have *resisted even to Blood, striving against Sin*, if they had been permitted: But Mr. *Guthrie's* peaceable Disposition, his great Regard to lawful Civil Authority, with his prudent Foresight of the Consequences of such a Procedure, both as to the Interests of the Gospel, his People, and himself, made him lay himself out, and use the Interest he had in the People, which was very great, to keep the Peace; and there was no Disturbance which could be made a Handle of by Adversaries.

1664.

When the Archbishop of *Glasgow* resolved upon dispossessing him, he dealt with several of his Curates, to intimate his Sentence against Mr. *Guthrie*, and as many refused it. There was an Aw upon their Spirits, which scared them from meddling with this great Man; besides, they very well knew it was an Action would render them for ever odious to the West Country, and they feared the Consequences. At last he prevailed with one who was Curate of *Calder*, as I am told, and promised him Five Pounds *Sterling* for his Reward: But poor Man! it was the Price of Blood, the Blood of Souls, and neither he nor his had much Satisfaction in it.

With much Difficulty the Archbishop gets one to intimate his Sentence against Mr. *Guthrie*.

Upon the 24th of *July*, this Man came with a Party of Twelve Soldiers to *Finwick* Church on the Lord's Day, and, by Commission from the Archbishop, discharged Mr. *Guthrie* to preach any more at *Finwick*, declared the Church vacant, and suspended him from the Exercise of his Ministry.

The Curate of *Calder* intimates it, *July* 24 to the Church of *Finwick*,

The Commanders of the Party and the Curate, leaving the Soldiers without, came into the Manse. The best Account I can at this Distance give of what passed in the Manse, is by inserting a short Minute of this, left among the small Remains of a valuable Collection of Papers belonging to Mr. *Guthrie*; which were taken away, as we shall afterwards hear, some Years after this, by Violence, and against all the Rules of Equity, from his Widow, and fell into the Hands of the Bishops. The Paper was drawn up at the Time to keep up the Remembrance of this Affair, without any Design of its being published, and I give it in its own native and plain Dress.

And to himself in the Manse.

The Sum of the Curate's Discourse when he came and intimated Mr. William Guthrie his Sentence of Suspension, with Mr. Guthrie's Answer to him.

THE Curate shewed, That the Bishop and Committee, after much Lenity shewn to him for a long Time, were constrained to pass the Sentence of Suspension against him, for not keeping of Presbyteries and Synods with his Brethren, and his Unpeaceableness in the Church; of which Sentence he was appointed to make publick Intimation to him, for which he read his Commission under the Archbishop of *Glasgow* his Hand.

An Account of what passed in the Manse.

Mr. *Guthrie* answered, I judge it not convenient to say much in Answer to what you have spoken: Only, whereas you alledge there hath been much Lenity used towards me, be it known unto you, that I take the Lord for Party in that, and thank him for it; yea, I look upon it as a Door which God opened to me for preaching this Gospel, which neither you nor any Man else was able to shut, till it was given you of God. And as to that Sentence passed against me, I declare before those Gentlemen (the Officers of the Party) that I lay no Weight upon it, as it comes from you, or those who sent you; though I do respect the Civil Authority, who by their Law laid the Ground for this Sentence: And were it not for the Reverence I ow to the Civil Magistrate, I would not surcease from the Exercise of my Ministry for all that Sentence. And as to the Crimes I am charged with, I did keep Presbyteries and Synods with my Brethren; but I do not judge those who now sit in these to be my Brethren, but Men who have made Defection from the Truth and Cause of God; nor do I judge those to be free or lawful Courts of Christ, that are now sitting. And as to my Unpeaceableness, I know I am bidden follow Peace with all Men, but I know also I am bidden follow it with Holiness; and since I could not obtain Peace without Prejudice to Holiness, I thought my self obliged to let it go. And as for your Commission, Sir, to intimate this Sentence, I here declare I think my self called by the Lord to the Work of the Ministry, and did forsake my nearest Relations in the World, and give up my self to the Service of the Gospel in this Place, having received an unanimous Call from this Parish, and been tried and ordained by the Presbytery; and I bless the Lord he hath given me some Success, and a Seal of my Ministry upon the Souls and Consciences of not a few that are gone to Heaven, and of some that are yet in the Way to it. And now, Sir, if you will take it upon you to interrupt my Work among this People, as I shall with the Lord may forgive you the Guilt of it, so I cannot but leave all the bad Consequences that follow upon it, betwixt God and your own Conscience. And here I do further declare before these Gentlemen, That I am suspended from my Ministry for adhering to the Covenants and Work of God, from which you and others have apostatized.

Here the Curate interrupting him, said, That the Lord had a Work before that Covenant had a Being, and that he judged them Apostates who adhered to that Covenant; and that he wished that not only the Lord would forgive him (Mr. *Guthrie*) but, if it were

1664.

‘lawful to pray for the Dead, (at which Expression the Soldiers did laugh) that the Lord would forgive the Sin of this Church these Hundred Years bygone.’

‘It is true, answered Mr. Guthrie, the Lord had a Work before that Covenant had a Being; but it is as true, that it hath been more glorious since that Covenant, and it is a small Thing for us to be judged of you in adhering to that Covenant, who have so deeply corrupted your Ways, and seem to reflect on the whole Work of Reformation from Popery these Hundred Years bygone, by intimating that the Church had Need of Pardon for the same.’

‘As for you, Gentlemen, added he, directing himself to the Soldiers, I wish the Lord may pardon you for countenancing of this Man in this Business. One of them scoffingly replied, I wish we never do a greater Fault. Well, but said Mr. Guthrie, a little Sin may damn a Man’s Soul.’

Mr. Guthrie’s Civilities to the Soldiers.

When this had passed, Mr. Guthrie called for a Glass of Ale, and craving a Blessing himself, drank to the Commander of the Soldiers; and after they had been civilly entertained by him, they left the House. I have it confidently reported, that Mr. Guthrie at parting did signify to the Curate, that he apprehended some evident Mark of the Lord’s Displeasure was abiding him, for what he was now a doing, and seriously warned him to prepare for some Stroke a coming upon him very soon.

The Curate died in a little after.

Mr. Guthrie’s Relations, and a worthy old Minister yet alive when I write this, who was that Day at *Finwick* with him, from whom I have Part of this Account, do not mind to have heard any Thing of this Denunciation; but it might have been without their hearing, since none of them were present at Parting. Whatever be in this, I am well assured the Curate never preached more after he left *Finwick*. He came into *Glasgow*, and whether he reached *Calder*, but Four Miles from it, I know not; but in a few Days he died in great Torment of an *iliack Passion*, and his Wife and Children died all in a Year, or thereby; and none belonging to him were left: So hazardous a Thing it is to meddle with Christ’s sent Servants.

The Kirk declared vacant.

When they left the Manse, the Curate went into the Church of *Finwick* with the Soldiers his Guard, and now his Hearers, and preached to them not a Quarter of an Hour, and intimated from Pulpit the Bishop’s Sentence against Mr. Guthrie. No Body came to hear him, save the Party who came with him, and a few Children and Boys, who created him some Disturbance, but were chafed off by the Soldiers.

Mr. Guthrie continues in the Parish till October 1665. when he died in Angus.

Mr. Guthrie continued in the Parish, but preached no more in the Church, where, as far as I can learn, there was no Curate ever settled. Upon the 10th of *October* next Year, this excellent Person died in *Angus*, whither he went to settle some Affairs relating to his Estate of *Pitforth* there. Thus by the Malice of the Prelates, this bright and eminent Light of the West of *Scotland* was put under a Bushel, yea, extinguished.

Mr. Andrew Donaldson Minister at Dalgety, his Character.

I shall only add here, That the Procedure of the Prelates was of a Piece in all the Corners of the Church, and give another Instance from the Diocese of *Dunkeld*, relative to Mr. *Andrew Donaldson* Minister at *Dalgety*. Many yet alive have a most favourable Remembrance of this worthy Person; and a Minister at present in that Neighbourhood, who had the Happiness of his Acquaintance for some Years before his Death, writes to me, ‘That he was singular for a heavenly and spiritual Temper, and very much of a holy Tenderness and ardent Love to *Jesus Christ* at all Times, discovered themselves in every Thing he did: That many religious Persons, since the Revolution, in that Country, at their Death, owned, That Mr. *Donaldson* was the Mean of their Conversion and Edification. In a Word, he was not only eminent in Holiness, and the faithful Discharge of his Office, but likewise a Person of a very solid Judgment, and great Wisdom and Prudence.’

Such a Person as he was, could not well escape the Malice of the Bishops at this Juncture, and therefore I shall here give a Hint of the Trouble he met with from attested Accounts, and an original Letter of the Bishop of *Dunkeld* sent to him, *October* this Year, lately come to my Hand. We shall have some other Hints concerning this good Man in our Progress, but here I shall give a general View of his Sufferings altogether, from Narratives before me very well vouched.

Mr. *Andrew Donaldson* was admitted Minister at *Dalgety*, in the Year 1644. and continued in the Exercise of his Ministry there Twenty Years. He had the Favour of remaining longer at his Master’s Work than many of his Brethren, by the Interest of *Charles Earl of Dumfermling*, then Lord Privy Seal. This Year 1664. when the Earl was called up to *London*, the Primate in his Absence pushed the Bishop of *Dunkeld*, within which Diocese *Dalgety* lies, to deprive him.

Bishop of Dunkeld his Letter to him.

Accordingly the Bishop wrote to him to attend the Presbyteries, under Pain of Suspension: Which Mr. *Donaldson* did not regard, but continued at his Work till the diocesan Meeting in *October*, when the Bishop deposed him, and wrote the following Letter to him, which the Reader hath from the Original in mine Eye.

Sir,

1664.

THESE Five Synods past, your Brethren of the Synod of *Dunkeld* have waited upon your Presence to have concurred with them in all Ministerial Duties that relate to Discipline, according to the strict Acts of Parliament and Council enjoying the samen, and the Acts of your Synod requiring your Presence, and enjoying your keeping of Session, Presbytery and Synod. Notwithstanding, you have still seditiously contemned the Laws of the State, in not keeping your Synod, tho' you knew the ordinary Diets as well as others; and against the Law and Practice of the Church, and your peaceable Brethren, has still schismatically divided your self from your Brethren, in Session, Presbytery and Synod: And well considering their own Patience and Slowness to proceed against you, having formerly suspended you, and yet unwilling even to intimate that, causing it only come to your Ear, hoping that their kindly Forbearance should in End gain your Submission to an Union with them; Yet still meeting with nothing from you, but obstinate and ungrate Continuance in your seditious and schismatick Way, they unanimously, at the last Meeting of the Synod, holden at *Dunkeld*, the 4th of *October*, 1664. did think and vote you worthy of Deposition from your Ministerial Function. Likeas, I did in the Name, and by the Authority of *Jesus Christ*, and in the Name, and with the Consent of all my Brethren, actually at that Time depose you; which I now do declare, you Mr. *Andrew Donaldson*, sometime Minister at *Dalgety*, deposed from all Charge, not only there, but from all the Parts of Ministerial Function within any Diocese, or the Kirk of *Scotland*: Assuring you, if you shall insist in that Charge, either at *Dalgety*, or elsewhere, after you shall be acquaint with this Sentence, that immediately, with the Consent of my Synod, we will proceed against you with the highest Censure of this Kirk. In Verification of all the Premises, I have subscribed them, and sent them express to you for your Warning, that you may not pretend Ignorance, but may yield Obedience, and not contravene. *Perth*, 10th *October*, 1664.

GEORGE DUNKELD.

So careful was the Bishop of Mr. *Donaldson's* knowing this Sentence, that another Letter in the very same Words, only dated *October* 11th, came to his Hand likewise. But more effectual Methods were taken, and the Primate procured a Party to be sent to eject him from the Kirk of *Dalgety*, who came on a Lord's Day when the People were gathered to hear him. It was Mr. *Donaldson's* Prudence which prevented a Scuffle; and, upon the Government their Orders to remove, he compromised the Matter with the Soldiers, and got Leave to preach that Day, upon his Promise to leave that Place.

His Election from *Dalgety*.

When my Lord *Dumfermling*, now at *London*, got Notice of this, he procured a Warrant from the King, reponing Mr. *Donaldson* to *Dalgety* during Life; which his Lordship brought down very soon, and shewed it to the Primate, complaining he had taken the Occasion of his being absent, to deprive him of his Minister whom he valued so much. The Archbishop knew well to dissemble, and professed a great Regard to the Earl, and said, The King behoved to be obeyed, but craved, as a Favour, that the Earl would do nothing for Three Weeks in it, till he considered how to provide a young Man now settled at *Dalgety*: Which my Lord yielded to. Mean while the Primate, by his Interest at Court, in the Earl's Absence, procured a Warrant under the King's Hand, and got it down *per* Express before the Three Weeks elapsed, discharging all outed Ministers to come back to their Charges. This galled the Earl sufficiently, but there was no Help for it.

For many Years Mr. *Donaldson* continued to preach, with very great Success, at a Gentleman's House in that Country where he lived, till, through the Instigation of the Prelates, he was about the 1676. as we shall hear, intercommuned. When he removed, and had no small Difficulties, and very remarkable Preservations, and singular Communications from his Master, in the Year 1677. he was seized when he came to visit his Family, and carried Prisoner to *Linlithgow* Tolbooth, where he continued till the general Liberation of Presbyterian Ministers, after the Defeat at *Bothwell*. I have before me an attested Account of a very observable Judgment of God upon the Commander of the Party who seized him, and his dying under Horror for his Hand in this worthy Person's Persecution; and of a very singular Warning the Lord led Mr. *Donaldson* to give the Earl of *Argyle* in *April*, or *May* 1679. of his After-sufferings and Death, for the Cause and Interests of Religion, which was exactly fulfilled; which that noble Person told to severals when in the Castle of *Edinburgh*, a little before his Martyrdom. The circumstantiate and well vouched Accounts of those are too large here to be insert. Mr. *Donaldson* continued under Trouble, till, with many other worthy Persons, he was freed by the Toleration in the Year 1687.

I shall conclude this Account of the Bishops Treatment of Ministers this Year, with the Trouble another old worthy Minister met with at this Time, Mr. *Robert Maxwell* Minister at *Monkton*, in the Presbytery of *Air*. Being settled before the 1649. he continued in the Exercise of his Ministry, till he was suspended by the Presbytery, *February*, 14th, 1665. He was a grave, pious, useful Minister in that Place for near Twenty five Years, and very much be-

Suspension and Deposition of Mr. *Robert Maxwell* Minister at *Monkton*, by the Bishop, this Year.

1664.

loved of his People; but there was no continuing longer among them, when armed Force put in Execution those Sentences. His Suspension was intimate to him, *February 18th*, being *Saturday*, and next Day he preached his Farewel-sermon, from *Eccles. 5. 4.* and had a very moving Discourse to them at this sorrowful Parting, which is before me, but too large to insert here.

In the diocefan Meeting, *October* this Year, Archbishop *Burnet* pushed and carried his Deposition, for nothing less than the utmost Rigour would satisfy him. From the original Extract of the Sentence in my Hands, I give here the Tenor of it.

Glasgow, *October 11th, 1665.*

Sentence of
his Deposition.
October 11.
1665.

‘THE which Day, the Archbishop and Synod taking to their serious Consideration the Process led and deduced by the Presbytery of *Air*, against Mr. *Robert Maxwell* Minister at *Monktoun*, and finding by the said Process, that the said Mr. *Robert Maxwell* continues obstinate in refusing to joyn with the rest of his Brethren, to sit in Presbytery and Synods for the Exercise of Discipline, censuring of Scandals, and other uncontroverted Duties; notwithstanding that the said Mr. *Robert* has been frequently conferred with by his Brethren of the Presbytery of *Air*, in order to his Satisfaction, and that he either shuns all Debating, or refuses to receive Satisfaction when offered by them, shewing them positively that he is fully resolved not to submit; as likewise, that he confessed that he had married other Persons in other Parishes without Testimonial from their several Ministers: And finding by the said Process, that he has been thrice lawfully summoned to compear before the Presbytery, and that he never compeared; and being by the Presbytery referred to the Archbishop and Synod for Censure: As likewise for these Crimes he was formerly suspended from the Office of the Ministry, by the Presbytery of *Air*, the *13th of February* last; and finding by the Execution of the Summons produced and read in Synod, the said Mr. *Robert* is legally cited to this Day; and he being called at the most patent Door of the high Church, compeared not, but absolutely refused either to give Satisfaction for those Crimes, or to give any Reason why he cannot or will not concur with his Brethren, and so finding there is no Hopes of gaining him: Wherefore the Archbishop and Synod think fit that the said Mr. *Robert Maxwell* be deposed, and by these Presents do depose him from the Office and Function of the Ministry, at the said Church of *Monktoun*, or in any Place else; and ordain the Presbytery of *Air* to intimate his Sentence to him with their first Convenience, and make Report thereof to the next Committee.’ Extracted by

LUD. FAIRFOUL, Cl.

We see he was proceeded against for mere refusing to subject to the Bishop, by Power from whom their Presbyteries and Synods met. His baptizing and marrying complained of, was only such Persons as were in their Consciences straitned to joyn with the Curates. We shall afterwards meet with this good Man under more Trouble.

Many other Accounts might be given of the Maltreatment of Presbyterian Ministers at this Time, had they been carefully preserved; but these Two are what I have particularly vouched, and they may serve as a Specimen of the Manner of the Treatment, these worthy Servants and Witnesses of *Christ* met with.

The People of the Presbyterian Perswasion were now every where harassed, and the Methods I hinted at on the former Chapter continued. Every Day the Soldiers grew more and more insolent at the Churches where any old Presbyterian Ministers ventured to continue. And through the West and South Multitudes of Families were scattered, and the Soldiers acted much in the same Manner, as the *French* Dragoons did some Years after, among the Protestants there.

Sir *James Turner*, I find this Year, is acting a very severe Part in the Western and Southern Shires; and next Year also he is sent by the Managers a Second or Third Time to force People to comply with the Church-government, and Ministers now established; and he executed his Orders exactly enough. I do not enter upon Particulars, since they fall in so much with what has been narrated; and Accounts of the Detail of the Actings of those booted Apostles, would be endless.

I come now to a few more Accounts of the Sufferings of particular Persons this Year, as they ly in Order of Time in the Council-registers. We have had the Reason formerly why we meet with so little of this Nature in them, this and the following Year. *January 26th*, 'tis recommended to the Chancellor to write to Sir *James Turner*; which he does as follows.

‘Sir,
‘UPON Information given to his Majesty's Privy Council, of some treasonable Speeches uttered by one *John Gordon* Burgefs in *Stranrawer*, for which he is now Prisoner in that Burgh, they order you to send him in Prisoner, with as many Soldiers as may be

Hardships on
Presbyterians
continued.

Sir *James Turner*'s
Share in
them.

Chancellor's
Letter to him
about *John*
Gordon in *Stran-*
rawer.

be sufficient for that Purpose, that the Council may take such Course with him, as they shall think fit. I am, &c. 1664.

The Lords of Justiciary were proper Judges in this supposed Case. Whether this Information, as many which were now given by the Clergy, was found groundless, I know not. No more offers about him in the Registers; and I am ready to think, that all he could be charged with, was some Reflections upon the Change now made in Affairs, by the establishing Bishops by the Supremacy.

March 1st, the Council pass an Act against the worthy Gentleman formerly mentioned, the Laird of Earlstoun.

Council's Act
March 1, against
the Laird of
Earlstoun.

THE Lords of His Majesty's Privy Council, having considered several Accusations exhibited against Mr. William Gordon of Earlstoun, for keeping of private Meetings and Conventicles, contrary to the Laws and Acts of Parliament, with his own Judicial Confession, that he had been at Three several Conventicles, where Mr. Gabriel Semple, a deposed Minister, did preach, viz. one in Corsack Wood, and other Two in the Wood of Airds, at all which there were great Numbers of People; and that he did hear Mr. Robert Paton, a deposed Minister, expound a Text of Scripture, and perform other Acts of Worship, in his Mother's House; and that Mr. Thomas Thomson, another deposed Minister, did lecture in his own House to his Family on a Sabbath-day; and that being required to enact himself to abstain from all such Meetings in Time coming, and to live peaceably and orderly conform to Law, he refused to do the same: Do therefore order the said Mr. William Gordon of Earlstoun, to be banished, and to depart forth of the Kingdom within a Month, after the Date hereof, and not return under Pain of Death; and that he enact himself to live peaceably and orderly during the said Month, under the Pain of Ten thousand Pounds, or otherwise to enter his Person in Prison.

We shall afterwards, in the Detail of this History, have Occasion to speak more of these Conventicles now a beginning, and to give the Reasons why Gentlemen and others could not bind themselves to abstain from them, and I shall not anticipate it; neither shall I make any Remark upon the Council's making the Expounding of a Place of Scripture, a Part of Divine Worship; the Bishops now with them ought to have rectified such a Blunder. It was much worse in them to banish so excellent a Gentleman, for mere hearing of Presbyterian Ministers, and, for what I can observe, exceeded any Laws yet made.

Reflections
upon it.

April 29th, 'The Council ordain Letters to be directed to a Macer, to cite Mr. John Cairns before the Council, to answer to the Crimes for which he was convened before the Parliament, and all other emergent Crimes by him sensyne committed.' I find no more in the Registers this Year about him. I imagine, when he declined appearing before the High-commission Court, by his Letter to the Chancellor, he had this Citation sent him to appear before the Council; but the dropping the Affair of Mr. Wood's Testimony, and the Chancellor's Death falling in within a little, perhaps made him to be dropped.

Mr. John Cairns cited before the Council.

June 23^d, 'The Council being informed of the seditious and factious Doctrine and Practices of Mr. John Crookshanks, and Mr. Michael Bruce, pretended Ministers, Fugitives from Ireland, and of their Preaching in several Places of this Kingdom, without Licence, contrary to the Laws, ordain Letters, charging them at the Market-crofs of Edinburgh, and Pier and Shore of Leith, to appear the 27th of July next; and give Power to the Officers and Commanders of the Forces to seize them.' Those were Two worthy Presbyterian Ministers come from Ireland. This is the First Time that I have observed the Phrase of pretended Ministers used by the Council. I do not find they appeared upon this Charge. All their Fault was Preaching the Gospel, and 'tis a Question, if they got Notice of this Citation. We shall afterward meet with Mr. Bruce, who was a very useful Minister, and did much Good, by his awakening and rousing Gift, in many Places.

Letters given out against Mr. Crookshanks and Mr. Michael Bruce.

August 9th, I find, that upon a Desire given in to the Council, they prorogate John Swinton, once of that ilk, his Liberation out of Prison for a Month longer, and order him to return to Prison, September 9th. I find no more about him for some Time, and at length he came to be overlooked, though he was a very active Quaker.

Swinton the Quaker overlooked.

November 3^d, William Dobbie Weaver petitions the Council, That whereas by an Act of Council, August 18th, which I do not observe in their Books, he was allowed to go out of Prison from Eight in the Morning till Eight at Night, to his Work; that now having been so long in Prison, he may be relieved. The Council order his Liberation, Six Burgeses in Glasgow, formerly his Cautioners, being Caution for his Re-entry when called. Middleton was now removed, and they did not think him worth any further Notice.

William Dobbie liberate.

That same Day, Mr. Thomas Wylie, formerly spoken of, presents a Petition to the Council, 'That whereas the Petitioner being confined by Act of Council, October 1662. to reside benorth the River of Tay, with his Family, to which Sentence he hath submitted in all

Mr. Thomas Wylie permitted to come South.

1664.

‘ Humility, as becometh ; and ever since hath behaved himself peaceably and inoffensively, becoming a loyal Subject, as a Testimony herewith produced, under the Hands of the Magistrates and Ministers of *Dundee*, will testify ; and that seeing now for a long Time it hath pleased the Lord to visit the said Petitioner his Bedfellow with great Sickness and Impairment of Body, often to the endangering her Life, which, according to the Opinion of her Physicians, is judged to proceed from the Climate of the Place, where she and the Petitioner hath been living, as will appear by a Testificate under the Hands of the Doctors and Chirurgeons of *Dundee*, herewith produced ; and that the Petitioner is purposed, wherever your Lordships shall order his Residence, that he and his Family shall continue in a peaceable and inoffensive Behaviour. May it therefore please your Lordships, in Consideration of the Premises, to take off the said Restraint from him, and grant him Liberty, with his Wife and Family, to reside besouth the River of *Forth*, in any Place of *Lothian*, which is more than Fifty Miles from the Place where the Petitioner had Charge as a Minister, and he shall ever pray.’ The Council order his former Bond to be given up, and that he give a new Bond, for his peaceable Behaviour where he is now confined.

Council
about Mr. John
Spreul Town-
clerk of Glas-
gow.

December 18th, the Council pass an Act about Mr. *Spreul*, formerly mentioned in the First Chapter, which I shall insert as I find it, knowing no more about this good Man.

THE Lords of Council considering, That Mr. John Spreul, late Town-clerk in Glasgow, having been cited before the Commission for Church-affairs, to answer for his Disobedience to the Laws, and Disaffection to the Government thereby established, he, for evading the Sentence of the said Judicatory, did for some Time withdraw himself forth out of the Country, and having privately returned, did carry himself most suspiciously, by travelling secretly from Place to Place, in the Night-time ; for which being apprehended and brought before the Council, and the Oath of Allegiance being tendered to him, he refused the same, alledging he had not Freedom to sign the same, by reason of the Tie that lay upon him by the Oath of the Covenant : Wherefore the said Lords judging it unjust, that any Person should have the Benefit of the Protection of His Majesty, and enjoy the Liberties of a free Subject, who refuse to give their Oath of Allegiance, ordain the said Mr. John Spreul to enact himself under the Pain of Death, to remove out of the Kingdom against the 1st of February next, and not to return without Licence, and find Caution to behave peaceably till then, under the Pain of Two thousand Pounds, and not to go within Six Miles of Glasgow.

This good Man was forced to wander from his native Country for some Years ; and we shall afterward meet with him in this History.

Mr. Alexander
Moncrief allow-
ed to come to
Edinburgh.

That same Day, the Reverend Mr. *Alexander Moncrief*, formerly spoken of, in Reddy, petitions the Council, ‘ That in regard he hath an Action of Count and Reckoning, which needs his personal Presence at *Edinburgh*, as is attested by Two of the Senators of the College of Justice, and by the late Act, the Supplicant cannot come to *Edinburgh* without Licence, he humbly craves it. The Council grant him Licence till the 24th Instant, upon Bond to live peaceably and loyally during that Time.’ This is what I have observed most remarkable as to particular Sufferings this Year.

S E C T. V.

Of some other Remarkables, and incidental Matters, this Year 1664.

I Shall end the History of this Year with some few Incidents that fall in, some of which relate directly enough to the History of the Sufferings ; and others of them falling in in the Papers which have come to my Hand, and tending to clear the State of Things in this Period, I thought they deserved a Room here.

King's Letter
ordering the
Archbishop of
St. Andrews to
have the Pre-
cedency of all
the Officers of
State.

January 26th, the King's Letter comes down to the Council, ordering the Archbishop of St. Andrews to have the Precedency of the Chancellor, and all other Nobility and Officers of State. It is dated the same Day with the Warrant for the High Commission, and came down at the same Time ; but the Council-registers take no Notice for some Months of the High Commission, for Reasons above narrated : Nevertheless, they record the King's Letter about the Primate's Precedency ; the Tenor whereof follows.

Right

Right Trusty, &c.

1664.

WE Greet you well. Whereas Our Royal Father of blessed Memory, did, by his Letter, dated at *Whitehall*, July 12th, 1626. signify to his Privy Council, That having considered, according to the Custom of all Civil and Christian Kingdoms, what Place and Dignity is due unto the Church, the Precedency of whose chief Ruler should procure the more Respect thereunto; to the end that the Archbishop of St. *Andrews*, Primate and Metropolitan of that Our Kingdom, may enjoy the Privileges belonging to his Place, We were pleased to name him First in the Commission of Our Council; and Our Pleasure is, That he have the First Place both at Our Council, and at all other publick Meetings before Our Chancellor, and all other Our Subjects within that Our Kingdom; as one from the Eminency of whose Place, We will have none to derogate in any Way, but shall ever contribute what We can to the Advancement thereof, in so far as is lawful and expedient. And We being also desirous to maintain the Honour of the Church, and that Dignity, in the Person of this Archbishop of St. *Andrews*, and his Successors, have thought fit to renew Our Blessed Father's Command; and to the end it may be punctually observed, We command you to registrate this Our Letter in the Books of Council; and so We bid you heartily farewell. Given at Our Court at *Whitehall*, the 16th of January 1664. and of Our Reign the 15th Year.

LAWDERDALE.

Thus Mr. *James Sharp* arrived at the very utmost of his Ambition, and higher he could not desire to be. This was the verifying of what *Lawderdale* threatened to *Glencairn* Three Years ago, That since he and *Middleton* would have Bishops, they should have them with a Vengeance: And agreeable to what a worthy Presbyterian Minister said to the Earl of *Glencairn*, when he pressed him to come in to Prelacy, and made some Insinuations, as if he might be Archbishop of St. *Andrews*. My Lord, said he, if I be Archbishop of St. *Andrews*, I will be Chancellor too; alluding to the last Archbishop, who enjoyed both Offices.

Remarks upon it.

This Letter did not a little chagrine our Nobility, especially the Chancellor. In King *CHARLES I.* his Reign, I find the Earl of *Kinnoul* then Chancellor would never yield the Precedency to Primate *Spotiswood*; but now Matters are changed, and all behaved to sloop to Mr. *Sharp*; and, fore against his Mind, the Chancellor yields the Door and Table-head, lest he should get the Purse too.

Former Chancellors did not yield the Precedency.

The curious Reader will be satisfied, that I add in this Place a Passage from Sir *James Balfour*, Lyon King at Arms, his *Annals* in King *CHARLES I.* his Reign, relative to this Precedency of the Archbishops of St. *Andrews* to the Chancellor, p. 653. of the Manuscript before me. 'July 12th, 1626. The King by his Letter commanded, That the Primate of *Scotland*, the Archbishop of St. *Andrews*, should take place of the Chancellor: But Chancellor *Hay* would never suffer him to do it all the Days of his Life, do what the King would. Sir *James* adds, That at the King's Coronation, 1633. that Morning the King called me, as Lyon King at Arms, and sent me to the Earl of *Kinnoul*, at that Time Chancellor, to shew him that it was his Majesty's Will and Pleasure, that only for that Day he would cede and give place to the Archbishop. The Earl returned by me this brisk Answer, "That since his Majesty had been pleased to continue him in that Office, which by his Means his worthy Father, of happy Memory, had bestowed upon him, he was ready in all Humility to lay it at his Majesty's Feet; but since it was his Royal Will, he should enjoy it with the known Privileges of the same, never a St---d Priest in *Scotland* should set a Foot before him, as long as his Blood was hot." When I had related this Answer to the King, he said, Well, *Lyon*, let us go to Business, I will not meddle further with that old cankered goutish Man, at whose Hands there is nothing to be gained but sower Words.'

Passage from Sir *James Balfour's Annals*, relative to this.

That same Day, January 26th, another Letter is read from the King to the Council, acquainting them he had made Choice of the Persons who were to be Commissioners for Plantation of Kirks, and ordered the Register to insert them in the Commission of Parliament past thereupon, and requires them to advertise them to attend the Diets of that Commission, which he will have kept every Week during Session-time: Whereupon the Council write to all the Members, to attend.

Commissioners named for Plantation of Kirks.

Some Notice hath been taken already of the new made Bishops this Year. In January, Mr. *Alexander Burnet* is admitted to be Archbishop of *Glasgow*, in room of Mr. *Fairfoul* deceased; and Mr. *Scougal* is his Successor at *Aberdeen*, who was reckoned among the devoteest of that Order; and Mr. *Andrew Hounnyman* is made Bishop of *Orkney*, in room of *Sideserf* deceased.

Changes among the Bishops this Year.

April 29th, by a Letter from the King, the Archbishop of *Glasgow* and *Archibald* Earl of *Argyle* are added to the Council, and take the Oaths, and their Places at that Board.

Archbishop of *Glasgow*, and Earl of *Argyle*, added to the Council.

1664.

Proclamation
against Bu-
chanan, De jure
regni apud
Scotos.

The same Day a Proclamation is published against that known and celebrated Treatise of the great Ornament of Scotland, Mr. George Buchanan, *De jure regni apud Scotos*, which deserves a Room here.

FORASMUCH as, notwithstanding it hath pleased the almighty God, to restore the Kingdom to the great Blessings of Peace and Prosperity, under the Protection of his Majesty's Royal Government, after the late grievous Sufferings and Bondage under Usurpers; yet some seditious and disaffected Persons endeavour to infuse the Principles of Rebellion in the Minds of many good Subjects, of purpose to dispose them to new Troubles; and for that end have endeavoured to translate into the English Tongue, an old seditious Pamphlet, Entituled, *De jure regni apud Scotos*, whereof Mr. George Buchanan was the Author, which was condemned by Act of Parliament 1584. during the Reign of his Majesty's Grandfather of blessed Memory, and have dispersed many Copies of the said Translation, which may corrupt the Affections of the Subjects, and alienate their Minds from their Obedience to the Laws, and his Majesty's Royal Authority, and the present Government, if it be not timely prevented: Therefore the Lords of his Majesty's Privy Council, in his Majesty's Name and Authority, command and charge all Subjects of what Degree, Quality or Rank soever they be, to bring and deliver to the Clerk of Council, all Copies they have of the said Pamphlet or Book, translated, as said is, and that none presume hereafter to double any of the said Copies, or disperse the same: With Certification, that the Contraveners shall be proceeded against as seditious Persons, and disaffected to Monarchical Government, conform to the Laws, with all Rigour: And ordain those Presents to be Printed, and Published at the Market-cross of Edinburgh, and all other Places needful, that none pretend Ignorance.

GLENCAIRN Chanc. I. P. D. Con.

Remarks upon
it.

This Proclamation is every way singular: For any Thing that appears, this Translation of that known Piece of the celebrated *Buchanan*, was not printed, but only, it seems, handed about in Manuscript; while in the mean Time Thousands of Copies of it, in the Latin Original, were in every Body's Hands. It had been more just to have ordered an Answer to have been formed to the solid Arguments in that Dialogue, against Tyranny and arbitrary Government, and the Courses at this Time carrying on; and more reasonable, than to make such a needless Noise about a Paper we must suppose to be in the Hands but of a very few.

Earl of Glen-
cairn dies, May
30.

Upon the 30th of May this Year, the Earl *Glencairn*, Lord High Chancellor of Scotland, died at *Boltoun* in East Lothian, of a high Fever, in a few Days Sickness. He was reckoned a wise Statesman, and a brave Soldier, and had made gallant Appearances for the King, and the Freedom and Liberty of his Country. In several Things since the Restoration, he was driven beyond his Inclinations by the Prelates.

We have seen that he was abundantly active in the Establishment of Bishops; and it was evident enough that he had no Satisfaction in this Part of his Conduct, when he came to die. The Pride of the Archbishop of St. *Andrews*, and his getting himself into the Precedency of the Chancellor, and the other Officers of State, were no way agreeable to this Nobleman, who was of a very ancient Descent, and could not well bear the Heights of our *Scots* Prelates: And indeed it may appear strange, that our ancient Nobility could so easily bow their Necks to the Yoke and Tyranny of Bishops.

I am well informed from the Person, to whom the Chancellor had the Expression, upon the Rumours of *Middleton's* Fall, that he was pleased to say, 'If *Middleton* fall, People will infer that 'tis an accursed Thing to bring in Bishops to Scotland: For Captain *James Stuart*, who set up the *Tulchan* Bishops, died a lamentable Death; the Earl of *Dumbar*, who brought them in upon the Union of the Crowns, was the first and last of that House; and now if *Middleton* fall, People will comment upon it.

Some hot Words, as hath been noticed, were said to have passed 'twixt the Chancellor and the Primate, which stuck to the Earl, who still declared himself to be only for a moderate Episcopacy: But he felt to his sad Experience, the Prelates now brought in to be very far from Moderation.

At his Death, my Lord inclined much to have Presbyterian Ministers with him. He earnestly desired Mr. *Robert Douglas*, but he was in *Fife* when the Earl sickned: Some others were sought in *Edinburgh*, and could not be had. And before Mr. *Robert Ker* could be brought from *Haddingtoun*, my Lord was so low, that he could not speak to him. I have been likewise well informed, that the Chancellor shewed a great Concern to have a Meeting with the Primate before he died, that he might have dealt plainly with him; and an Express was sent, but the Archbishop had no Mind to meet with the Earl.

The Earl of *Rothies*, afterward Duke, and the Earl of *Annandale*, and many others of our Noblemen and Gentlemen, how much soever in their Life they had been hard upon Presbyterian

Presbyterian Ministers, yet at their Death they fought to have them with them, and got them; which made the Duke of York one Day say, He believed that all *Scotsmen*, be what they would in their Life, were all Presbyterians at their Death. 1664.

July 28th, the Earl of *Glencairn* was buried with a great Deal of Pomp and Solemnity, in St. Giles's Church in *Edinburgh*. He had done great Services to the King, and he was pleased to be at the Charges of the Funerals. Doctor *Burnet*, Archbishop of *Glasgow*, was the Preacher of his funeral Sermon. And August 1st, the Great Seal was deposite in the Archbishop's Hands, till a Chancellor should be named.

This Year, June 3^d, the Earl of *Tweeddale*, now President of the Council, was made one of the extraordinary Lords of Session: And the Earl of *Argyle*, as we heard formerly, was restored to that Earldom, and to all and fundry the Lands, Lordships, and Baronies thereunto belonging, fallen into the King's Hands by the Forfeiture of his Father, and to all and hail the Mails, Farms, and Entries of all Crops and Years bygone and coming, and to all Debts and Sums of Money pertaining to the late Marquis, and contained in his Predecessors Infeftments. *Tweeddale and Argyle restored.*

And, June 8th, the excellent Marquis's Head was taken down from the Tolbooth, early in the Morning, about Five of the Clock, by a Warrant from the King, and was conveyed to his Body. Thus the Earl continued in Favour, till his noble Appearance for the Protestant Religion, at the Duke of York's Parliament, as we shall afterward hear. *The Marquis of Argyle's Head taken down.*

This Summer, Sir *John Fletcher*, King's Advocate, was obliged to quit that Post, not much the richer for all he had got in it. He was a Creature of *Middleton's*, and went up to Court in the End of the last Year, but did not succeed in his Endeavours to keep his Post, when his Patron was discarded. July 14th, I find a Letter from the King to the Council read, giving Licence to Mr. *Patrick Oliphant* Advocate, to pursue his Majesty's Advocate before the Council; and they order the said Mr. *Patrick* to exhibit and give in his Acculation the 26th. I find no more about him in the Registers, till September 14th, when, 'The Lords of his Majesty's Privy Council, in Obedience to his Majesty's Commands, signified to them by the Lord Treasurer, do discharge any further Procedure in the Process at Mr. *Patrick Oliphant's* Instance against Sir *John Fletcher*; and ordain either Party's Part of the Process to be delivered back unto them, and his Majesty's Letter, which was the Ground thereof, to be taken to his Majesty by the Lord Treasurer, the same not being as yet booked.' *Sir John Fletcher obliged to quit his Post of Advocate, and is procecded.*

By other Papers of this Time, I find this Process before the Council was long and litigious. The Advocate was libelled for Bribery, Partiality, and Malversation in his Office. The Lords who tried him did not find his Answers and Defences relevant or satisfying; and finding Matters going thus, he signified his Inclinations to demit in the King's Hands, and so the Matter was transferred to *London*, and Sir *John* permitted to go up; and there, not being able satisfyingly to vindicate himself in several Points, he demitted, and Sir *John Nisbet* succeeded. People could not but observe, That the Earl of *Middleton*, the Chancellor, and Sir *John Fletcher*, who had been so active in the Introduction of Prelacy, did not long continue in their Posts, neither had the Satisfaction Mr. *Sharp* proposed to them, in that lamentable Change made in this Church. *The Process long, and dropt upon his Dimission.*

August 9th, I find an Act of Council against the venting and spreading the excellent Lord *Waristoun's* Speech. The Lords of his Majesty's Privy Council being informed, That there is a seditious Pamphlet, called *Waristoun's* Speech, published in Print, and publickly printed and sold by Booksellers and Boys in the Streets, do therefore give Power and Warrant to Sir Robert Murray of Cameron, to try and examine how these Pamphlets come to be sold without Authority and Warrant, where the same has been printed, who have been the Printers, Importers, or principal Venders and Dispersers thereof; and for that Effect to call before him and examine all Booksellers and Boys; and, if he shall see Cause, to commit them to Prison, till they discover the true Way and Means by which the said Pamphlets are so published and sold, and what Persons have had the chief Hand therein, and report. I find no more about it: The Reader hath seen that there was no Sedition in this Speech; and the selling of it in Publick was soon slopt. *Act of Council against venting the Lord Waristoun's Speech.*

In August this Year, the Earl of *Rothes*, and the Archbishop of St. *Andrews*, by a Letter from Court, go up to *London*. The Matter of the Fines, the Chancellor's Post, and the Advocate's, were to be concerted. Accordingly they went up; and, October 22^d, the Earl of *Rothes* returns to *Holy-rood-house*, loaden with Posts and Offices. November 3^d, I find the Patents for some of them read and recorded in Council. *Rothes and the Primate go up to London in August.*

His Commission to represent the King in the National Synod, to sit May next Year, being what the curious Reader may be desirous to see, I have insert, App. N^o. 43. That Synod did not indeed sit, but was put off Time after Time, by the Influence of the Primate, of which I cannot give so distinct and particular Accounts, as I could wish, and so say no more of it. Some Years after, we shall find a Struggle of a good many of the Clergy, for the Sitting of this Synod, but in vain. *Rothes Commissioner for a National Synod, with his Commission, App. N^o. 43.*

After the reading of this Commission, 'His Grace his Majesty's High Commissioner nominated and appoints the Lord Archbishop of St. *Andrews* his Grace, to be Preles of the Council. The Two Archbishops named Preles of the Council.

1664. Council for the Time.' And, November 24th, in the Primate's Absence, the Lord Commissioner 'nominates the Lord Archbishop of *Glasgow* to be President of the Council.

Then a Letter from the King in Latin, approving the Lord Commissioner his Conduct in the last Session of Parliament, is read and recorded; and after this a Letter from the King, appointing him Keeper of the Great Seal, and to enjoy all the Profits thereof till his Majesty nominate a Chancellor. The Council give Warrant to append the Seal to both those.

Other Posts
conferred upon
Roths.

By other Papers, I find that he had Twenty Pounds *Sterling* a Day, as King's Commissioner, till the Synod should sit, and Fifty Pounds *per* Day while it sat. He continued Lord High Commissioner for a good while; besides, he was Lord High Treasurer, General of the Forces by Sea and Land, and extraordinary Lord of Session, Commander of his Majesty's Life-guard, and principal Collector of the Fines; and Sir *William Bruce*, as we heard, was under him. But I imagine this last came to his Share as Lord Treasurer. About this same Time I find it observed as a singular Thing, That the Archbishop of *Glasgow* was made an extraordinary Lord of Session.

Sir John Nisbet
King's Advocate.

That same Day, November 3^d, Sir *John Nisbet's* Patent to be King's Advocate, is read and recorded in Council. He was reckoned an able Lawyer, and we shall frequently meet with him afterward.

Those Changes among the Managers, and Alterations of Hands, made little Change in the Sufferings of Presbyterians. They were all as yet hearty enough Supporters of the Bishops, and by them put on the Severities we shall hear of. This Year the Plague raged in *Holland*, and the Council take great Care about Ships from thence. A purple Fever was common in *Scotland*, and all Things were ripening for a War with *Holland*.

CHAP. VI.

Of the State and Sufferings of Presbyterians, during the Year 1665.

1665.

Sum of
Matters this
Year.



WITH this Chapter I am to shut up this Book, which hath swelled upon my Hand far beyond my first Design; and I shall not increase it further by subdividing this into *Sections*, but give what hath come to my Hand this Year, all together as shortly as may be. The former Courses were carried on up and down the Country, and People harassed for their Nonconformity. The High Commission had some Persons before them, but were now in the Wane, and the Council pass some more Acts against Presbyterians. I shall

give what I have, just in the Order of Time, as much as I can.

Roths chief
Manager.

We have seen the Earl of *Roths* loaded with Places of Trust and Power; and under the Direction of *Lawderdale* he is chief Manager in *Scotland*. He was much milder than *Middleton*, and scarce ever severe, except when in the High-commission Court, where he did not act like himself. During this Year of his Management, we shall not find so much Severity as afterwards he and the rest of the Managers were pushed into by the Prelates.

Proclamation
for a National
Fast for
the Dutch War.
App. N^o. 44.

The first Accounts I find in the Council-books of a War with the States General, is in a Proclamation published by them, May 3^d, for a *National Fast*, which I have insert, App. N^o. 44. The Copy of the Proclamation comes down from *London*, with an Order to the Commissioner to publish it, which is accordingly done.

Remarks on
the War with
Holland.

What Cause the *English* had to engage in a War with *Holland*, I shall leave to other Historians; but this I may venture to say, They had no great Honour by it in the Issue. In *Scotland* some private Persons made themselves rich by Caping or Privateering upon the *Dutch*, but the Publick had no great Cause of boasting. I find it observed by a Friend of the present Administration, That our Seamen were pressed, and our Trade almost ruined, and the Poverty of the Country very much increased by this *Dutch War*.

Presbyterian
Ministers keep
the Fast.

It may be more proper to the Design of this History to observe, That I find none of the few remaining Presbyterian Ministers who kept their Churches, had any Difficulty to keep this Fast appointed by the Council: Their Proclamation was not burdened with any straitning Clauses. They found much Ground for publick Fasting, and did not dip into the Justice or Injustice of this War: But in the Intimation of this Fast, they condescended upon a great many

ny Grounds of Humiliation, which were not named in the Proclamation, and kept the Day 1665.
named.

I have before me the Form and Words in which Mr. *James Fergusson*, yet connived at in his Church at *Kilwinning*, intimated this Fast appointed by the Council, too long here to be insert; I shall only give a short Abstract of it, that the Reader may have some View of the Manner he used in this Case.

Mr. *Fergusson* begins his Intimation: "Beloved, you see there is a pressing Necessity of a Fast, in respect of the threatened Judgments; and therefore since 'tis appointed by the secret Council, let us go about it. But we missed one Thing in the Proclamation, which is a very considerable one, *to wit*, The mentioning of the particular Sins which have procured those Judgments. I shall put this favourable Construction upon it, That they left it to the Discretion of Ministers to intimate the Causes of the Fast; and I shall give you some Passages of Scripture. He names *Hos. 4. 1--4. Levit. 26. 23--27. Jer. 34. 13--18. Zech. 5. 1--5. Esa. 5. 8--13*. Then he adds, The Sin of all Ranks is so multiplied, that a Minister can hardly know where to begin. I shall reduce them all to this one General, The Contempt of the glorious Gospel. And he runs out upon the Streams that run out from this Fountain, Lukewarmness, and Indifferency, rough Handling of the Messengers of *Christ*, laying desolate Multitudes of Congregations, Contempt of the Sabbath, atheistical Contempt of Ordinances, gross Profanity of all Kinds, aggravated by a wonderful Deliv-
rance from the Usurpation; and yet, immediately upon the Back of it, we have done contrary to what we had vowed with a high Hand to the Lord: The Lord make us sensible of the Hand you and I have in the Provocation.' Then he particularly insists upon the Pestilence they were threatened with, and before Prayer directs them what they are to be most concerned about in wrestling on their Fast-day. And in his Sermon, from *Jonah 3. 8*. he insists at great length upon those Sins and Strokes he had pointed at in this Intimation.

Mr. James Fergusson's Intimation of this Fast.

Towards the Beginning of this Year the Pestilence broke out in *England*; and many remarkable Signs were observed to precede and accompany that awful Arrow of the Lord. In the End of the last Year, appeared a very large Comet. This Winter there was so violent a Storm of Frost and Snow, that there was no Plowing from *December* till the Middle of *March*. In *March* another Comet appeared in the Heavens. Whatever natural Causes may be adduced for those alarming Appearances, the System of Comets is yet so uncertain, and they have so frequently preceded desolating Strokes and Turns in publick Affairs, that they seem designed in Providence to stir up Sinners to Seriousness. Those Preachers from Heaven, when God's Messengers were silenced, neither Prince nor Prelate could stop.

Pestilence breaks out in *England*, with several concomitant Signs.

I find it noticed, That *May 3^d* this Year, the Planet *Venus* appeared most clearly all the Day long, to the Amazement of many at *Edinburgh*. Much about this Time the Pestilence broke out at *Westminster*. I find it taken Notice of, in several Papers written at this Time, That the Appearance of a Globe of Fire was seen above that Part of the City where the solemn League and Covenant was burnt so ignominiously by the Hand of the Hangman. Whatever was in this, it seems certain that the Plague broke out there, and it was observed to rage mostly in that Street, where that open Affront had been put upon the Oath of God, and very few were left alive there.

The Raging of the Plague in *England*, which put many to wander from their Houses and Friends, as some Thousands of *Christ's* faithful Ministers in *England* and *Scotland* had been forced to do a little before, the *Dutch War*, and some other Things which fell in, made our Managers in *Scotland* not quite so violent against Presbyterians as formerly. Our Nobility began to be weary of the Prelates Cruelties, and their own Drudgery to them. And the Prelates began to jealous some of our Noblemen, as not quite so hearty in their Interests as formerly.

Severities on Presbyterians slacken a little;

Some little Favours now and then are granted to Presbyterian Ministers and Gentlemen. Thus, *May 3^d*, 'Anent a Petition of *Walter Pringle* of *Greenknows*, shewing, That since the 10th of *March* last, the Petitioner hath been imprisoned within the Tolbooth of *Elgin*, by virtue of an Act of the High Commission; and seeing he is a Person most valetudinary, and if detained in Prison, his Life will be undoubtedly in Hazard; humbly therefore desiring Liberty and Warrant to the Effect underwritten: The Lords of his Majesty's Privy Council, having considered the above written Petition, do grant the Petitioner the Liberty of the said Town of *Elgin*, and the Bounds of a Mile round about it, during the Council's Pleasure; and for that Effect ordain the Magistrates of *Elgin* to set him at Liberty out of Prison, he finding Caution to remain within the said Bounds during the Time of his Liberty, under the Pain of Ten thousand Pounds Scots.

Greenknows has the Liberty of the Town of *Elgin* allowed him.

That same Day, Liberty is granted to Mr. *Smith*, Minister, I suppose, of *Edinburgh*, to come to that Place. 'Anent a Petition presented by Mr. *John Smith* Minister, shewing, That the Petitioner being exceedingly diseased, and troubled with Cholick, Gravel, and a Complication of other Diseases, and in so dangerous a Condition thereby, that his Physicians

Mr. John Smith permitted to come to *Edinburgh*.

1665.

A Tumult at
the West Kirk
against the
Curate.

Some Persons
imprisoned in
Dumfries.

The West and
South disar-
med and har-
assed.

Remarks on
this.

Engagement
'twixt the En-
glish and Dut-
ch Fleets, and a
Thanksgiving
thereupon.

Another in
Holland.

' think it necessary he come to *Edinburgh* for Counsel and Assistance; the Lords of Council grant him Liberty to come to *Edinburgh*, and reside there for the Space of Three Months after the Date of this.'

Towards the End of *May*, there fell out a Mutinee in the *West-kirk* Parish of *Edinburgh*. I give it in the Words of a Writer, who was no Enemy to conformist Ministers. ' *May 28th*, there fell out a Mutinee betwixt the Parishioners of the *West-kirk* and Mr. *William Gordon* Minister there, who, they alledged, was for keeping of Festivals, and had been the prime Author of the Removal of their Minister Mr. *David Williamson*, a good and able Teacher. The People railed on him, and closed up the Kirk-door. Some of them were put in the *Thieves Hole*, and a Man and a Woman were scourged through *Edinburgh*.' No more about this hath come to my Hand.

Several Persons in *Dumfries*, were about this Time imprisoned, for not hearing the Ministers put in by the Bishops, and refusing to give Obedience to the Bishops Orders sent them; but I have no particular Accounts who they were.

This Summer, I find Orders are given for disarming the West and South of *Scotland*; and Sir *James Turner* and others, with a good many Soldiers, are raging up and down that Country, pressing Conformity, and assisting the Uplifting of the Fines. That Part of the Nation, having every Day more and more Reason to be dissatisfied with the Changes in Church-government, behoved to be oppressed and born down, and now, to satisfy the idle Fears of the Prelates, disarmed.

For what I remember, this is the First Time our *Scots* History affords us an Instance of a *Scots* King's disarming his Subjects in the Time of profound Peace at Home. Perhaps the King might be made to apprehend, the Affections of his Subjects in those Shires bore some Proportion to his, or rather the Managers their Actions, and the Obligations they had put upon them. Indeed had this been the Rule, their Respect would have been smaller for his Majesty, than really it was: But under all their Hardships and Oppressions, Presbyterians continued to have all due Regard to the King.

The violent Seizure of their Arms, was a very great Loss to the Country. Formerly our Sovereigns reckoned it their Safety to have good Subjects, in Case to defend themselves and the Government, upon Attacks made or threatned; and till of late, the Method of standing Forces, and Armies in Time of Peace, were Strangers in *Scotland*. There were few Families but had some Arms; and the forcible taking those away, without a Fault, and without Payment, was unprecedented and arbitrary. The silly Pretext was, That the *Phanatics*, now the modish Way of expressing the Presbyterians, and all who would not renounce the *Covenants*, were to rise and joyn the *Dutch* against the King. --- *Credat Judeus apella!* This was another of the Primate's Fetches, and mightily pleased the Prelates, who now thought themselves secure, and at Liberty to do as they would. Those Oppressions, with what followed, did but further irritate the Country, and tended to expole them and their Curates, to what, without Ground, they pretended to be afraid of.

June 1st, 2^d, and 3^d, the Engagement happened 'twixt the *English* and *Dutch* Fleets, of which a very favourable Account, upon our Side, was printed. And *June 20th*, the Council publish the King's Proclamation sent them from *London*, for a Thanksgiving; which not having seen in Print, I shall give the Abstract of here.

CHARLES, &c. Forasmuch as Our Royal Navy, under the Command of Our dearest Brother the Duke of York, hath, upon the 3^d Instant, obtained a glorious Victory of the Fleet set out by the States of the United Provinces: And We finding it suitable, That a solemn Return of Praise be paid to Almighty God, by whose special Hand, in a signal Appearance for Us and the Justice of Our Cause, this great Salvation hath been wrought; have judged fit, by this Our Proclamation, to indite a general Thanksgiving for the aforesaid Cause. **OUR WILL IS HEREOFRE,** and We straitly command and charge, That the said Thanksgiving, and solemn Commemoration of the Goodness of God, manifested by the Conduct and Management of this late Action, be religiously and solemnly observed through this Our whole Kingdom, upon the 2^d Thursday of July next, being the 13th Day thereof. Given at *Whitehall* *June 10th*.

The Bishops are required to intimate the same to the Ministers in their respective Dioceses, and cause this Proclamation to be read from the several Pulpits, with Exhortations to all loving Subjects, to a cheerful and devout Performance of so becoming a Duty, owing to the Name of the Lord God, who has done those great and auspicious Things for us.

I think I have somewhere read, That a Thanksgiving was also appointed in *Holland*, the States apprehending the Victory was upon their Side. I shall only further remark, That Mrs. *Trail*, Wife of Mr. *Robert Trail*, who, we heard, was banished, and now is in *Holland*, was imprisoned about this Time, for writing to her Husband, and receiving Letters from him, though they concerned nothing but their mutual Health, and Family-concerns.

June

June 22^d, the Council grant Liberty to Mr. John Stirling, late Minister, to come to Edinburgh, and stay about his necessary Affairs for Twenty Days. And, July 20th, upon a new Petition he is permitted to continue in Edinburgh for his Health, till September 1st. We see what unnecessary Trouble and Charges those worthy Ministers were put to, in so frequent Petitioning for a Thing no Subject ought to be restricted in, without a Crime proven against them.

1665.

Mr. John Stirling allowed to come to Edinburgh.

July 6th, Anent a Petition presented by Mr. John Cameron, shewing, That in the Year 1662. he was confined to the Bounds of Lochaber, under which Confinement he hath been ever since; and seeing his Wife, for several Weeks, hath been afflicted with a most dangerous Disease, and, without the Comfort and Help of the Petitioner and Physicians is in Hazard of losing her Life; humbly therefore desiring he may be liberate of his Confinement for some Space: The Lords of his Majesty's Privy Council discharge him of his Confinement in Lochaber, and, in place hereof, do hereby confine him to the City of Glasgow, and Two Miles about the same, till the 1st of November next, he finding sufficient Caution to live peaceably and legally in the mean time, and to retire to the Place of his Confinement, whenever he shall be required by the Archbishop of Glasgow.

Mr. John Cameron confined to Glasgow.

August 2^d, a Convention of Estates meet at Edinburgh, by virtue of a Proclamation published for that end June 22^d, which needs not be insert here. The Design of this Meeting was, to raise Money for his Majesty to support him in the Dutch War. Those Conventions, merely to raise Money from the Subjects, had been but very little used in Scotland; and indeed it was scarce worth the King's while to insist upon it. What this poor and oppressed Nation could advance, was but little, and it was but an insignificant Part of it that ever was applied to the Ends for which it was imposed. And because *Rothies* was Keeper of the Seal, and there was no Chancellor, the Archbishop of St. Andrews was chosen Preses, and had a long Harangue to them; and, in his cold Way, urged, that People might contribute willingly and cheerfully for the King's Service. The King's Commissioner was present, and could have delivered a Speech of this Nature, with a far better Grace; but, it seems, this was also for the Honour of the Church, that a Bishop should be at the Head of this Convention. By other Accounts I find a Taxation was laid upon the Kingdom, of about a Million of Merks Scots, as it was calculated.

Convention of Estates meet August 2.

Archbishop of St. Andrews Preses.

I find, that this Summer an Order was issued by the Council, but I have observed nothing of it in their Books this Year, appointing all Scholars who have University-degrees conferred upon them, to take the Oath of Allegiance and Supremacy, otherwise that they be not admitted to receive their Degrees. We shall afterwards meet with Acts of this Kind.

All who receive University-degrees to take the Oath of Allegiance.

The Design of the Prelates in this is plain enough, and in the After-addition that was made of the Declaration, imposing it upon all who should receive their Degrees, to corrupt the Youth of the Kingdom, and secure Episcopacy to after Generations. In this Point, as well as many others, now Scotland must be of a Piece with England, where the Youth are most unreasonably clogged with Party-oaths, before they can well understand the Importance and Weight of an Oath.

Remarks on this Order.

This is a base Bar upon Learning, and what no Universities in Europe, as far as I can hear of, save those under the Influence of Prelates, do burden Students with. The honorary Degrees ought certainly to be bestowed according to the Progress Students make in Learning, and not as they are addicted to such a Party and Opinion. However, by this and subsequent Acts, a great many of the most deserving Youths of the Nation were excluded from their Degrees; and some were involved in Perplexities of Mind, when afterward they came to reflect upon what they had done hastily, and without Consideration. It appears to me every way unaccountable, to put Boys of Fifteen or Sixteen Years of Age, to attest the Great God in Matters of this Kind, which they could not fully understand. And it gradually disposed the rising Generation to swallow down the Multitude of Declarations, and dubious and self-contradictory Oaths, which, in the Progress of this spiritual Tyranny over Consciences, came to be imposed.

Conformity was pressed with the greatest Warmth by the Bishops this Summer, through the West and South; it was in Galloway, where some of the outed Ministers preached, most openly. This galled the Bishops, and that Country was sorely harassed by Sir James Turner and the Soldiers at their Instigation. I find likewise, several Persons in the Parish of Stewarton are brought to Trouble about this Time, for hearing a Presbyterian Minister: Some were fined, and others imprisoned; but I have not a particular Account of their Trouble.

Conformity very pressed.

Great Numbers of Persons, almost every where upon the South of Tay, were cited before the High-commission Court; but very few now appeared, choosing rather to live under an uncertain Outlawry, than to be certainly ruined; and this mighty Inquisition-court, from which the Prelates expected so much, gradually weakned, and scarce lived out this Year.

Many cited before the High Commission, but few appear.

Yet some were necessitated to appear before them. This Summer, Mr. Hugh Peebles, Minister at Lochwinnoch in the Shire of Renfrew, was cited before the High Commission. He was a worthy, pious, and prudent Person, and all the Crime he was charged with, was, That he preached one Sabbath-night in his own House, to some People who came to hear him.

Mr. Hugh Peebles's Process before them.

1665.

When he came before them, he used as much Freedom, as might have probably sent him to Banishment at least, had they not been a little upon the Decline. Very frankly he told them, He did not know what to make of their Court, he could reckon it scarce either Civil or Ecclesiastick; yet since his Majesty's Commissioner had commanded him, and Self-defence was *juris naturalis*, he had appeared innocently to defend himself, and to give Accounts of plain Matter of Fact. He told them, That ever since he was a Minister, he had exercised in his Family upon the Sabbath-evenings, and the People who lived near him, generally came to hear him. He alledged, that the Law did not militate at all against this, if the Reason of the Law be considered. The Reason of their Law behoved to be, either to prevent People's leaving the publick Worship, which could have no Place in this Case; or, to prevent People's being alienated from the Minister of the Congregation, which could have no Room either, since there was no Minister settled where he lived: And since his preaching to his Neighbours, whom he could not exclude from his House, did not thwart with the *ratio legis*, it could not be said to thwart with the Law it self.

He is confined to the Town of Forfar.

After all he could say, though never so reasonable, the Archbishop of *Glasgow* was resolved to be rid of him; and so he was ordered to leave the West Country, and to confine himself to the Town of *Forfar*, which is, I suppose, near a Hundred Miles distant from the Place where he lived, and had an Estate.

Order from the King in September, for imprisoning some West Country Gentlemen.

When the High-commission Court came to fall short of answering the Designs of the Prelates, they fall upon other Measures, and give in groundless Suggestions, Innuendo's, and Insinuations, against a great many excellent Gentlemen, mostly in the West Country, to such who found Means to procure an Order from the King to imprison them. And towards the Beginning of *September*, an Order comes down to the Commissioner, to seize, imprison, and confine several of the most considerable and best Gentlemen in the Kingdom.

Their Character.

Such were pitched upon who were suspected to have greatest Aversion to the Prelatical Way, and indeed no other Thing could they be charged with, and were as peaceable and loyal Subjects as the King had. There were few in the Kingdom equalled many of them, in Piety, Peaceableness, and good Sense; and, generally speaking, they were Persons of ancient and opulent Estates, and very great Influence and Interest where they lived. It seems the Prelates and their Supporters reckoned it their Interest to have them out of the way.

Ground of their imprisonment not shewn them.

Many of themselves could never learn the Ground of their Imprisonment, and 'tis no Wonder I cannot account for it any further than I have just now said: And I shall not determine, whether the Prelates, and others now in the Government, inclined to have their Estates, or whether they were attacked just to terrify the Country. I find nothing about their Imprisonment in the Council-books; and several Things were now done by direct Orders from Court, without communicating them to the Privy Council. 'Tis pity we have no more distinct and particular Accounts from those who can give them, of the unjust and illegal Treatment those excellent Persons met with.

Their Names.

They were, without the least previous Notice, seized by a written Order from the Commissioner, and had not the least Reason given them. Their Names, as far as I can now recover them, were, Major General *Robert Montgomerie*, Brother to the Earl of *Eglintoun*, Sir *William Cuninghame* of *Cunninghamhead*, Sir *George Maxwell* of *Nether-pollock*, Sir *Hugh Campbell* of *Cesnock*, Sir *William Muir* of *Rowallan*, Major General *Holburn* of *Menstrie*, Sir *George Monro*, Colonel *Robert Halket*, Brother to Sir *James Halket* of *Pitcairn*, Sir *James Stuart* late Provost of *Edinburgh*, Sir *John Chiesly* of *Carswell*, *James Dunlop* of that ilk, *William Ralston* of that ilk.

I find some others named in some Papers, as imprisoned at this Time, such as Sir *Patrick Hume* of *Polwart*, and others; but not being certainly informed about them, I have omitted them. Those excellent Persons, when brought into *Edinburgh*, without any Libel, Accusation, or Cause given them, were most arbitrarily imprisoned in the Castles of *Edinburgh*, *Stirling*, *Dumbarton*, and other Places, where a good many of them lay for many Years. We shall in the Progress of the History have some further Accounts of their Hardships and frequent Removes.

Proclamation, October 3. about the Fines.

The Matter of the *Act of Fines* hath been pretty largely accounted for in the former Part of this Book. It was all Mystery at first, and took several Turns, as we have seen; and now it takes another Shape, when *October 3^d* it comes before the Council. I am not so well acquainted with the secret Springs of this Affair, as fully to account for it: But I shall set down the Proclamation published by the Council this Day; and the rather, because it does not appear to have been printed.

CHARLES by the Grace of God, &c. to Our Lovits, &c. Greeting: Forasmuch as by an Act of the Second Session of Our late Parliament, of the Date of the 9th Day of September 1662. Entituled, Act anent Persons excepted forth of the Act of Indemnity; several of Our Lieges were fined in the particular Sums of Money therein expressed, and as to those Sums were excepted out of the said general Act: And albeit, We did not only suspend the Payment of the foresaid Sums for some Time, but did propo-

gate

gate the Terms of Payment thereof, until the 11th of December, 1664. for the First Moiety, and the 11th of March last, for the Second Moiety: With Certification, that such, as being charged at the Instance of Our Treasurer, Treasurer-depute, or Advocate, should not pay in their respective Sums, should incur the Pains contained in the said Act of Our Parliament, as Our Proclamation of the 13th of July 1664. bears: And notwithstanding that both the said Terms of Payment are long since elapsed, and that many of those who have been charged, have failed in Payment of their First Moiety; nevertheless, such is Our Royal Goodness and Clemency, that We resolve only to put in Execution the said Act of Parliament, in Manner, and upon Condition following. **OUR WILL** is, and We charge you straitly, and command, that incontinent these Our Letters seen, ye pass to the Market-cross of Edinburgh, and other Market-crosses of the Head-burghs of the Shires of this Kingdom, and there in Our Name and Authority command and charge all Persons who are charged by the said Act of Parliament, excepting such to whom We have been graciously pleased to grant a Suspension, as also such as have not been charged heretofore, for paying any of their said Moieties, to pay in their respective Proportions of the First Moiety, in case it be not already paid, to Sir William Bruce Collector, betwixt and the First Day of December next to come, which is the Diet appointed for those that live belowth the North Water of Esk, and the First Day of January, which is the Diet appointed for those who live benorth the said Water: With Certification, if they fail, they shall for ever forfeit the Benefit of Our said Act of Indemnity and Oblivion, and incur all other Pains therein contained, to be executed with all Rigour: As also, that ye make publick Intimation at the Market-crosses foresaid, to all concerned, that it is Our gracious Will and Pleasure to remit and forgive the Second Moiety of the said Fines, to all Persons nominate in the said Act, of whatsoever Quality or Degree they be of, the First being paid by such as are ordained to pay the same, who shall come in and take the Oath of Allegiance in the ordinary Form, and shall subscribe the Declaration as 'tis set down in the 5th Act, Session 2^d, and Act 2^d of the 3^d Session of Our late Parliament, in Presence of Our Commissioner, or such of the Lords of Council as he shall call, or in the Presence of the Lords of Our Council met together; and that betwixt and the respective Days foresaid, according to their Residence: As also, that ye in Our Name and Authority make lawful Proclamation, as said is, to all Persons to whom We granted a Suspension of their Fines, or who have not hitherto been charged for Payment of any Part thereof, to come in and take the said Oath of Allegiance, and subscribe the Declaration the foresaid Days respective, according to their Residence: With Certification, if they fail, they shall be liable for both the Moieties of the said respective Fines; and that, immediately after the running out of the said respective Days, they shall be charged for Payment thereof to Our said Collectors, under the Pains contained in the foresaid Act of Parliament anent Fines. Given under Our Signet at Edinburgh, the Third Day of October, 1665. and of Our Reign the Seventeenth Year.

1665.

Remarks upon this Proclamation I shall not stay upon. Who these were who had their Fines suspended, I know not. Some few up and down had paid the first Moiety; but, it seems, there were but few. The King and some of the Managers were willing enough to have waved this Matter of the Fines, but the Prelates and others of them had no Mind to part with so fat a Morfel; and so the Blind is fallen upon, which might expose the Refusers in the King's Eyes, and the View of those who knew not how Matters stood, and effectually secure them in the Fines of such who were really Presbyterians.

Remarks upon it.

I need scarce observe, that this is a new Proof that the Fines were designed principally against Presbyterians; and it was no Ease to them at all to have the Second Moiety forgiven them, upon their paying the First Half, and taking the *Oath* and *Declaration*, since both were flatly against their Principles: And therefore it was but very few named in the *Act of Fines*, who embraced the Terms offered; and that the Primate and others expected.

This, as the Reader will have more than once Occasion to observe, was one of the unhappy Methods of this Reign, first, to lay on illegal and oppressive Impositions, and then to require absolute Conformity to the Church-establishment, as an alledged reasonable Thing to get rid of those Impositions. This Presbyterians found in many of the Turns in those Two Reigns.

The Council, November 23^d, make some further Regulations as to the Fines. 'And considering, That several Persons, through Age and Infirmary of Body, and other necessary Impediments, may not be able to come in to *Edinburgh*, to take the *Oath* and *Declaration*, in the Terms of the Proclamation, give Warrant to the Clerk to issue out Commissions under his Hand, to such Persons as shall make Address for that Effect, to the Sheriffs of the respective Shires where they live, or Privy Counsellors, to administrate the same to them, providing his Majesty's Commissioner be first acquainted with their Names, and satisfied with the Reason wherefore they are craved.'

Some further Regulations as to the Fines, in November.

1665.

‘ And further, considering several of the said fined Persons are dead, they order the Heirs and Executors of the said defunct Persons, claiming the Benefit of the said Proclamation, to take the Oath of *Allegiance*, and subscribe the *Declaration*, if of lawful Age, and willing to do the same.’

‘ And several of the fined Persons being under Captions for Civil Debts, and so cannot repair to *Edinburgh*, as the Proclamation requires; the Council grant Warrant to the Clerk to subscribe personal Protections to such as shall make Addressees for that Effect, to continue till *January* next.’

Few pay the Moieties of Fines, and the Army is sent on the rest.

Act of Council about the Election of Magistrates at *Air*.

After all those Baits, to pay at least one Moiety of the Fines, it was not very many who paid it, and then Sir *James Turner* and the Army were sent to uplift them by military Force, which brought much Trouble to many, as we shall see, next Year.

The Pushing of the *Declaration* brings new Difficulties this Year in the Election of Magistrates in some Burghs; and so I find Two Acts of Council, *October* 4th, and *December* 7th, about the Magistracy of *Air*. By the First, the present Magistrates, and Eight or Nine others who have signed the *Declaration*, are impowered to elect the Magistrates and Council for the ensuing Year, providing *William Cunningham* continue Provost; and the Earl of *Eglintoun*, with Advice of the Archbishop of *Glasgow*, is to see this Act put in Execution. By the other, the Matter is left to the old Magistrates, and such of the Council as have taken the *Declaration*.

Mr. William Guthrie dies, *October* 10.

By this Time many of the old Presbyterian Ministers, who had seen the Glory of the former Temple, were got to their Rest. The 10th Day of *October* this Year, brought the Reverend Mr. *William Guthrie* to his Father's House: I shall only add the Remark made upon his lamented Death, by the worthy Minister his Contemporary, whom I cited before, when I spoke of him. ‘ This Year the Presbyterians in *Scotland* lost one of their Pillars, Mr. *William Guthrie* Minister of the Gospel at *Firwick*, one of the most eloquent, successful, popular Preachers, that ever was in *Scotland*. He died a Sufferer, for he was deposed by the Bishop, but in Hope, That one Day the Lord would deliver *Scotland* from her Thralldom.’ Many others of the old Ministers of this Church died about this Time in Peace, being taken away from the Evil to come, and fast coming on in great Measures, and departed under the solid and firm Hope of a glorious Deliverance coming to this poor Church.

Mr. Matthew Ramsay deposed by the Bishop, as also Mr. Robert Mitchell suspended.

Others of them were harassed by the Prelates. This Year, in *October*, Mr. *Matthew Ramsay* Minister at *Kilpatrick Wester*, in the Presbytery of *Dumbarton*, a Person of the most shining Piety, flayed Gravity, of the greatest Eminency of Gifts, extraordinary Sweetness of Temper, and of a most peaceable Behaviour, was by the Bishop in Synod deposed at *Glasgow*, without any other Cause so much as alledged, but his not attending their Prelatical Synods and Presbyteries. Together with him, Mr. *Robert Mitchell* Minister of *Luss*, in the same Presbytery, a Person of most eminent Ministerial Qualifications, was for the same Crime suspended, in order to be deposed next Year.

Provosts *Forster* and *Graham* declared Rebels and Fugitives.

October 14th, I find *George Porterfield* and *John Graham*, late Provosts of *Glasgow*, were cited, as usual in such Cases, to appear and answer before the Council, to what should be charged against them, upon Pain of Death. They were Two excellent Persons, who had been singularly active in the late Work of *Reformation*; and after they had been brought to some Trouble by the Committee of Estates, in the Year 1660. retired to *Holland*, where they were living peaceably, under a voluntary Exile: And, *December* 19th, they were both, upon their Noncompareance, declared Rebels and Fugitives. It was pretended, without the least Proof, That they were guilty of treasonable Practices in *Holland*, merely because they continued there during the War; when indeed, whether there had been Peace or War, they would not willingly have come Home, to involve themselves in unnecessary Trouble, and the Persecution now so much raging against all Presbyterians.

The Commissioner makes a Tour to the West Country.

In the Beginning of *November* this Year, the Earl of *Rothies* Commissioner, made a Tour to the West Country, in great Pomp and Splendor, with the King's Guards waiting on him, and a great Train of Attendants. He was at *Hamilton*, *Glasgow*, *Eglintoun*, *Paisly*, *Dumbarton*, and *Mugdock*. That Part of the Country behoved to be overawed, if possible, from their Aversion to the Courses now carrying on. Whether Information was taken of the Circumstances and Estates of the excellent Gentlemen in that Neighbourhood, now in Prison, in order to some following Designs, I cannot say; but as some severe Acts against Presbyterian Ministers accompanied *Middleton's* Circuit, so we shall just now meet with some more of that Kind. The Commissioner returned to *Edinburgh* towards the End of the Month.

Council's Act against Quakers.

November 30th, the Council having considered the Report made by the Committee, appointed to consider what Course should be taken with Quakers, ‘ Find, that they are guilty, and may be reached as Contraveners of the Acts of Parliament against Separation, the 1st Act of the 3^d Session of the late Parliament, and the Proclamation emitted by his Majesty, and Parliament, against Quakers, *January* 22^d, 1661. and that they be punished by Finings, Confining, Imprisonment, and such other corporal and arbitrary Punishments as the Council think fit; and that these now in Prison, *Anthony Hodges*, and *Andrew Robertson*, be brought

"brought before the Council, and a Libel be given them by his Majesty's Advocate to see and answer." The Laird of Swinton is dropped, and I find very little effectually done as to others of them: So that in this Reign they got deep Rooting, especially in the northern Shires.

1665.

The Council go more closely to Work against Presbyterian Ministers and People; and next Council-day, December 7th, pass some severe Acts and Proclamations against them. The High Commission was now expiring, and the Privy Council return to their former Work.

Their First Act at this Diet extends their former Acts, chiefly pointing at the younger Presbyterian Ministers, unto all of them, as may be seen in the Act it self, App. N^o. 45. The Act begins with a Declaration, *That the Council, after a long and tender Forbearance,* (after what we have now seen in the preceding Part of this Book, some Readers will be ready to say, *The tender Mercies of the wicked are cruel*) *Find it necessary their former Acts,* December 23^d, 1662, and August 13th, 1663, *be extended to the Ministers who entred in before the Year 1649. and have relinquished their Ministry, and been deposed by their Ordinary.*

Ad. De. 7.
extending
former Acts to
all Presbyterians
Min. Rec.
App. N^o. 45.

There was no new Fault pretended, and nothing charged, but a firm Adherence to their Principles; and yet these worthy old Men are sent a wandering from their Flocks and Friends. The Hardships put on them by this Proclamation, have been above considered, as they relate to the younger Ministers; and they are very much accented, and the Barbarity of the Prelates pushing this, aggravated, in extending them to a very few old dying Men, living most quietly and peaceably, of whom, in the ordinary Course of Nature, they would very quickly have been rid without this Cruelty.

Remarks upon
it.

A Door is left open to the Council, the High-commission Court, or any one Bishop, to tolerate them; which was not sought, at least from the Two last, as far as I hear of. All Heritors and Housholders are forbid to give them any Countenance in their Preaching, or exercising any Part of the Ministerial Office; and all Magistrates, and other Executors of the Law, are impowered to imprison them, if they keep not within the Bounds appointed by this Proclamation.

Some interpreted the Clause with relation to Heritors and Housholders, as discharging all to set a House to any Presbyterian Minister; but I cannot see so much in the Letter of the Act, without stretching it. However, it was improved by their Adversaries, so as they had no small Difficulties in many Places where to fix, and it was really impossible for all of the Presbyterian Ministers in Scotland, to continue in it, if they kept precisely to the Terms in those Acts, as hath been noticed.

All this Severity against those worthy old Men, was according to Archbishop Burnet's Maxim, which he openly enough propaled as his real Sentiments, *That the only Way to deal with a Phanatick, was to starve him.* I am told, That the Earl of Kellie, no great Friend to Presbyterians, upon the Publishing of the Acts and Proclamations agreed to this Day, said, 'It was his Opinion, Presbyterian Ministers ought to be obliged to wear a Badge of Distinction from other Men, that every Body might know them, otherwise he might ignorantly set them some of his Houses and Lands, and so fall under the Lash of the Law.' This is another persecuting Proclamation against Presbyterian Ministers, for the old Fault of bare peaceable Nonconformity; I have forgot their Number, but they are near a Dozen new, and every new one hath some severe Clause added. Thus the Wicked wax worse and worse.

Bishop Burnet's
Maxim, and
the Earl of
Kellie's Observe
upon those
Acts.

In the next Place they order a Proclamation to be published and printed against Conventicles, and Meetings for religious Exercises; which I have insert App. N^o. 46. It speaks for it self, and is so plain as it scarce needs a Commentary.

Proclamation
against Con-
venticles
App. N^o. 46.

The former Acts since the Year 1660. against Subjects convening without the King's Authority, are narrated; and this is termed a very *dangerous and unlawful Practice*. Thus the Heathen Writers and their Emperors use to talk, during the First Three Centuries after Christ; and yet the primitive Christians met at their Hazard, notwithstanding of such Edicts as this.

Remarks upon
it.

In a little we shall find it the ordinary Cant of this Period which follows, That these Meetings for religious Exercises *are the Seminaries of Separation and Rebellion*. That they were a Separation from Prelates and their Curates, every Body perceived; but still the Question remains, Whether these had not sinfully separated from the Reformation of the Church of Scotland, and given just Ground to Ministers and People to withdraw from them? And in the Determination, Scripture, Reason, and the Practice of this Church, since we came out from Babylon, must come in; and not the King and Council's Laws and Acts. Whatever Extremities might be afterward run to, at some Conventions for religious Exercises, if any such were, the unparalleled Severity and Oppression justly lodged at the Prelates Door, forced People into them: Yet there was nothing now at them, that in any native Way of speaking, can be termed *Rebellion*; the Covenants indeed were owned, and their Obligation attested sometimes, and other Truths, the owning of which was now made Treason and Rebellion, by Iniquity established by a Law.

1665.

As to the Doctrine taught by Presbyterian Ministers at those Meetings, termed in the next Clause of the Proclamation, *infusing poisonous and pernicious Principles*; I wish the World had a Specimen of the ordinary Doctrine preached by the Curates, and a Parallel 'twixt it and that of Presbyterians at Conventicles, and they would soon perceive on which Side the Poison lies. If smoothing over Oppression and Tyranny, weakning the very common Principles of Morality and natural Religion, gross *Pelagian* Errors, and plain Popery, be poisonous, many Instances can be given in the Ministers established by Authority, as now the Stile goes.

Those Meetings are discharged under the *Pains of Sedition, Fining, Confining, and such other corporal Punishments as shall appear fit to the Council, or any having the King's Authority*, whether he be Officer of the Army, Bishop, or even a private Centinel; every Body present at them, are thus to be treated: But Ministers, or any who have a Hand in contriving and enticing People to such Meetings, or suffer the same to be kept in their Houses, are made liable to the *highest Pains due unto, and which by Law may be inflicted upon seditious Persons*. And all Magistrates and others, are required presently to apprehend the Contraveners, and imprison them. Here is a broad Foundation for the Army to act upon, and they did it to Purpose next Year.

Observations
upon the Eng-
lish Writers
Account of
this Proclama-
tion.

Upon this Proclamation we have another Instance of the Ignorance of the *English* Writers in our *Scots* Affairs. The Author of the *Complete History of England*, Vol. III. says, *This Year 1665. the Parliament of Scotland issued out a severe Proclamation against Conventicle Preachers, as Movers of Sedition*. Being much a Stranger to the Methods of our *Scots* Parliaments, it is not to be wondred that he knew not, that save in some extraordinary and temporary Cases, Proclamations were never issued by Parliament, and were ordinarily the Deed of the Executors of the Law: But one would have expected, that from our printed Acts of Parliament, he might have noticed there was no *Scots* Parliament sat from the 1663. to the 1669. From his mistaking the Parliament for the Council, we may guess how far he is out in the Reason he gives for the Proclamation, which very justly he terms *severe, being provoked by the Insolence of Mr. Alexander Smith, a deposed Minister*. His Story of Mr. *Smith's* Carriage before the High Commission, is quite misrepresented, and was no ways the Reason of this Proclamation. Mr. *Smith* was before the High Commission many Months before this Proclamation: His Crime there, as we have heard, was only his refusing the Primate his Titles; and the barbarous Treatment of this good Man, is one of the black Stains upon this Administration. Mr. *Eachard* copies here again after the former, and follows him in all his Mistakes.

In the Papers of a Reverend Minister, who understood well how Matters went, I find that this same Day an Act was passed in favour of the Curates, and for the constituting Presbyteries; tho' that Word must not now be used, yet the Curates continued it in many Places for their own Credit among the People. But not finding this Act in the Council-books, though I know several Things of Importance are now done, and that sometimes by Order from the Commissioner, and sometimes by Advice of the Council, which are not booked, neither having seen the Act at large, I shall not insist much upon it.

The Council's
Order about
Meetings for
Exercise.

The Abstract of this Act or Order before me, falls much in with what we have had formerly, and perhaps this Day the Council recommended their former Acts and Proclamations to be observed: And 'tis declared, 'That his Majesty, with Advice of his Council, by virtue of his Supremacy, allows the Bishops to depute such a Number of their Curates as they judge qualified, to convene for Exercise, and to assist in Discipline, as the Bishop shall direct them. But the whole Power of Ecclesiastical Censures is reserved to the Bishop, except Parochial Rebukes, and he only must suspend, deprive, or excommunicate.'

Observations
upon it.

In short, those Meetings in effect were nothing else but the Bishops Spies, and Informers up and down the Country: And this seems to have been the Shape and Make of the Prelatical Presbyteries. The Bishop under his Hand granted a Deputation to so many of his Curates as he pleased, to meet in such a Precinct, and gave them their Instructions and Limitations, beyond which they must not go. The Number of those Meetings for Exercise, was but small in many Places. Elders and Inspectors of the Manners of the People, must not be now named in this Kind of Presbyteries.

At this Time the Church of *Scotland* might grone out that, *How is the Gold become dim, and the most fine Gold changed!* Alas! what a poor Shadow and Skeleton was this of the Judicatory Christ himself instituted, and the Presbyteries the Apostles themselves joyned in! This Plant had for its Root the King's Supremacy, its Stock was the Bishop acting as the King's Servant and Depute, the Curates were its Branches; and its Fruit certainly could not be Holiness, Reformation, or the Edification of the Body of Christ, but Destruction, Wormwood, and Gall to the Bulk of the religious People in *Scotland*. And I find very little they did, but consulted how to inform against, and promote the Work of Persecution upon Presbyterians.

This same Diet the Council grant a Commission for Discipline, and impower Ministers in each Congregation to choose Persons, whom they will not call Elders, that may joyn with them for suppressing of Sin. Of this and the Consequents of it, for further Trouble to Presbyterians

byterians who could not joyn with the Curates: I shall give some further Account upon the next Year, when it came to be put in Execution:

And to end the Account of this remarkable Sederunt of Council, the same Day they pass an Act concerning the Prisoners among their Hands. 'The Privy Council considering, that there are several Prisoners within the Tolbooth of *Edinburgh*, who of their own accord are desirous to be transported to *Barbadoes*, ordain the Magistrates to set all at Liberty who are content of their own free Will to go to *Barbadoes*, and ordain them to be delivered to *George Hutcheson* Merchant in *Edinburgh*, in order to Transportation.' Who they were is not specified, nor the Crimes for which they were incarcerated; but by other Papers I find they were the Remains of such who had been imprisoned by the High-commission Court, and sent in Prisoners for their Nonconformity and Opposition to the Curates: And several of them chose rather to go to the Plantations, than to abide for ever in Prison at Home. In the Progress of this Work we shall afterwards find, that Transportation was not left to Prisoners Choice.

Little further remarkable offers this Year. *March 1st*, the Bishop of *Argyle* petitions the Council, 'That whereas by an Act of the last Session of Parliament, dated *September 17th*, Eight Expectants who have passed their Course of Philosophy, and Eight Scholars to be trained up at Schools and Colleges, are to be entertained out of the vacant Stipends of that Diocese, each of which are to have Two hundred Merks yearly for their Subsistence, a Collector be named, and Letters direct at his Instance.' The Council empower the Bishop to name a Collector, and grant the Desire of the Petition.

October 3^d, the Council having received his Majesty's Commands, ordain the Lord Marquis of *Huntley* to be educated in the Family of the Lord Archbishop of *St. Andrews*, to whose tender Care they recommend him, and that no Person Popishly inclined have Liberty to attend him or serve him: And ordain the Earls of *Linlithgow* and *Tweddale*, to acquaint his Mother and himself, and call a Meeting of his Curators, to provide all Things necessary and suitable to one of his Rank; and that he enter the Archbishop's Family against the 27th of *October* Instant. We shall afterwards meet with this Nobleman created the Duke of *Gordon*, and living in the Profession of Popery. What Care the Primate took to prevent this, I know not.

November 30th, a Proclamation is published, ordering a voluntary Collection to be gathered through all the Churches of the Kingdom, for the Relief of the distressed Churches in *Poland* and *Bohemia*, to be delivered to *Paul Hartman* their Commissioner. It comes down from *London*, and is ordered to be published.

I find it further remarked, That *Tule* was not so solemnly kept this Year, as during the former; and at *Edinburgh* there was no Proclamation by the Magistrates discharging the opening of Shops, and going about People's ordinary Work; only Mr. *William Annand* preached a Sermon suited to the Occasion.

Thus I have gone through the lamentable Circumstances of Presbyterians, during the First Six Years of their Furnace, in as far as what Papers I could have Access to, would carry me. 'Tis indeed but a very lame Account can be given at this Distance; and yet from the original Papers, and Acts of Parliament and Council, with the vouched Instances of their rigorous Execution, the Reader may form some Notion of the Severities of this Period: And harder Things are coming upon Presbyterians in the succeeding Years.

There is not much further Matter offers, as the Subject of this History, till the End of the next Year, when the Rising and unsuccessful Attempt made by some Presbyterians for recovering of their Liberty, and shaking off the heavy Yoke of Oppression they groined under, brought upon them a new and very dreadful Scene of Sufferings. Any Thing noticeable as to their State and Sufferings, during the former Part of the Year 1666. I shall leave to the Second Book, where it natively falls in, to prepare the Way for the Account of the Rising, which was dissipate at *Pentland*.

1665.

Act for transporting of Prisoners to Barbadoes.

Bursars appointed in the Bishoprick of Argyle.

The Marquis of Huntley to be educate with the Archbishop of St. Andrews.

Collection for Protestants in Poland and Bohemia.

Tule not so solemnly kept as before.

The End of the First Book.



THE
HISTORY
OF THE
SUFFERINGS
OF THE
Church of SCOTLAND.

BOOK SECOND.

From Pentland to Bothwel-bridge.



THE Condition and Circumstances of suffering Presbyterians, it must be owned, alters a little under this Period, from what it was during the former. For near Six Years after the *Restoration*, that Body of religious and loyal *Scotsmen*, underwent as much Oppression and Injustice, as would have put any almost but themselves, upon quite other Methods than they took. Their legal Securities for their *Reformation*, and religious Rights, were removed, their Civil Liberties taken away, their Ministers scattered, and a Company of Men forced into their Churches, whose Practice and Morals, as well as their Doctrine, made them publick *Nusances*. The Prelates are brought in to lord it over their Consciences; Piety and serious Religion is openly discountenanced, and all its Followers almost put under the Cross: In short, a very barbarous military Execution is made

1666.

The Circumstances of Presbyterians change in this Period.

Use of, to force all down their Throat; and all Liberty of petitioning and addressing against those Evils, is discharged under the highest Pains.

Yet Presbyterians silently bear all, and groan and mourn in secret, waiting and hoping, that Providence would open some Door or other for their Relief; and humbly praying, That the Cry of their Oppression might come up to Heaven, and the Lord would please to appear in their behalf. Their Adversaries themselves being Judges, nothing hitherto of Rebellion

Their Patience under this,

1666.

or Disloyalty can be laid to their Charge; yea, it may be affirmed, That scarce a greater Instance of Patience and Moderation, can be given in any Party in *Britain*. With the greatest Temper they bore the most arbitrary Finings, with the illegal and military Exaction of them; the Outing and Confinement of their worthy Ministers; the calumnious and invidious Declarations, that their Worshipping God was Sedition, and the bitter Prosecution, even unto Death, of some of the best of their Nobility, Gentry and Ministers. Under all this they offered not to stir, till abused with military Violence; and even then, only sought Redress of these Grievances from their Persecutors, whom they owned as lawful Magistrates. True it is, they petitioned in Arms; but then it was under a Government, where Petitioning, as well as defensive Arms, were discharged as seditious.

and Loyalty.

How little Reason the Advocates for passive Obedience have, to charge Presbyterians with the Guilt of Rebellion, and resisting the King, in this Period I am now entering upon, will best appear from the true and unbiassed Accounts of Matter of Fact, now to be given; where it will be evident, the Rising which ended at *Pentland*, was both a plain Fruit of the horrid Oppression of the Country, and a gathering in Arms merely for Self-defence, at first neither premeditated nor designed; and all they had in View was a fair and just Hearing of their Grievances, as to their religious and civil Concerns. I shall then begin this Book with an Account of that successful Attempt for these good Ends, which is best known by its Name, taken from its tragical End at *Pentland*.

C H A P. I.

An Account of the Rising at Pentland, and the Sufferings following thereupon, 1666.

The Subject-matter of this Chapter.



So far as I know, there hath been no full and distinct Narrative of this Business published as yet to the World; and therefore I shall be the larger in mine, and touch at some Things which preceded this Rising, and fell out the former Part of this Year. Then I shall essay as particular a Relation as I can, of the Rising it self, in its Beginnings, Progress, and Dispersion, and end this Chapter with as distinct Accounts, as I can now give at this Distance of Time, of the Persons put to Death upon this Score, and their Carriage and Christian

Behaviour, waving very much what hath been already published to the World upon those Heads.

S E C T. I.

An Account of the State of Affairs during that Part of the Year 1666. immediately preceding the Rising at Pentland.

Presbyterians very much oppressed.

IN the former Book I have brought down the Accounts of the State of this Church, to the End of the Year 1665. and one would think Matters are so managed this Year following, as if there had been a formed Design to force Presbyterians into violent Measures, and by Oppression to make them mad.

An Act and Commission of Council, Dec. 7 1665. for Discipline.

An Act of Council, December last, was hinted at, which I may here take in, as the Occasion and Foundation of some of the smaller Branches of Trouble not a few fell under this Year. Beside the Two severe Proclamations already noticed, which were emitted December 7th, 1665. I find another Act in the Registers, of the same Date, which they term, *Commission for Discipline*; and I insert it here.

• The

THE Lords of his Majesty's Privy Council, considering how necessary it is for suppressing Sin and Disorder, that some fit Persons be assisting to the Minister in every Parish, in the Exercise of Discipline; do therefore recommend to the several Ministers of this Kingdom, that they make Choice of such a Number as they shall think meet, of the most grave, sober, and discreet Persons within the Parish, to be assisting unto them in the Exercise of Discipline: Commanding all Persons, who shall be required by the Ministers for that Effect, to give their ready Concurrence and Assistance, as said is. And in case of Refusal or Delay, That the Minister, after he hath acquainted the Bishop of the Diocese therewith, and has received his Order, require, or cause require them to make their Appearance before the Brethren of the Exercise; and in case they refuse or delay to compear, or compearing refuse to give their Assistance, as said is, That the Brethren of the Exercise present their Names to the Bishop of the Diocese, to be by him transmitted to the Lords of his Majesty's Privy Council, to the Intent they may be proceeded against, according to their Demerit, and as the Case requireth. And for the better Maintenance and Supply of the Poor, they recommend to the Minister of every Parish, and those assisting him in the Exercise of Discipline, where any such are or shall be, that they be careful to collect, and uplift the Fines and Penalties, formerly used to be uplifted by Kirk-sessions, from scandalous Persons.

1666.

Several very obvious Reflections will offer themselves to the Reader, from this Act of Council: The Necessity and Usefulness of that Officer of *Christ's* Institution in the Christian Church, the *Ruling Elder*, very much opposed by the Prelatists, is tacitly acknowledged, and a Kind of Equivalent is here erected, at the Request of the Prelates, though every Way, like themselves, a Creature of the Civil Power. Here is likewise a direct Attempt upon our Redeemer's Prerogative, in bringing in new Officers of their own framing, as *Assistants in Discipline*, one of the Keys of the Kingdom of Heaven; and they are not pitched upon *consentiente plebe sacra*, according to the primitive Institution of these Representatives and Overseers of the Christian People, but to be pitched upon by the Minister; and every one who refuseth, is to be forced into this Work by the Secular Power of the Privy Council.

Remarks upon it.

Which brings me to add, That the refusing to joyn with the Curates in Discipline, was Matter of much Suffering to Presbyterians. I could make it evident, that, in several Places, Gentlemen and others were pitched upon, and the Episcopal Minister is not tied up from any by the Act, not from any Desire that they should joyn with them, but with an Eye to bring them to Trouble. They knew real Presbyterians would never fall in with them; for it had been a Renouncing of their Principles, and falling in with the Prelatical Constitution. 'Tis plain the Act of Council orders a Kind of Ordination by the Prelatical Presbytery; and a subjecting unto this was a Sort of Incorporation with the Hierarchy, and a great deal more than a simple Prefence at Ordinances dispensed by the Curates; and some who submitted to the last, choosed to suffer before they would do the First.

Presbyterians their refusing to joyn with the Curates in Discipline, a new Occasion of their Persecution.

In the former Book, some Instances of Persecution upon this Account, have been pointed out in the Laird of *Aikenhead's* Case, and that of others; and I might now add *James Maxwell* of *Williamwood*, whose Sufferings will come to be narrated in the Progress of this History. A few more Instances of Hardships upon this Head, may suffice in a Case that was very general.

Instances of this in

Even before this Act was made, in the Year 1664. *John Corsbie* in *Easter-cotes*, in the Parish of *Cambuslang*, was required by Mr. *Cunningham* Incumbent there, to assist him in Discipline; and when he refused, upon the general Laws about Conformity, and Encouragement of *Orthodox* Ministers, he was summoned before the Council; and, upon his Noncompearance, was harassed by Messengers, with Caption against him, for many Months, and forced to hide, and frequently to withdraw from his own House. *Robert Hamilton* in *Spittal*, in the same Parish, was this Year 1666. persecuted on the same Account; and from this to *Bothwell-bridge*, he could scarce keep his own House with Safety. He was put to the Horn, and his House frequently searched and spoiled. *William Alexander* and *William Baird* in *Drips*, in the Parish of *Carmonnock*, were fined in an Hundred Pounds each, because they would not assist the Curate in Discipline, in the Parish of *Cathcart*. *Gasper Tough* in the Parish of *Kilmarnock*, was much troubled upon the Account of his Refusal to joyn with the Curate there. In the same Town, *Andrew Taylor* Wright was fined in Twenty Merks, upon the same Score.

John Corsbie,

Robert Hamilton,

William Alexander, William Baird,

Gasper Tough,

It was upon this Account, amongst other Things we have heard already, that the Laird of *Aikenhead*, with some other Gentlemen, were confined to *Inverness*, *Elgin* of *Murray*, and other Places, at a vast Distance from their Houses and Families. And it may not be amiss here to take Notice of a Letter, a Copy of which lies before me, from Mr. *John Paterson* Bishop of *Ross*, to his Son, afterwards Archbishop of *Glasgow*, then Minister at *Edinburgh*. It is dated this Year, without the Month. The Bishop, among other Things, desires his Son,

Several Gentlemen confined at vast Distance from their Houses, upon this Score.

1666.

The Bishop
of Ro's his
Letter to his
Son Mr. Pater-
son, upon this
Confinement.

' To acquaint my Lord St. *Andrews*, That he looks upon the Temper of the Country about him to be very cloudy like. He complains of a Friendship made up between *Seaford* and *Argyle*, and of a Change in many who pretended to be Friends to Prelacy when it was set up. He adds, That it is certain the Westland Gentlemen, who are confined to *Elgin* and *Inverness*, have done more Evil by their coming North, by Two Stages, than they could have done in their own Houses: They have alienated the Hearts of many who were of another Principle before; they have Meetings with our great Folks, adds he, and are better respected nor any Bishop in *Scotland* would be. He begs these Gentlemen may be recalled, that they spread not their Infection any more; and adds, They are the Staple of Intelligence between the West and North, among the Phanatick Party; and desires, That the Primate may be acquainted of this, and make his own Use of it, without his being seen in it.' This Letter discovers to us, That these Hardships put upon Presbyterians, were ordered in Providence for the Good of their common Interest. I have many a Time heard it observed, That Mr. *Bruce*, Mr. *Dickson*, and others, their Confinement in the North, during the former Times of Prelacy, was no Service done to the Prelates: And those Gentlemen's Confinement, and that of several Ministers since the Restoration, was of no small Use to the Interests of Liberty and Presbytery there; and the good Effects of their Confinement are not yet at an End, and I hope never shall.

Council's Let-
ters, Jan 25.
against Mr.
Welsh, *Semple*,
Blackader, and
others.

As this Council-commission about Discipline was Matter of Trouble to not a few Presbyterians, so the other Proclamations emitted with it formerly, were a continuing Fund of Distress to the Ministers lately turned out. Thus I find, towards the End of *January*, at the Instigation probably of the Bishop of *Galloway*, the Council direct Letters against the Reverend Mr. *John Welsh*, Mr. *Semple*, Mr. *Blackader*, and others. And that the Reader may see the Grounds they went upon, and know the Form of these publick Citations, which in a little Time turned very common, I shall give them here from an Original before me.

' *CHARLES*, &c. To Our Lovits, &c. Greeting. FOR AS MEIKLE as it is humbly meant and shewn to Us by Sir *John Nisbet* of *Dirleton* Knight, Advocate for Our Interest, and Sir *William Purvis* Our Solicitor, Agent for Church-affairs, That where, notwithstanding of several Laws and Acts of Parliament, the Assembling and Convening Our Subjects without Our Warrant, is prohibited and discharged, as a most dangerous and unlawful Practice, under the Pains against such as unlawfully convocate Our Lieges; and that Conventicles and unwarrantable Meetings and Conventions, under Pretence and Colour of Religion, and Exercise thereof, being the ordinary Seminaries of Separation and Rebellion, are altogether unlawful; and, by several Acts of Parliament and Privy Council, prohibited and discharged: By the 1st Act of the 3^d Session of the late Parliament, it is declared, That the withdrawing from, the not joyning with the publick ordinary Meetings for Divine Worship, is to be counted seditious; by an express Clause of the said Act, all such Ministers as have not obtained Presentations and Collations conform thereto, and all such as would be suspended or deprived, and yet should dare to presume to exercise the Ministry, are to be punished as seditious Persons: Likeas, divers Acts of Parliament, viz. the 134th of Our Grandfather *JAMES VI.* of worthy Memory, *Parl. 8th*, it is statute and ordained, That no Person of whatsoever Function, or Degree, or Quality, shall presume to take upon Hand, privately or publickly, in Sermons, Declamations, or familiar Conferences, to utter any scandalous Speeches to the Reproach of Us, Our Privy Council, and Proceedings; or to meddle with the Affairs of State, or to deprave Our Laws and Acts of Parliament or Council, or to traduce or reproach Our Royal Estate and Government, under the Pains contained in the Acts of Parliament against Makers or Tellers of Leafings. And by the 1st Act of Our Royal Grandfather King *JAMES*, *Parl. 8th*, Mr. *George Buchanan* his Book (*de jure regni*) is condemned, as containing sundry offensive Matters worthy to be delete; and the Havers of the said Book are ordained to bring in and deliver the same, under the Pains therein mentioned: Nevertheless, true it is and of Verity, That the Persons after mentioned, viz. Mr. *John Welsh* late Minister at *Irongray*, Mr. *Gabriel Semple* late Minister at *Kirkpatrick* of the Muir, Mr. *John Blackader* late Minister at *Traquair*, Mr. *Robert Archbald* late Minister at *Dunfcoil*, Mr. *Samuel Arnot* late Minister at *Kirkpatrick Dunham*, Mr. *John Douglas* late Minister at ----- Mr. *Alexander Padan* late Minister at ----- Mr. *William Reid* late Minister at ----- Mr. *John Wilkie* late Minister at ----- Mr. *John Crookshanks* and *John Osburn* in *Keir*, having been formerly Ministers at the respective Places above mentioned, and not having obtained lawful Presentations and Collations, conform to the said Act of Parliament; and they or either of them being suspended or deprived, at least pretending to be Ministers, and not authorized and lawfully admitted by publick Authority, to any Charge within this Kingdom, at least being Persons disaffected to Our Royal Authority and Government, and the Government of the Church as it is now established by Law; and in main Contempt of Our Authority, and the Laws and Acts of Parliament

foresaid,

foreſaid, have, and yet do ſtill preſume to keep Conventicles and private Meetings, and preſume to preach, and in their Sermons and Conference traduce, reflect upon, and declare againſt Authority, and the Government Civil and Eccleſiaſtical, as it is eſtabliſhed by Law in Church and State; and do not only withdraw from the ordinary and publick Meetings for Divine Worſhip, but do moſt ſeditiouſly, by their Practice and Example, and by their Speeches and Diſcourſes, ſeduce, and endeavour to withdraw others from the ſame. And particularly the ſaid Mr. *John Welſh* does preſume frequently, at leaſt once every Week, to preach in the Pariſh of *Irongray*, in the Presbytery of *Dumfries*, and himſelf, and theſe who frequent his Conventicles, do convene together, armed with Swords and Piſtols; at the which Meetings he alſo baptizes Children that are brought to him by diſaffected Perſons; and at ſome Times he comes into the Sherifſdom of *Air*, eſpecially at the latter End of *July* laſt, and did keep a Conventicle at *Gaſton-muir*, where he baptized many Children, namely, a Child of *Andrew Boyes* Merchant in *Kilmarnock*, and of *Alexander Mitchel* — Likeas, the ſaid Mr. *John* did keep another Conventicle at *Shirraland*, in *Plimnick* Pariſh, about the 1st of *November* laſt, where he baptized the Children of *James Morwat* in *Kilmarnock*, *John Claig* in *Dibland*, *James Gall*, and many other Perſons. As alſo, upon the 11th of *July* laſt, he kept another Conventicle in the ſame Place, where he baptized the Children of *John Chalmers*, *John Dickie*, and *David Currie*. And alſo the ſaid Mr. *Gabriel Semple* did keep a Conventicle at *Achmannock*, where, amongſt many others, he baptized a Child to *John Guthrie* in the Pariſh of *Newmills*; and ſiklike, kept another Conventicle at *Labroch-hill*, in *October* laſt; as alſo does frequently ride to the Country in Diſguiſe, with Sword and Piſtols, and calls at the Houſes of diſaffected Perſons, to ſee what Children there is to be baptized, and ſo appoints a Place for their Meeting: And this he does, not only in the Sherifſdom of *Air*, but alſo in many Places of the Shire of *Nithſdale*, within the Stewartry of *Kirkcudbright*. Alſo, the ſaid Mr. *John Blackader* has oft times convened great Numbers of the Pariſh of *Glencairn*, and the neighbouring Pariſhes, ſometimes to the Number of a Thouſand and upwards, and continues ſo to do every Lord's Day; at which Meetings he frequently baptizes the Children of all diſaffected Perſons. And ſiklike, the ſaid Mr. *Robert Archbald* does frequently keep Conventicles and Meetings in ſeveral Places, and thereat did baptize Children. As alſo, the ſaid Mr. *Alexander Padan* did keep a Conventicle at *Ralſton*, in the Pariſh of *Kilmarnock*, about the 10th of *October* laſt, where he baptized the Children of *Adam Dickie*, *Robert Lymburner*, and many others; as alſo kept a Conventicle in *Craigie* Pariſh, at the Caſtle-hill, where he baptized the Children of *William Gilmor* in *Kilmarnock*, and *Gabriel Simpson*, both in the ſaid Pariſh, and that beſides Twenty three Children more; both which Conventicles were kept under Cloud of Night, with a great deal of Confuſion: As alſo the ſaid Mr. *Alexander* rides up and down the Country with Sword and Piſtols, in gray Clothes. And alſo, the ſaid Mr. *John Crookſhanks* does not only frequent, keep, and hold Conventicles, contrary to the foreſaid Laws and Acts of Parliament, but does avowedly keep by him that Book called *Buchanan de jure regni*, which he has tranſlated out of Latin into Engliſh, intending thereby to inſuſe and poiſon the People with treaſonable and ſeditious Principles, contained in the ſaid Book. As alſo, the ſaid *John Osburn* does preſume to take upon him to be an Officer for giving Notice to the People of the ſaid unlawful Meetings, and accordingly, from Time to Time, doth acquaint them herewith. By which whole Deeds, generally and particularly above written, the ſaid Perſons, and each one of them, having incurred the Pains and Penalties preſcribed by the Laws and Acts of Parliament above ſpecified, which ought and ſhould be inflicted upon them, to the Terror of others to commit the like in Time coming: OUR WILL IS HEREFOR, and We charge you ſtraitly, and command, that incontinent, thir Our Letters ſeen, ye paſs, and in Our Name and Authority command and charge the Perſons particularly above complained upon, at the Market-croſs of *Kirkcudbright*, *Dumfries*, Market-croſs of *Edinburgh*, Pier and Shore of *Leith*, in regard they are latent, and keep themſelves out of the Way, that they may not be apprehended, and have no certain conſtant Reſidence or Dwelling, but do travel and walk up and down the Country from Place to Place; to compear perſonally before the Lords of Our Privy Council, at *Edinburgh*, or where it ſhall happen them to be for the Time, the — Day of — to answer to the Premiſſes, and to hear and ſee ſuch Order taken thereanent, as appertains, under the Pain of Rebellion, and putting of them to the Horn: With Certification if they failzie, Our other Letters ſhall be direct, to put them *ſimpliciter* thereto. And ſiklike, that ye charge the Witneſſes under written, not exceeding the Number of Ten Perſons — to compear perſonally before Our ſaid Lords, the ſaid Day and Place, to bear leel and ſoothſaſt Witneſſing, in ſo far as they know, or ſhall be ſpied at them, in the foreſaid Matter, under the Pain of Rebellion; with Certification to them in Manner above written. The whilk to do, We commit to you conjunctly and ſpecially Our full Power, by thir Our Letters, delivering them by you duly execute, and indorſed again to the Bearer. Given

1666.

1666. ' under Our Signet, at *Edinburgh*, the 25th Day of *January*, and of Our Reign the 18th Year, 1666.

Ex deliberatione Dominorum secreti Concilii.

PET. WEDDERBURN.

Remarks upon them.

Those Letters were formed upon Informations taken at random, and therefore must not be reckoned Proof of Matters of Fact advanced in them; and what I remark here would be carried along by the Reader, to many of the general Charges against suffering Ministers, and others which follow: Such of them as could with Safety appear, disproved most of what was informed against them. ' In the Case before us, I only notice, that it was a Falshood here insinuate, that Mr. *Welsh*, or any of those Reverend Ministers preached or declared against the King's Authority. Such Declarations were yet Strangers in *Scotland* for many Years: When and how they came in, will afterwards come to be declared.

Council's Procedure against Quakers and Papists.

About this Time the Council come to some good Resolutions against Quakers and Papists, who, as hath been observed, increased mightily since the overturning of Presbyterian Government in this Church. We have seen, that a good while ago Orders had been given about them, and Letters writ to the Bishops; and, *February 1st*, the Council agree to the Report of the Committee made that Day, and renew their Appointments on the Clergy. The Substance of what I find in the Registers, is, ' That excommunicate Quakers be proceeded against conform to Acts of Parliament: That in order to a Libel's being formed against *Andrew Robertson*, and *Anthony Haggat*, Quakers in Prison, Orders be direct to such Ministers as can bring in Information against them, to bring in the same to the King's Advocate; and that particularly Mr. *Thomas Donaldson* bring what Informations, Writings, Books, or Papers they have anent the said Quakers, or any others: That-----*Radburn*, and *Charles Ormiston*, Merchants in *Kelfo*, be brought in Prisoners to *Edinburgh*.'

' As to Papists, That the Laws and Acts made against them be put in Execution; and in order thereto, that a List of the whole Papists be taken up by the Minister in every Parish, and an Account given who are excommunicate, who not, who have Interest in the Parish, and who are vagrant and trafficking Papists: That the Lords Archbishops recommend it to the Bishops, that they cause the Minister of every Parish, or Moderator of the Presbytery where Churches are vacant, to send in their Lists with all Diligence: That the Magistrates of *Edinburgh* search after any Meetings kept by Papists in *Edinburgh*, *Canongate*, or any of their Liberties, and delate their Names to the Council: That a List of all excommunicate Papists be given to the Lords of Session, that they may affix in the most patent Place a Roll of their Names, that they may be debarred from defending or pursuing any Cause before them.' All this, as far as I can find, came to nothing; Quakers and Papists still increased, and it was only Presbyterians whom the Clergy were in earnest about, during this Reign, and they are born down with the greatest Violence.

Council's Proclamation against the Apologetical Relation, *February 1st*. App. No. 1.

Thus, upon the 8th of *February* this Year, the Council emitted a Proclamation against a Book published by one of the banished Ministers in *Holland* last Year, entituled, *An Apologetical Relation of the particular Sufferings of the faithful Ministers and Professors of the Church of Scotland, since August 1660*. I have added it App. No. 1. This Book is ordered to be burnt by the Hand of the Hangman, in the high Street of *Edinburgh*. All who have any Copies, are ordered to give them up to the next Magistrate by such a Day; and after that, if any have them in their Possession, they are to be fined in Two thousand Merks. This Method now so common, did not answer the End proposed, for People ran the more greedily after such prohibited Books; but the Managers who could not permit their evil Works to be brought to the Light, and were not in Case to answer plain Matter of Fact, had no other Way but this of the Papists left them.

Mr. James Guthrie's Widow and his Daughter, brought to Trouble for having that Book.

The same Day I find-----*Ramsay*, Relict of the Reverend Mr. *James Guthrie*, and *Sophia Guthrie* her Daughter, are brought before the Council, merely because the foresaid Book was found in their Custody, although as yet no Law was against it; and one needs not wonder they should have a Book in their Hands, which gives so just an Account of so near a Relation of theirs as Mr. *Guthrie*. Upon their refusing to declare upon Oath, what they knew as to the Author of the Book, and to discover from whom they received it; the Council sentences them both to be sent to *Zetland*, there to be confined during Pleasure, and to be kept close Prisoners till they were sent there. The next Council-day, *March 2^d*, I find the Members so sensible of the Harshness of this Sentence, that, upon a Petition presented from those Two Gentlewomen, craving their Confinement may be altered to some Place upon the Continent, the Matter is referred to the Commissioner, to do as he finds Cause.

Few Field-sermons as yet.

In the Beginning of this Year, Presbyterian Ministers had some Connivance, and were permitted to live in their hired Houses, when turned out of their Livings. The Call of the importunate Multitude, was not yet so great as afterwards, and generally they only preached to their own Families, and a few Neighbours who now and then stole into their Houses. Field-preachings,

Preachings, unless it were in some few Places in the South, where the People would not hear the Curates, were but very rare. The Meetings of the Episcopal Ministers in Cities and Town, except where they were openly profane and vicious, were as much frequented as they could well expect. Indeed Evils grew among them, and their impertinent and reproachful Sermons, their open Share in the Cruelties and Oppression, which we shall hear of, with their lewd Lives, quickly after this altered Matters. At this Time, if they could have been satisfied with the Numbers of Hearers they had, many thought they might have enjoyed their Churches longer than they did: But they would have as throng Churches, as the Presbyterian Ministers formerly had; and if Regard to their Persons and Sermons could not procure Hearers, 'tis resolved, Terror, Force, and Fear shall.

1666.
The Episcopal Ministers Meetings pretty much frequented.

Mr. *Alexander Burnet*, at this Time Archbishop of *Glasgow*, was the great Manager of the West-country Persecution, and the better in Case for this, that last Year he was admitted a Privy Counsellor. To give every Man his due, he was certainly one of the best Morals among the present Clergy; yet his Simonical Compact for his Regress to his Bishoprick, after he had been turned out, as we may hear, was but little for his Reputation. He was a mighty Bigot for the *English* Ceremonies and Forms, and as forward to have all the Usages of that Church introduced to *Scotland*, as if he had been educated by Bishop *Land*; yea, to have his Fancy pleased with these Pageantries, he could have almost submitted to the old Claim of the See of *York* over the Church of *Scotland*. At his first diocesan Meeting, he put Five or Six of his Curates publickly in Orders after the *English* Pontifical, to inure the West of *Scotland* to these Novelties.

The Archbishop of *Glasgow* the great Manager to Persecution in the West at this Time, with his Character.

To make good the Remark I formerly made, That *Imposition in Matters of Religion* goes Hand in Hand with *Oppression in Civil Matters*; and Prelacy and Popery in *Scotland*, pave the Way for Slavery: He was so grievous an Oppressor of the City of *Glasgow*, that the greatest Malignants, as the Friends of Prelacy in *Scotland* were formerly called there, were obliged to protest against his Incroachments upon the Magistracy in that City. He turned out several of the Presbyterian Ministers, who had been connived at in their Charges before his Accession; such as Mr. *William Hamilton* Minister at *Glasford*, in the Shire of *Lanerk*, and others. His Underlings, especially those consecrated according to the foreign Forms, were vigorous Instruments in helping forward his Cruelties and Oppression of the Country; and many of the Severities this Year, were in the Bounds of his Archbishoprick.

He oppresseth the City of *Glasgow*.

This Spring Sir *James Turner* makes a Third Visit to the Presbyterians in the West and South, and it was the severest Visitation they yet felt. Now the Curate, with Two or Three of Sir *James's* Soldiers, fined whom they pleased, and made their Exactions as large as they would. Their Severities the former Years were mostly upon the common People; but now the Gentleman must pay, if his Lady, Servants, or Tenants, were not exact in their Attendance on the Incumbent's Sermons. The Tenant must be oppressed if his Landlord withdrew, though he and his Family attended closely. The Widow, the Fatherless, the old and infirm are not spared; the Poor must beg to pay their Church-fines. The Meat is snatched from the innocent Childrens Mouths, and given to the Soldiers Pleasure-dogs. Many Houses were quartered upon, till all the Substance was eaten up, and then the Furniture is sold or burnt.

Sir *James Turner* oppresseth the West and South, and his Soldiers exact Fines for Absence from the Church.

Thus Multitudes of poor Families were scattered, and reduced to the last Extremity. If any complained to the Officers, of the illegal and barbarous Procedure of their Soldiers, they were beaten; if to the Statesmen, they were neglected. It was said, some of our Noblemen at this Time, were so far wearied of the merciless Methods of the Prelates, that they appeared very little careful how odious they rendered themselves. Indeed, if the Bishops were formerly hated for their Perjury and Profaneness, every merciful and ingenuous Man now loathed their cruel and unrelenting Temper; and their own Practices did them a great deal more Hurt than all the Field-meetings, and Preachings in Houses privately, were capable of doing.

Multitudes thereby reduced to great Straits, and the Prelates rendered the more odious.

In a few Weeks the Curates and Soldiers gathered upwards of Fifty thousand Pounds *Scots* from the West Country, precisely for their Nonconformity. The prodigious Sums extorted in the South of *Scotland* about this Time, are set down in *Nephtali*, and I shall not resume them here: Only the Reader who hath Time to bestow upon those Things, will find a Letter from a Person of good Note in the South to his Friend at *Edinburgh*, with an annexed Account of the general Sums, and particular Instances of Oppressions. App. N^o. 2. I have some Ground to think the Copy I have may be an Original, taken by a worthy Person employed to draw this Account from the particular Parishes; and so I have annexed it, as that from which the Account in *Nephtali* is perhaps taken.

Fifty thousand Pounds *Scots* uplifted from the West, and great Sums from the South, with a Letter and general Account of these last. App. N^o. 2.

Another Kind of Fines exacted this Year, to complete the Misery of the poor Country, were those imposed by *Middleton*, in his Second Session of Parliament, of which above: The Payment of those was suspended from Time to Time, till *Middleton* was turned out. A little after, as we have seen, they were divided into Two Moieties, and a Day assigned for the Payment of the First. Some who were able, and well informed of the Hazard of Delays, paid the First Share, and got their Discharge; but a good many others did not. At length a Proclamation comes out, ordering all to pay the whole Fine imposed against the ---- Day of

The Fines imposed 1662. likewise exacted this Year.

1666. of this present Year; and the Council remit it to the Commissioner the Earl of *Rothes*, to take his own Way to collect the Fines.

The Method used to uplift them.

His Method was this: The Troopers of the King's Guard are ordered to different Parts of the Country, especially in the West and South, where most of the fined Persons were, with Lists of those from whom they were to uplift such and such Sums. The Gentlemen of the Guard were commanded to take free Quarters in the Houses of all in their Lists, till they had paid to the utmost Farthing. With these severe Orders, a new Snare was added further to corrupt the Country; any who would take the Oath of *Supremacy*, and subscribe the *Declaration* openly in any Court, had the Half of the Fine remitted, as had been concerted last Year; and such who had no Latitude for those, must have the whole exacted with the utmost Rigour.

Many pay these Fines, and Riding-money also to the Soldiers.

Through the West and South, Multitudes were obliged to pay the Whole, yea, much more. Noblemen, Gentlemen, and Commons, when the Troopers came to their Houses, if they had not the Money, went presently and borrowed it, and gave it them: But this was not all, they must go to *Edinburgh*, and report their Discharge, and when there, satisfy the Troopers over and above. This was called *Riding-money*; and sometimes the *Riding-money* was as much as the Fine it self to the common Sort. No Excuse was sustained, but the taking the foresaid Oath, and the subscribing the *Declaration* before the Day prefixed in the Proclamation. This few complied with, as contrary to their Principles and Conscience: So that the uplifting of these Fines, as well as those for precise Nonconformity, was undoubtedly Persecution for Conscience Sake, as well as a most arbitrary and illegal Imposition in its own Nature. Some offered to abide a Trial at Law, as being free from all Acts of Rebellion, which, as we have heard, was the Pretext of the imposing the Fines, and to renounce all Benefit by the King's Indemnity. This seems indeed to be allowed in the Act of Parliament, but would not be received by the Soldiers; all must pay.

Such who pay them not are imprisoned.

Such who could neither entertain the Troopers, nor command the Money required of them by the *Act of Fines*, were straightway haled to Prison, where not a few lay a considerable Time at the King's Charges: And so great was the Poverty many were reduced to by such Measures, that the Troopers, when they met with a Beggar in their Way, would ask in a Jest, *If he were fined*.

Most Part of the Sums imposed by the Parliament were fully exacted; and for them I refer the Reader to the List given in the First Book. I find Discharges under Sir *William Bruce's* Hand, for the Payment of Six hundred Pounds by *Alexander McTier* Merchant in *Stranrawer*, and *Patrick Kennedy* late Provost there, yet remaining, of the Date of *April 1666*. And that the Reader may see their Form, I have insert a Copy of Sir *William's* Discharge to *Walter Stuart* in *Linlithgow*, a pious and good Gentleman, Father to the present *Walter Stuart* of *Pardivin*, from the Original, communicated to me by the last named worthy Gentleman.

Form of the Collector's Discharge to such as paid.

I Sir *William Bruce* of *Balcaskie* Knight, Clerk to the Bills, and by the King's special Warrant appointed his Majesty's Receiver of the Fines imposed by the Parliament assembled at *Edinburgh* the 9th Day of *September*, 1662 Years, grant me by thir Presents to have received from *Walter Stuart* in *Linlithgow*, the Sum of Six hundred Pounds *Scots* Money, and in complete Payment of the Second Half; and in full and complete Payment of his whole Fine laid on him by the said Parliament, and discharge him thereof: Consenting thir Presents, &c. In witness whereof I have subscribed thir Presents at *Edinburgh* the 5th Day of *March*, 1666. before thir Witnesses, &c.

James Kennoway Witness,
Robert Stuart Witness.

W. BRUCE.

The Fines applied to pay the Army.

Vast were the Sums exacted at this Time; and the Collector of the Parliamentary Fines, though formerly a Person of a broken Fortune, came to buy an Estate, and build a sumptuous House. Our Managers thought to have divided these Spoils among themselves, each Party, when in Power, looked on them as theirs; first *Middleton* and his Dependents, who imposed them, and then *Lawderdale* and his Party, who uplifted them: Nevertheless, both missed their Aim, and Bishop *Sharp* out-witted them both; and within a little, they were by the King's Orders applied to the Payment of the Army, we shall hear, was raised at his Instance.

The Archbishop goes to Court, and prevails to get a standing Army.

When Things are thus ripening very fast towards Confusions in the Country, the Primate posts up to Court, and must have his Hand in bringing Matters to an open Rupture. The High Commission was now dissolved, and in room of that, some other Method must be fallen upon to advance his odious Designs. No Way was now left, but that of Violence, which was not disagreeable to his haughty and proud Temper. Accordingly he proposeth a standing Army in *Scotland*, to bear down Presbyterians, and cut their Throats, when many of them were

were now impoverished as much as was possible: At least he hoped, this would force them to Extremities, and then, under the Colour of Law, he would see his Desire upon them.

The King is prevailed upon to fall in with his Proposal, and gives Orders to levy an Army for guarding the Prelates, executing arbitrary Commands, and suppressing the Phanaticks. *Thomas Dalziel* of *Bimms* is made General, a Man naturally rude and fierce, who had this heightened by his Breeding and Service in *Muscovy*, where he had seen little but the utmost Tyranny and Slavery. *William Drummond* Brother to the Lord *Madertie*, a Person some more polite, and yet abundantly qualified for the Work in Hand, being many Years in the *Muscovite* Service with the former, was made Lieutenant-general. Two Regiments of Foot, and Six Troops of Horse are raised. The First is given to the General, the other to the Lord *Newburgh*; the Troops are bestowed on Duke *Hamilton*, Earls of *Annandale*, *Airly*, *Kincardin*, and others.

Those, with the Guards, and the Earl of *Linlithgow's* Regiment, made up about Three thousand Foot, and Eight Troops of Horse, a sufficient Number to serve the Prelates violent Designs. All were ordered to obey the General, without asking Questions: And this Army is to be maintained from the Fines collected, and to be collected, and the General is to count with the Exchequer for every Farthing of them. Thus the Scheme is laid above.

The War with the United Provinces continuing, as likewise with *France* and *Denmark*, upon the 8th of *June* the Council issue a Proclamation for a Fast; which, being much in the same Form we have already seen, I do not insert. It was penned by the Bishops, and has this remarkable Turn in it. 'We having great and eminent Experience of the Assistance of Almighty God, whose Protection and Favour, after keeping a solemn Day of Fasting and Humiliation, we have implored, and upon this great Occasion, finding that the renewing of the same may move Almighty God to continue his Favour.' Which some at that Time thought too great a Compliment paid to the last Fast, considering the Nature of the Victory obtained, as also to this, which was observed the Second *Wednesday* of *July*, in the South, and the Third *Wednesday*, in the North-side of the Water of *Esk*.

At that same Diet the Council are importuned by the Bishops, to do something further in order to corrupt the Youth. Accordingly I find this Act in their Books.

THE Lords of his Majesty's Privy Council considering, That before the Beginning of the late Troubles within this Kingdom, no Scholars were admitted to Colleges or Universities to receive Degrees, or the Name of the Master of Arts, till they first took the Oath of Allegiance, and that the Practice of that necessary Duty, hath not for many Years been in Observance; yet it may be of most dangerous Consequence, that any should be admitted to receive Degrees, whereby they may be fitted and qualified to serve in Church or State, except they be such as are content to give Evidence of their Loyalty: Wherefore the said Lords have discharged, and hereby do discharge all Masters, Regents, and Teachers in Universities and Colleges, to laureate, or admit to Degrees, any of their Scholars, till first they take the Oath of Allegiance: And recommend it to the Archbishops and Bishops to see this Act receive due Obedience within their respective Bounds.

Remarks have been made formerly upon Acts of this Nature; and I shall only now add, That I can find no Instances of this Oath's being imposed in *Scotland*, but when Prelacy was in the Church.

Unto this Incroachment upon Universities, I may add another upon the Royal Burghs. Upon the 13th of *September*, the Council send a Missive to the Town of *Air*, signifying, It is their Pleasure, That Provost *Cunningham* be continued this Year also, as he was, by their Orders, the last; and 'tis signified to the Town, that Obedience is expected. The Letter is signed *St. Andrews*, who now almost always presides in the Council.

The Royal Burghs have likewise a Letter sent to each of them, ordering them to send in to the Clerk of Council the Declaration appointed by Parliament, signed by all the Members of their Town-council and Magistrates, since the last Returns were made: And Letters of the same Nature are writ to the Sheriffs and Justices of the Peace in each Shire.

A Letter is sent down from the King to the Council, dated *October 1st*, no question procured by Bishop *Sharp*, if not formed by him. It deserves a Room here, and it is as follows.

Right Trusty, &c.

WE Greet you well. Upon Complaint made to Us of the great Disorders in the Church, and of the insolent keeping of unlawful Conventicles in that Our Kingdom; after Advice from these to whom We thought fit to refer the Consideration of these growing Evils, and fitting Remedies to them, We think now it necessary to require you,

1666.

The Army raised; Two Regiments of Foot, and Six Troops of Horse:

Which, with the Forces formerly in Pay, make Three thousand.

Fast appointed upon the Continuance of the Dutch War.

An Act of Council June 8. discharging University-degrees to be given to such as refuse the Oath of Allegiance.

Remark upon it.

Incroachments made on the Royal Burghs.

Letter from the King, and Proclamation for procuring Obedience to Ecclesiastical Authority, Oct. 11.

1666.

‘to take special Care that the Laws and Acts of State be vigorously prosecuted against all Contraveners, and with greatest Severity against those who are known to be most pernicious Adversaries to the Peace of the Church. As also, That by Act of Council you enjoyn, That all Heritors and Landlords be obliged, and made answerable for their Tenants and Servants living orderly, and not withdrawing from Ordinances, and not keeping Conventicles; and that for that end, they be impowered and required to remove them, if Need be, and that a Remedy may be provided where they have Tacks, or are Rentallers; and Magistrates of Burghs to be answerable for their Inhabitants, who reside within their respective Liberties for the Space of Six Months and upwards. So expecting an Account of this from you, We bid you heartily farewell.’ *Whitehall, October 1st, 1665.*

LAWDERDALE.

Upon this is bottomed the rigorous Proclamation published the 11th of the same Month, entituled, *Proclamation for procuring Obedience to Ecclesiastical Authority*, which I have inserted, *App. No. 3.* as being unreasonable in the statutory Part of it, and what was a Pattern for most Part of their Acts and Proclamations afterwards, and a great Foundation of violent Persecution; yea, it was so far beyond the Council’s Power, that afterwards it was found needful, *ex post facto*, to confirm it by a Parliamentary Authority.

App. No. 3.

Remarks upon it.

In the Narrative it is alledged, The Parliament, by their Act against *Separation*, give the Council Power to do all in this Proclamation; but it will be evident, by a Comparison of the Two, the Council go beyond the Power committed to them. All Masters are charged to see that their Servants give Obedience to all Acts anent Conformity, and keep none in their Service but such as do so: All Heritors, &c. are to see to their Tenants Conformity, and their abstaining from Conventicles, and cause them give Bond for this Effect; and in case of Refusal, raise Letters of Horning against them, and the Escheats thereby falling into the King’s Hand, are given to the Heritors; and if the Tenants who refuse be moveable, that they be ejected, and no new Tacks be given, without Security for Conformity. Magistrates of Burghs are to take the same Method with Inhabitants; and, in case of Contravention, Masters, Heritors, and Magistrates are made liable to all the Penalties of the Contraveners. The unreasonable Hardships in all this need not be exposed; ’tis an excellent Footing for a standing Army to act upon.

Convention of Estates called to support the Army.

Besides the Fines which were anticipated for other Uses, and pretty much pocketed before they came to the General’s Hands, it was found necessary new Burdens should be laid upon the Country for the Support of the Army, in executing this and the former severe Acts obliging to Conformity: And so I find, *November 8th* this Year, a Proclamation issued out for calling a *Convention of Estates*, to raise Money for maintaining the Soldiers in the Defence of the Kingdom. Their Sitting was, for some Time, prevented by the Confusions which just now fell in.

All this paves the way for the Ruling.

By all these Impositions, Incroachments, and terrible Exactions, the Spirits of many came to be embittered, and the common People turned almost desperate. They had been imposed upon dreadfully as to their religious Concerns; and the Civil Government now joyn Issue with the Bishops and their Underlings. *Scotsmen* have ever been impatient under Tyranny, and the Wonder is not great, that after so much Patience, less than they were under did drive them to Extremities. The common People, being glad of any Thing that looked like a present Respite, are soon moved to undertake, though many Times their Undertakings are as much unconstant as they are ill concerted.

However, they wanted not Provocation at this Time: As the religious Rights of the Church are overturned, so the Civil Liberties of *Scotland* are like to be well looked to by a standing Army in Time of Peace! and the best Part of the Kingdom oppressed, in order to maintain it. Our Reformation is broke in upon, and Liberty and Property taken away. The more knowing and prudent were silent in this evil Time, and yet under the greatest Fears and Apprehensions what would be the End of those Things. The common People were disposed to take any probable Course to get from under their sad Burdens; and yet all this Year, Things went on very smoothly till *November*, when fortuitously, and without any Concert, the Gathering of the oppressed Country began, which made so great a Noise, and afterwards proved a Handle of heightning their Miseries. The Account of this I come to give in the next *Section*.

ordinary Proclamation; and whether it was afterwards improven by the Primate, for justifying his Severities on the Persons who were taken Prisoners, I know not: But Sir George Mackenzie would from this palliate the Execution of those good Men, after Quarter given by those who took them. But the Terms given posterior to this Proclamation, by such who had the King's Power lodged with them, fairly remove any Thing that could be in this Deed of the Council: And if the Proclamation was emitted with Designs to be a Cover to such a Villany, it was not unlike the Temper and Cunning of him who was now at the Head of the Council.

1666.

The same Day they pass another Act, inserted App. No. 6. To put the Country in a Posture of Defence, and require all the King's Subjects to assist the General with all their Power. This was of some more Influence, and made many joyn the General, and some against their Light and Conscience; *The Fear of Man causeth a Snare*. And further, they discharge all Passage at the Six Ferries between *Leith* and *Stirling*, and order all Persons who pass *Stirling* Bridge to be narrowly examined. This was to prevent some Persons from *Fife* and the *North*, who were under sore Burdens, and ready to have joyned the People in the South.

Council's Act that same Day for Defence of the Country. App No. 6.

Next Day, the 22^d, the Council order all suspect Persons to be seized, and examined; and write to the General, acquainting him with what they had done, and desiring his Advice as to any Thing yet necessary to be done.

All suspect Persons ordered to be seized.

To return to the People who rose at this Time; after they had seized Sir James Turner, and were now determined to defend themselves, some were sent into *Edinburgh*, to see what Assistance they might expect thence; and I suppose Mr. Alexander Robertson, a Preacher, a zealous and resolute Man, was consulted, and his Son one of the Messengers: At least I find, it was in his Chamber a considerable Number of Ministers, Gentlemen, and others met that Night the Accounts came from *Dumfries*, to consider how far it was their Duty to joyn those now risen. Reasonings *pro* and *con* were so protracted, that no Resolution was come to the first Night. To Morrow at Seven of the Clock, they again met at Mr. Robertson's Chamber. When the Question was resumed, it was generally thought to be very hard to lie still, and do nothing at such a Juncture, when so fair a Door was opening; and they could not think of seeing their fellow Countrymen oppressed and born down for their Religion and Liberty, and in so much Hazard, without helping them, especially when all Methods of regular and orderly Application to the Government, were stopt and precluded. I hear Ferguson of Kaitloch, afterwards a very great Sufferer in his Person and Family, was at this Time unclear as to Rising in Arms: But the rest of the Meeting, generally speaking, were very clear to assist these People for recovering their Liberty; such as Colonel James Wallace, Mr. John Welsh, the said Mr. Robertson, and others.

The People who had taken Arms send some of their Number to *Edinburgh*, where, after Consultation, several Friends resolve to joyn them.

It would be tedious to go through all the Essays made up and down, to get Assistance to the People in *Galloway*. Colonel Wallace resolves immediately to go Westward; he was assured Forty well mounted Men and Horse would joyn him in the Parish of *Libbertown*, but they sunk to Seven or Eight. Indeed it was no Wonder People were not so very forward to joyn in this Undertaking, so suddenly entred into without any general Concert; especially if we consider, that the Spirits of People were sunk, generally speaking, under heavy and rigorous Vexations and Burdens.

Colonel Wallace goes West, and meets with few to go with him. The Reason of People's Backwardness.

With those the Colonel made the best of his Way to *Lintoun*, and from thence ordered off Mr. Robertson towards *Leismahago*, to dispose People to joyn with him when he came thither; but he met with small Encouragement. Thereabouts the Colonel came with his Men, and rested upon the Sabbath. Next Day they had Notice that William Lockhart of Wicketshaw, with a Party of Carlouck Men, and some others, were marched Westward to the main Army, and so they followed them. In the Road the Colonel called at Captain Robert Lockhart's House, expecting Mr. Alexander Robertson there, according to Appointment, but the Captain and he were gone forward. When they came to *Evandale*, they had the first Accounts of the Laird of *Blackwood*'s desiring to meet with the Colonel, and to understand his Design and Motions. The Colonel being uncertain of his Character, did not wait, but went Westward; and in their Way to *Mauchlin*, he overtook Captain Arnot, Brother to the Laird of *Lochbridge*, and a few Men with him. They lodged all together at *Mauchlin*, on the Tuesday's Night.

Wicketshaw and some Carlouck People,

Captain Robert Lockhart,

and Captain Arnot go to the Army.

When there, they are informed their Friends were all gone forward to *Air*, and thither they resolve to go. Their Hopes were here mightily disappointed; they expected to have found all that Country in Arms for Religion and Liberty, but very few were stirring. They reckoned much upon Major General Montgomery, who had been harshly enough treated by the Government, and the Laird Gadgirth; but find they were both at *Eglintoun* House waiting upon General Dalziel. Several Ministers, they were made to hope would joyn them, were living quietly in their Families. This very much offended the Colonel and his Friends, and discouraged them, when they found many whom they judged Friends, as they reckoned the most Part of that Country, standing by unconcerned. Mean while, their Friends were likewise grieved and mourning for their Undertaking, looking upon it as very sudden, unad-

Many whom they expected to joyn, do not, particularly Major General Montgomery and Gadgirth.

1666.

In Galloway
they increase
to Three hun-
dred.

The Accounts
of the Rising
come to the
Council,
Nov. 16.

who send up
an Express to
Court:

And write Let-
ters to the
neighbouring
Noblemen to
joyn the Army
they were
sending to op-
pose the Coun-
try-people.

General Dal-
ziel ordered
West, and a
Letter writ to
the Commis-
sioner.

App. N^o. 4.

Council's Act,
Nov. 19 for
securing the
Town of E-
dinburgh.

New Orders
given as to
the Country
near the Place
of Rising.

Proclamation
against those
in Arms in the
West, Novem-
ber 21.
App. N^o. 5.
Remarks up-
on it.

The Time
fixed in it un-
accountably
short.

Such was the Beginning of this Insurrection, an occasional Tumult upon a sudden Fray never thought of till it began. I am told, the Person who seized Sir James, was Andrew Gray Merchant in Edinburgh, accidentally in the Country at this Time about his Business: He left them very soon, as did many others; yet so many of them kept together with Sir James their Prisoner, as were the Beginnings of the little Army which was a gathering. Galloway had suffered most, and the Oppression there was the Beginning of the Quarrel; yet, while they continued there, their Numbers were very small, not exceeding Three hundred Men. Indeed divers worthy Gentlemen and Heritors joyned them.

By the Council-records I find, that upon November 16th, appeared before them at Edinburgh, Steven Irvine Bailie of Dumfries, and gave Information of 'an Insurrection by a considerable Number of armed Men; and declared he saw — Neilson of Corsack, Mr. Lellan of Barscob, Mr. Alexander Robertson a Minister's Son, ——— McCartney of Blaiket, and James Callum Glover in Dumfries.'

This surprizing Account put the Bishops, and Managers at Edinburgh, into a terrible Fright; and an Express is sent up to Court in all Haste. The Commissioner Rothes took Journey to London, to receive his Instructions with relation to the Convention lately indicted to meet at Edinburgh, a Day or Two before the Countrymens Attempt at Dalry. The Council's flying Packet reached the King before him. When the Earl had waited upon the King, and received from his Majesty the Account of what the Council termed a most horrid Conspiracy, he was perfectly stunned, and could scarce credit it.

Joynly with this Express to Court, the Council write Letters to the Earls of Annandale, Galloway, Kilmarnock, Glencairn, Cassils, and Lothian, the Lords Drumlanerk, and Newbattle, and Sir Gilbert Eliot, 'signifying, That upon an Information of a Rising in Arms, in or near the Places they were concerned in, they were to order the King's Forces to march towards the Rising; and in the mean time they expect they will do all they can to maintain the Peace, and concur with, and support the Forces, when they come.' Signed, St. Andrews.

Next Day, the Council meet again, and order General Dalziel, with as many of the Forces as he can, to march to Glasgow, and from thence to the Place at which he shall hear the Insurrection is come to any Head. And mean while, the Guards of the Town of Edinburgh are doubled, and the Names of all the Lodgers are ordered to be immediately given up. Likewise they write a Letter to the Commissioner, giving an Account of the Rebellion. I have inserted it from the Registers, App. N^o. 4.

The better yet to secure the Metropolis, upon the 19th of November, the Council make this Act. 'Considering the Necessity of securing the Town of Edinburgh, from all Attempts of rebellious Persons, ordain the Magistrates of Edinburgh, Canongate, and Leith, and other Places within their Liberties, to cause the Officers of the several Companies inroll all the Soldiers under their Command, and all of them, Officers and Soldiers, to give their Oath to be true and faithful to the King, and that they shall defend his Authority, and maintain the same against this Insurrection and Rebellion, and all others, to the Hazard of their Lives and Fortunes: And if any refuse, that they be presently disarmed, their Persons secured, and the Council acquainted with their Names.'

And as to the Country round the Place where the Rising was, the Council again write to the Earl of Annandale, Lord Drumlanerk, and several others, 'impowering them to convocate their Followers, and with them to preserve the Peace of the Country, and to attack the Rebels.' Likewise, upon the other Side, they send Letters to Fife, directed to the Earl of Weems, Lords Newark, Melvil, and Burleigh, 'to come in with their Friends and Followers, with Horses and Arms, to defend the Town of Edinburgh, that so the King's Authority may be defended from rebellious and disaffected Persons now in Arms.' Signed, St. Andrews. In the Commissioner's Absence it fell to the Primate to preside in Council; and being now a Time of War, several of the Lords grumbled very much, and spared not to say openly with Oaths, *Have we none in Scotland to give Orders at such a juncture, but a Priest?*

Upon the 21st, they issue forth a Proclamation against the Rebels in Arms in the West. It is inserted App. N^o. 5. and order the General to publish it, and see that it be executed with all Care.

This Proclamation contains no Promise of Indemnity in it, upon laying down of Arms, nor any Encouragement to People to do so; as is usual in such Cases. Whether this proceeded from Haste, or from the cruel Disposition and Designs of their President, I am not to determine: But 'tis evident enough, this was upon the Matter to command the People to come to the Scaffold, and to require them to submit to the Severities of the Prelates, who were the Fountain of all their Miseries, and to subject to the Cruelty of the Army, whom they had affronted: And such a Proclamation could have little other Effect, but to embolden the poor Men, and let them see they must either go through what they had begun, or die.

Twenty four Hours after the Date of the Proclamation are only allowed to them to submit, which was too short a Time for its reaching Galloway; and I think the Country-people were scarce come to Air Shire as yet. It is not improbable there were Views in this extraordinary

encouraged them to this Enterprize, and promised Assistance should fail, they could not help it; they were in the Way of their Duty. And as for themselves, if their Design misgave, they could say, It was in their Heart to *build a House to the Lord*, and to act for the Glory of God, and the Cause of Religion and Liberty, and were not unwilling to die Sacrifices for these; yea, they reckoned a Testimony for the Lord, and their Country, was a sufficient Reward for all their Labour and Loss. Thus the Proposal was laid aside, though it came from Persons who were heartily Friends to their Cause and Designs.

The Council of War had other Two Questions before them: One was anent the renewing the *Covenants* these Lands y under, as soon as possible. Unto this all went in most unanimously: All of them, generally speaking, had taken them before, with Knowledge and Relection; and this Work was now burried, and scandalously treated. Indeed they could have wished for more Time to prepare for that solemn Work, and more Persons of all Ranks to joyn in it; but now they had not their Choice, and behoved to do Things as they best could, and not still as they desired. And hereby they inclined to give a Proof to the World, that their Cause and Principles were the very same with those of the Church of Scotland, before her Liberties were wrested out of her Hand: And they knew no better Preparation for Death, if called to it, than a solemn Resignation and Dedication of themselves to the Lord.

The other Matter under their Consideration they were not altogether so harmonious in; What to do with Sir *James Turner*? whom they still carried about with them since they left *Dumfries*, being Masters of no Prison to put him in. Some were for putting him to Death, as being notoriously guilty of Murder, and a bitter and bloody Instrument of Persecution: But the most Part were peremptorily against this. Those acknowledged Sir *James* had been a grievous Oppressor, and the Occasion of the Death of many; but then they would have it considered he was a Soldier of Fortune, and had his Commission for any Thing he did. Yea, I am told, That Sir *James* produced Letters from the Bishops and others, with his secret Instructions and Orders for a great deal more than he had done; and that he really appeared to have been pretty moderate even in his Severities, when his Actions were compared with his Orders which he produced, and repeated Letters from the Prelates. Whatever he in this, moderate Measures prevailed; he was spared, and carried forward with them.

Sabbath Morning they marched to *Lanerk*, through *Leshnabago*. In the Way, *Knockbreck's* Two Sons, with some few from *Galloway*, overtook them, and signified, No more were to be expected from the South. At Night they came to *Lanerk*, and set their Guards and Watch, and ordered their Men the best Way they might, and appointed Officers, of which they were very scarce, to every Company. This Night it was intimate to the People of *Lanerk*, that they designed to renew the *Covenant* in that Place to Morrow. It might have been expected this would have engaged the People thereabouts to joyn them; but such a Terror at this Time was upon the Spirits of the Country, that few or none of their best Friends durst or would appear.

To Morrow Morning they were alarmed with the Accounts, that General *Dalziel* was within a few Miles of them: Upon which some were for delaying the Renewal of the *Covenants*, but they were overruled; and so, after they had sent out their Scouts, and set Watches, the Work was begun. They could not easily, with the Townsmen, and Country about, be all in one Place, and so they divided into Two Companies. The Foot gathered together upon the high Street of *Lanerk*, and Mr. *John Guthrie* Minister at *Tarbolton* preached unto them. There is an incorrect Sermon of his printed, upon *Breach of Covenant*: The Title of it bears, It was preached in the 1663. Whether it may not be some Notes of the Sermon at *Lanerk*, as some conjecture, I know not. After Sermon he read the *Covenants* unto them, to which, with uplifted Hands at every Article, they engaged, with much Affection and Concern. The Horsemen met at the Head of the Town, and Mr. *Gabriel Semple* and Mr. *John Crookshanks* preached. In his Sermon Mr. *Semple* cited, and at some Length applied *Prov. 24. 11, 12. If thou forbear to deliver them that are drawn unto Death, and those that are ready to be slain; if thou sayst, Behold, we knew it not; doth not he that pondereth the Heart, consider it? and he that keepeth thy Soul, doth not he know it? and shall not he render unto every Man according to his Works?* When he was insisting upon these Words, the Hearers were mightily affected, and several did afterward joyn the Army. After Sermons the *Covenants* were read and sworn, as above.

At this Time, as I suppose, the principal Persons among them drew up, and agreed to a short *Manifesto*, and *Declaration* for present Use, with a View to draw up a fuller and larger one afterwards. A Copy of this Paper lies before me; but, wanting a Date, I cannot be positive when it was drawn up: And it being but short, I shall here insert it.

Declaration of those in Arms for the Covenant, 1666.

THE Nature of Religion doth sufficiently teach, and all Men almost acknowledge the Lawfulness of Inself Self-defence; yet we thought it Duty at this Time to give an Account unto the World of the Occasion and Design of our being together in Arms, since

1666.

They resolve to renew the National Covenants.

Their Debates what to do with Sir *James Turner*.

They march to *Lanerk*, where they intimate their Design of renewing the Covenant to Morrow.

Method of their going about this Work.

Mr. *John Guthrie* preaches to the Foot:

Mr. *Semple* and Mr. *Crookshanks* to the rest.

Declaration of those in Arms, 1666.

1666.

Colonel Wallace joins the Army now come from Galloway, at the Bridge of Dun.

Where, hearing that General Dalziel with his were at Glasgow, they march to Ochiltree, where they first modelled themselves.

There the Council of War resolve to march eastward towards Edinburgh.

They march to Cumnock.

Council's raising all the fencible Men in Renfrew, Lanerk, and Air.

From Cumnock the West-country Army come to Muir-kirk of Kyle, through many Discouragements.

Mr. McCormock moves in the Name of many the dissuading the Army.

They march forward to Douglas, where the Reasons for scattering themselves,

and for continuing in Arms, were considered by the Council of War:

And they resolved to keep together.

vised, and unconcerted; and fearing, that in the Issue it might prove unsuccessful and hurtful.

However, the Colonel and his Men march on to *Air*, and find the Body of the Forces come from *Galloway*, and such who had joyned them since, rendezvousing near the Bridge of *Dun*; and when he is going towards them, a Messenger comes from *Cunningham*, with Accounts, bearing, that a considerable Body of Men were ready there to join them, if they had one to gather and head them. Whereupon he sent off Captain *Arnot* with Forty Horse, to encourage and bring them up; and he himself, with the rest, joyned the general Rendezvous.

Upon the *Wednesday*, there they had certain Accounts, that *Dalziel* and his Army lay at *Glasgow*, and so they resolved to Morrow to march to the Parish of *Ochiltree*, and have another general Rendezvous there, where Mr. *John Guthrie* Minister at *Tarbolton* came to them, with some Men from that Parish. When they were all come to the Place of Meeting, Mr. *Gabriel Semple* preached to them. And here they first modelled themselves into an Army, choosing their Officers, and disposing their Men to the best Advantage, and placing their Guards.

At *Ochiltree* they convene their first Council of War, and, after Application to God by Prayer, and reasoning upon their present Circumstances, it was resolved, That since they could expect little more Assistance from the South or West, except Captain *Arnot's* Company, that they should march Eastward to *Edinburgh*, especially since they were apprehensive the Enemy might attack them, if they continued much longer there, and that before they had got all the Assistance they expected.

So they marched Eastward upon the *Friday* to *Cumnock*, and there got the Accounts that one of their Friends *John Ross*, and a few Men with him coming to them, were intercepted and broken by Duke *Hamilton's* Troop, and that the Enemy was approaching them; and indeed the Council were not wanting in raising the Country, as well as sending the Army upon them.

Accordingly, I find one Act in their Register, *November 23^d*, *Act anent the Shires of Renfrew, Lanerk, and Air*. Its Tenor is, 'Forasmuch as the Insurrection at *Dumfries* and the western Shires, is grown to an open Rebellion, and the Number of desperate Rebels increaseth, these are to order out all fencible Men in *Renfrew, Air, and Lanerk* Shires; and all who are absent from the general Rendezvous are to be noticed, and apprehended.' The same Day Rendezvous are appointed in *Midlothian, Eastlothian, and Teviotdale*: And Colonel *Hurry*, and Major *Thomson*, with the Forces under their Command, are appointed to keep Guard in the *Canongate*.

Upon these Advices, the little Army marched from *Cumnock* that Evening, forward to the *Muir-kirk* of *Kyle*, in a most dreadful Rain, and through a long Muir miserably deep. They reached not their Quarters till Two Hours within Night. Great were the Hardships they came through, they were generally as wet as they had been dragged through a River: And wet as they were, their Foot behoved to lodge in the Church, without any Meat that Night, and little Fire to dry them.

Here Mr. *Andrew McCormock*, an *Irish* Minister of great Piety, commonly called the *Good-man*, came to Colonel *Wallace*, now chosen Commander in Chief, and acquainted him, It was the Opinion of Mr. *Alexander Robertson*, and Captain *Lockhart*, who it seems had been very unsuccessful in their Endeavours for Assistances to the Colonel, hat this Rising should be followed no further, but the People dismissed in the fairest Way that might be. The Proposal was communicated to Mr. *Gabriel Semple*, a Minister of very great Authority among them, and urged with all Earnestness. Nothing could be concerted that Night, and to Morrow, being *Saturday*, they marched to *Douglas*, and towards *Lanerk*. By the Way Captain *Arnot*, with his *Cunningham* Supply, came up with them. Two hundred had been promised, but they scarce amounted to Forty.

At *Douglas*, after they had set their Guards and Watch, they called a Council of War, anent the Proposal made by Mr. *McCormock*. After Prayer to the Lord for Direction in that Matter of great Importance, the Question was stated, Whether they should scatter, or continue in Arms? The Reasons offered for giving up this Enterprize, from the Strength of the Enemy, the Smallness of their Numbers, the Dispiritedness of the Country, and the present Unfitness of the Season for Action, were all considered; the Opinion of the Ministers they had with them was heard, and then the Officers gave theirs.

All of them, after Reasoning, agreed, That they had a clear providential Call to this Undertaking, and that they could not quit it till they had as plain a Warrant to desist, as they had to gather together. They were conscious to themselves, nothing was in their View, but the freeing themselves and their Country from the horrible Oppression they groined under, and to lay their Grievances before the Government, and humbly to crave Redress, which they had Access to do no other Way but in Arms.

They perswaded themselves, the Lord could work by few as well as by many, and hoped they were a Handful of Men in whom the Lord would concern himself; and if such as had encouraged

Mean while, all the Country was in Motion; every Sheriff mustered the Heritors and sensible Men, and all appeared ready to suppress this open Rebellion, as it was termed. Reports and Lies were spread to alarm the Country, and stir them up against the People now in Arms. It was pretended, Forty Ships with an Army from *Holland*, were landed at *Dumbar* to assist the Whiggs. Such senseless Stories were coined to render this small Handful odious to the Country, and especially to *England*, who at present were in War with the *Dutch*. However, as our Proverb runs, *After Word comes Ward*; the first Assistance ever this contending Party for our Religion and Liberty got, and their first Relief was from *Holland*, some Twenty two Years after this.

Let me now take a further View of the Council's Procedure at *Edinburgh*. Upon the 26th of *November*, they order some suspected Persons in *Teviotdale* to be secured; their Names are not in the Registers. Ten Pounds *Sterling* is ordered out of the Exchequer, for paying of Horses to be sent out Morning and Evening to get Intelligence. The Arms in the Castle of *Edinburgh* are put in Order, and some of them sent to *Stirling*. Cannon are brought down from the Castle, and fixed at the Gates of the Town. The Gates are ordered to be shut, and none permitted to come in or go out, but such as had a Pass; for which end, Guards are set at every Gate. No Horses are permitted to go off the Town; and Orders are issued out, that a great many Lances and Pole-axes be immediately made, for the Use of the Government, at *Culross*, *Dumfermling*, and other Places.

November 27th, a Letter, from the King to the Council, comes, approving their Diligence in what they had done, and promising further Instructions very quickly with the Communion, and suspending the putting in Execution an Order lately sent from Court, for taking and subscribing the Declaration; of which I know no further than what is expressed in the Letter, which I have added, App. N^o. 7. But it would seem the Court began to be sensible, that the violent Obtrusion of the Declaration, and other Impositions, had exasperated the Spirits of the Country, and put them upon rising in Arms; and were willing to desist from these, at least at this present Juncture.

The same Day the Council write a Letter to the Earl of *Roths* at *London*, signifying, 'That the Rebels are advancing to *Edinburgh*, and some of them come near *Torphichen*, and their whole Body not far off; that they are determined to maintain the Town. Their Numbers are said to be about Three thousand; their Commanders are Colonel *Wallace*, Colonel *Gray*, Major *Lermont*, and some others of no great Note; That by their last Letters from General *Dalziel*, they find the Rebels shun an Engagement; That the General thought to have attacked them in *Mauchlin-muir*, but they marched Eastward to *Douglas* Castle, near which they continued upon Sunday; That Yesterday they were at *Lanerk*, and the General was following them hard.' But they take no Notice of the King's Letter, which this Day they receive, and is recorded before theirs to him, being unwilling as yet to suspend the Declaration.

That same Day the College of Justice formed themselves into a Company, for Defence of the Town, and had Arms distributed to them out of the Castle; and for the further Security of the Metropolis, the Heritors of the *Merse*, *Teviotdale*, *Tweddale*, and the Forest of *Eterick* were called in.

Munday after Noon, *Dalziel* with his Army came up to *Lanerk*; ere Colonel *Wallace* and his Men left it, they were within View of *Stone-byres*. Now the poor Countrymen had little Time to deliberate: To march Eastward, looked like a plain Flight, the General following close upon their Reer; yet, chiefly upon the Suggestions of some of the common Soldiers among them, that *West-lothian* would joyn them, and some Hopes that the City of *Edinburgh* would receive them, they resolve to go Eastward, and to be at *Bathgate* that Night. A worse Step perhaps could scarce have been taken by them; this being plainly to run into a Net betwixt Two Armies, and on the Sword-point. No Friends were at *Bathgate* to meet them; *Edinburgh* was all up against them, and Sir *Andrew Ramsay* the Provost is mighty active, and scarce an Advocate but is armed Cap-a-pee, and every Thing there is secured. It is a fatal Thing in such Circumstances to lean to false Intelligence; thereupon groundless Hopes are entertained, and unhappy Measures run into.

That Night they came to *Bathgate*, through almost an unpassable Muir, and one of the worst Ways in *Scotland*. The Night was extremely dark, and they reached not *Bathgate* till Two Hours after Day-light was gone, neither was there any Accommodation to be had there for Men wet and weary, and almost spent with Fatigue. About Eleven at Night they had an Alarm of the Approach of the Enemy, and at Midnight were obliged to begin their March towards the *New-bridge*. When they came that length in the Morning, they looked rather like dying Men than Soldiers going to a Battle. It would have almost made their very Enemies themselves to relent, to have seen so many weary, faint, half-drowned, half-starved Men, twixt Enemies behind, and Enemies before.

It was reckoned, they lost that Night near Half of their small Army; and truly, considering the Way, Season, and Weather, it was a Wonder the Half of them got through: Yet, after all, they still entertained some Hopes from their Friends in the good Town; and so resolve

1666.

The Country all in Motion against them, and many idle Stories spread.

The Town of *Edinburgh* is in the most fixed, and Lances and Pole-axes ordered to be made.

Letter comes from the King, Nov. 27. suspending the Order for signing the Declaration.

App. N^o. 7.

Council's Letter to the Communion, Nov. 27.

College of Justice form themselves in a Company, and the Heritors of the nearest shires brought in to the Security of *Edinburgh*.

Dalziel comes near *Lanerk*, and the Country Army march Eastward to *Bathgate*, much to their Disadvantage, Nov. 27.

Their ill Circumstances there, and march to the *New-bridge*.

Near Half of their Number left them, the rest march to *Collington*, Nov. 28.

1666.

‘ since the Rise and Scope of Actions, if faulty, may render a Thing right upon the Matter, sinful.’

‘ It is known to all, That the King’s Majesty, at his Coronation, did engage to rule the Nation according to the revealed Will of God in Scripture; to prosecute the Ends of *National and Solemn League and Covenants*; and fully to establish Presbyterian Government, with the Directory for Worship; and to approve all Acts of Parliament establishing the same; and thereupon the Nobility, and others of his Subjects, did swear Allegiance; and so Religion was committed unto him as a Matter of Trust, secured by most solemn Indenture betwixt him and his People.’

‘ Notwithstanding all this, it is soon ordered that the *Covenant* be burnt, the Tie of it is declared void and null, and Men forced to subscribe a *Declaration* contrary to it; Episcopal Government, in its Height of Tyranny, is established; and Men obliged by Law, not to plead, witness, or petition against those Things: Grievous Fines, sudden Imprisonments, vast Quarterings of Soldiers, and a cruel Inquisition by the High-commission Court, were the Reward of all such who could not comply with the Government by *lordly Hierarchy*, and abjure their *Covenant*, and prove more monstrous to the Waiting their Conscience, than Nature would have suffered Heathens to be. Those Things, in part, have been all *Scotland* over, but chiefly in the poor Country of *Galloway* at this Day; and, had not God prevented, it should have, in the same Measures, undoubtedly befallen the rest of the Nation ere long.’

‘ The just Sense whereof made us choose rather to betake ourselves to the Fields for Self-defence, than to stay at Home burdened daily with the Calamities of others, and tortured with the Fears of our own approaching Misery. And considering our Engagement to assist and defend all those who entered into this *League and Covenant* with us; and to the end we may be more vigorous in the Prosecution of this Matter, and all Men may know the true State of our Cause, we have entered into the *Solemn League and Covenant*, and, though it be hardly thought of, renewed the same, to the end we may be free of the Apostacy of our Times, and saved from the cruel Usages Persons resolved to adhere to this have met with; hoping, that this will wipe off the Reproach that is upon our Nation, because of the avowed Perjury it lies under. And being fully perswaded, that this *League*, however misrepresented, contains nothing in it sinful before God, derogatory to the King’s just Authority, the Privileges of the Parliament, or Liberty of the People: But, on the contrary, is the surest Bond whereby all these are secured, since a threefold Cord is not easily broken, as we shall make appear in our next and larger *Declaration*, which shall contain more fully the Proofs of the Lawfulness of entering into *Covenant*, and Necessity of our taking Arms at this Time for the Defence of it, with a full and true Account of our Grief and Sorrow for our swerving from it, and suffering ourselves to be divided, to the Reproach of our common Cause, and sadning the Hearts of the Godly; a Thing we sorrowfully remember, and firmly resolve against in all Time coming.’

Observations upon it.

It is evident this Paper was drawn in Haste, and in the Midst of other manifold Confusions, and yet it contains a very plain and short Stating of their Cause, and a fair Owing of the King’s Authority. The larger *Declaration* which they promise, I have not seen, and question much if they got it perfected before their Defeat at *Pentland*.

At *Lanerk* their Numbers were largest, about Three thousand, and probably it would have been their Interest to have engaged the King’s Army here.

It was at *Lanerk* this rolling Snow-ball was at the biggest, all their Additions they could expect from the South and West being come up to them. Here their Number was judged to be near Three thousand, but indeed a Company of raw undisciplined Men, neither tolerably armed, nor in any Order. It was the Opinion of many, That if they were to engage with the regular Troops, it had been best to have done it here, since after this they melted away very sensibly; and, upon a Supposition of their Defeat, it would have been much their Advantage to have met with it here, where the Country was their Friends. Indeed further East they had very few, and this the Handful who remained felt afterwards. About this Time Major *Kilgour*, and Mr. *John Scot* Minister of *Harwick*, came from the East to have joined them; but, when they observed their Want of Order and Discipline, they quickly left them.

The Laird of *Blackwood* makes some Proposals to them at *Lanerk*, which were not much regarded.

While they were at *Lanerk*, *William Lawrie* of *Blackwood* came up to them. They hoped he was to have joined them, but he undeceived them, and signified he was come from *Duke Hamilton* to commune with them, and to know what they desired, and to prevail with them, if possible, to lay down their Arms. Whether this Message was real, or only designed for their Trial, I know not; but the Gentleman produced no Documents of any Proposals from the Duke, and he took not the Way to do Business, never applying himself to Colonel *Wallace*, or any of the Officers of the Army, but spoke only a little to Mr. *Gabriel Semple*, and quickly withdrew. The Council of War did not take this well, and afterwards wished they had made him Prisoner, since this Method he took, looked as if he had come to get Information of their Power and Numbers.

intreat them to lay down their Arms in Hopes of an Indemnity, which the Duke promised to endeavour to procure. This Gentleman concurred very earnestly with the Duke's Proposal. The Colonel, and these with him, did not think they were out of their Duty, and were much set upon presenting the Grievances they and the Country lay under, in order to have them redressed; and nothing of this being in the Overture made, they could not fall in with it, and dismissed *Blackwood*, signifying they hoped for other Things from him; and came to their next Stage at *Collingtoun*.

When it was too late, there they found, that none of their Friends in *Edinburgh*, or the East-country, would stir: Many were hearty Welwishers to them, but few had Clearness to take up Arms in such Circumstances; and those who had, found all the Avenues stoppt, and could not possibly appear.

Here both their Hopes and Counsels were at an End. When at this Pass, *Blackwood* comes a Third Time, and with him the Laird of *Barskimming*, to renew the former Proposal, withal signifying he had obtained the General's Word of Honour, for a Cessation of Arms till next Morning, and that he had undertaken as much for them.

Finding themselves now very much disappointed, and in a very ill taking, at length they condescend in their Council of War, to name a Commissioner to go back with *Blackwood* to the General, and treat with him in their Name. Their Commissioner being outlawed, *Blackwood* and the other gave it them as their Opinion, that the Gentleman proposed would not be acceptable; therefore they conclude to write to the General, by the Two come from him. The Letter was drawn, and signed by Colonel *Wallace*. I have not been able to come by a Copy of it, but am told it contained a Representation in short of their sad Oppression and heavy Grievances, a Declaration of their Design to apply to the Council for Redress, and their Desire of a Pais for one of their Number, that might represent their Grievances and Desires more fully. They concluded with a Request, that *Blackwood* might return to them with the General's Answer, as soon as might be.

Instead of this, *Dalziel*, upon receiving of their Letter, dispatches *Blackwood* in all Haste to *Edinburgh*, to lay the Letter before the Council, and writes with him his own Sentiments, and an Account of his present Circumstances. How this was received at *Edinburgh*, I have no further Accounts than the following Letter to the General, which I find in the Council-books, dated this Day. It appears to be writ after the Accounts of a begun Action, between the General and Colonel *Wallace* were reached *Edinburgh*: And I insert it here.

Right Honourable,

THE Letter dated at *Killeith* this Day, from the Earl of *Newburgh*, bearing the Letter sent from one *Wallace* to your Excellency, was read in Council, and the Proposals made in that Letter considered, wherewith they are no ways satisfied. And because they seem to ground themselves upon the Proclamation, they have sent one of the printed Copies, whereby it will appear there is no such Thing held forth, as they pretend unto: And all they can expect from it, is, That if they should lay down their Arms, and come in to your Excellency within the Time appointed, they might petition for Mercy. We are glad to hear your Excellency hath now engaged the Rebels, we hope in a short Time to have an Account of them, which shall be welcome News to

November 28th, 1666.

Your humble Servant

St. Andrews I. P. D. C.

Whether the General, by sending this Letter to the Council, had any View of Favour to the Country-people, I shall not determine: But it would appear all was Trick and Amusement, till he should come up with the Colonel and his Men, since no Return was made to them, as they desired, nor the least Hint given them, of the sending their Letter to the Council; and so, notwithstanding of all the Assurances given of a Cessation of Arms, he marches his Army straight toward them.

Colonel *Wallace* and his Men, notwithstanding of this imperfect Sort of Treaty, resolve on the best Retreat they can, for their own Safety, and Sustenance in the mean Time; and turning by the East-end of *Pentland Hills*, they resolve on the Way to *Biggar*. From *Collingtoun* they march to the House in the Muir; and from thence to the fatal Spot called the *Rullion Green*, where they draw up the dispirited Remains of an Army, not exceeding Nine hundred weary spent Men. The Reason of their forming themselves there, was not any View of a Battle, for they were still in some Hope of a peaceable Conclusion, from *Blackwood's* Negotiation; but merely to review the State of their poor Companies, and to prevent straggling.

The Order *Wallace* put his Men in, was this: Upon the Back-side of a long Hill running South and North, he divided his Men into Three Bodies. Upon the South of the Hill there was a low Shoulder, upon the North a high and steep Shoulder. Upon the low Shoulder

R r r

Southward

1666.

comes again with Proposals from Duke Hamilton, which are rejected. With the Reasons of this

At Collingtoun none of them findeth reason in them, and why.

A Third Proposal to them, with an Offer of a Cessation of Arms from the General, till next Day: Which is accepted, and Col. ncl Wallace writes to the General, and desires a Pais for some of their Number.

The General dispatches their Letter to the Council.

Their Return to the General

Mean while Dalziel marches forward to Colonel Wallace

who, with the Country-men had marched to the Rullion Green in Pentland Hills.

The Order in which the Colonel places his Men there.

1666.

solve to march to *Collingtoun*, within Three Miles of it; though they should have known there was an Army at *Edinburgh*, and the General with his Army by this Time was come to *Calders*, within Five Miles of them. Mean while, all Gentlemen and others who have Horses in *Edinburgh*, are by the Council ordered to mount them, and march out, under the Command of the Marquis of *Montrose*, to joyn the General.

Mr. John Guthrie is extremely ill of the Gravel and is carried off.

At *Bathgate*, the 27th, or early on this Day the 28th, Mr. John Guthrie fell into a most violent Fit of the Gravel, to the greatest Extremity a Man could be in, no doubt occasioned by the Cold, and ill Accommodation he had got these Days bypast, and was carried off at the Desire of all present; and so he was not at the Engagement.

The Lairds of *Caldwell*, *Kersland* and *Ralston* and others, design to joyn Colonel *Wallace*, but are hindered.

This Day or *Munday*, a few Gentlemen in *Renfrew* Shire, and their Neighbours, had gathered together a small Company of Horsemen, some call them about Fifty, with a Design to joyn Colonel *Wallace*: But when they were gathering, and a little Way upon their Road, Information was given them, that *Dalziel* was betwixt them and their Friends; and upon this they saw good to retire, and dismiss. The Captain of this little Troop was *William Muir* of *Caldwell*, and with him were *Robert Ker* of *Kersland*, *Caldwell* of that Ilk, the Laird of *Ralston*, *John Cunningham* of *Bedland*, *William Porterfield* of *Quarreltoun*, *Alexander Porterfield* his Brother, with some others. They had with them Mr. *Gabriel Maxwell* Minister at *Dundonald*, Mr. *George Ramsay* Minister at *Kilmarwers*, and Mr. *John Carstairs* Minister at *Glasgow*. The last, I am told, came with them much against his Inclination, and engaged only to obtemperate the Importunity of his Friends, and not till he had reasoned, as far as was proper, against the Project, and very much dissuaded from it.

The Laird of *Blackstoun* at that Meeting, but afterwards a Witness against the rest.

The Laird of *Blackstoun*, in the Shire of *Renfrew*, was likewise with the foresaid Gentlemen, but, it would seem, very accidentally. I am informed, that when they were met at a Country House, one of them saw *Blackstoun* riding by, as was afterwards known, with a Design to have joyned *Dalziel*. Mr. *Gabriel Maxwell* went out to him, and, after some Communing, prevailed with him to joyn with them: But he was so far from being a Friend to the Cause they were appearing for, that, I am told, as soon as he heard of the Defeat at *Pentland*, he went to the Archbishop of *Glasgow*, and, upon a Promise of Pardon, discovered and informed against the rest.

I have the following Account from other good Hands in a different Turn, That *Blackstoun* came to that Meeting, not accidentally, but from a real Regard to the Cause Colonel *Wallace* was appearing for; That the Gentlemen were surprized when he came to them, as knowing his Head was not so fully poised, as were necessary for Consultations of that Nature they were engaged in, and therefore kept their Meeting apart from him; That he still hovering about the Door, unhappily spied a Footman of my Lady *Rothes's*, carrying Letters to *Eglinton*: He, out of his ungoverned Zeal, laid hold on him, opened the Letters, and after Perusal of them, and returning them, sent him off: That the other Gentlemen were highly offended at him for so doing, and thereupon broke up; and that he himself, afterwards reflecting in cold Blood on what he had done, thought fit to redeem his own Neck by accusing his Neighbours.

The Reader will find him afterward led as a Witness against the rest very early: And, December 1st, in the Council-registers I observe '----- *Maxwel* of *Blackstoun*, and --- *Houston* his Servant, compeared and delated the Laird of *Caldwell*, and several other Gentlemen, 'to have risen in Arms for assisting the Rebels.' The Council confine him to his Chamber in *Edinburgh*; and, upon the 6th of *December*, they take off his Confinement, upon a Bond of a Thousand Pounds *Sterling*, to appear when called. It was remarked, that after this Providence frowned very much upon him, and every Thing went cross. This he himself is said to have acknowledged, in a Paper he left behind him, when, a good many Years after this, he went for *Carolina*, but he died at Sea by the Way.

The Gentlemen and others of that Meeting, brought under fore Sufferings, particularly the Lairds of *Caldwell* and *Kersland*.

Some of the many Sufferings of those worthy Gentlemen concerned in that Meeting, may be hinted at afterwards; but I am sorry so few Accounts of them are come to my Hand: If they escape the Sword at *Pentland*, because not there, they did not escape the Persecutors Fury in a very little thereafter. Their Houses were rifled, themselves forfeited and exiled. The Estate of *Caldwell*, the best by far of any concerned in this Affair, is given to General *Dalziel*, upon a Sentence passed in Absence, forfeiting him for being upon the Road to joyn Colonel *Wallace*. The Times were so ill, the Gentleman durst not personally compear, otherwise very relevant Defences might have been proponed. This good Man died in Exile, leaving his excellent Lady, and Four Orphans, destitute of all visible Means of Subsistence: Some of their Hardships will offer afterwards: I only remark here, That the Lady *Caldwell* had a Dowry ensured to her according to her Rank, out of the Estate of *Caldwell*; but having neglected to take Infeftment upon her Contract, before the Forfeiture, she lost that, and was forced to live with her Children in great Straits. *Kersland's* good Estate was given to Lieutenant-general *Drummond*. In their Hands these Two Estates continued until the Revolution.

When the Country Army is near *Collingtoun*, *Blackwood*

But to return to Colonel *Wallace* and his decreasing Army, when they are in the Way to *Collingtoun*, the Laird of *Blackwood* came up again to them, as sent by Duke *Hamilton* to intreat

The Country-people who came to *Dumfries*, were commanded by *Andrew Gray*, and *John Neilson of Corjick*, and by a Surprise apprehended Sir *James Turner* in his Chamber in *Baillie Finnie's*. They soon after marched to the West Country, having Messages to their Acquaintances in the neighbouring Shires to assist them. 1666.

I took with me Major *Lermont*, Son in Law to the Laird of *Annstoun*, who lived near me, an Officer of Skill, great Resolution and Courage. We met our Friends on the Hills above *Galsstoun*. It was found necessary to halt a little in that Country, till we should see if Friends would joyn. Some went to *Mauchlin*, others to *Tarboltoun*: The Major and I went next Day with about Fifty Horse to the Town of *Air* to take up Quarters. The Magistrates fled, but we hearing where one of them was, obliged him to give Billets for Seven or Eight hundred Horse and Foot. Here worthy Mr. *Hugh McKail* turned sickly, but recovered. From *Air* we marched up the Water toward *Douglas*, and from that to *Lanerck*. Meanwhile, *Dalziel* and his Forces were come West, to meet us, the length of *Stratheven*; but hearing we were got twixt them and *Edinburgh*, they came close after us. When we came to *Lanerck*, I know not if we were much above Fifteen hundred Horse and Foot; several indeed were daily joining us.

There we had Accounts the General would be upon us that Night. Presently a Council of War was called, of Officers and Gentlemen, who communicate Advices with the Ministers. By the Generality it was thought safest to bide at *Lanerck*, the Rains having made *Clyde* unpassable, except by Boats, which were broken; and there was no great Probability of the River's falling, and a few Men might have prevented the King's Forces to come through it to us. But a Letter at this Time came to Mr. *Welsh* and Mr. *Semple*, from a Gentleman at *Edinburgh*, who was a real Friend, pressing us to come as near that Place as might be, and giving Hopes both of Assistance and other Necessaries. This altered the first Project, and the Army marched straight to *Bathgate*, under many Inconveniencies; and there being no Accommodation there, we went forward to *Collingtoun*.

There I was pitched upon to go in to the Town, and converse with that Gentleman, if possible. When I came thither, all the Roads were guarded, and my Lord *Kingstoun*, with some Forces, keeping the main Guard at *Brandsfield-links*. Having taken By-roads till I came to *Libberton* Way, I was stopped at the Wind-mill, and carried to my Lord *Kingstoun*. I made a Shift to satisfy him, by desiring Two Soldiers to go with me to the Dean of *Edinburgh*, Mr. *Lawrie*, and he would know me. My Lord was very civil, and told me, Mr. *Lawrie* and his Friends would be retired for Safety to the Castle, and dismissed me, which was a very providential Deliverance to me; for just as I was going off, I saw Mr. *Hugh McKail* brought in Prisoner to my Lord. I lodged in the *Potter-row*, but could have no Access into the Town, all the Ports being shut, and saw no Body that Night, save old Mr. *Arthur Murray*, a Minister turned out of his Charge in *Orkney*: His Wife essayed to get into the Town with a verbal Message to the Gentleman, but by no Means could be admitted.

Next Day, I went, through many Difficulties, to our Friends, who were now come from *Collingtoun* to *Pentland-hills*. When I had passed *Roslin-muir*, and was come to *Glencorse* Water, I fell in almost with an advanced Party of the King's Horse; but was relieved by the Reer of our Friends.

By this Time, November 28th, a fair frosty Day, after a fore Night of Frost and Snow, when Colonel *Wallace* got Intelligence, that General *Dalziel* was coming from *Currie* through the Hills, and a considerable Party of our Men were upon a Hill, commanded by *Barmagachan*, and Mr. *Crookshanks*, and Mr. *McCormock*, Two Irish Ministers were with them.

In about Half an Hour, Lieutenant-general *Drummond*, with a select Party, were sent against us upon the Hill, but were beat off with some Loss; though the General assured those about him, that his Party would do our Business, and the rest needed only stand and see fair Play. When the Lieutenant-general was driven back, there was no small Confusion among the Army, and not a few threw down their Arms; yea, *Drummond* himself owned afterwards to Mr. *James Kirkstoun*, from whom I have the Account, that if we had pursued the Chase, in the Confusion they were under, the General's Army might have been ruined. Mr. *Crookshanks* and Mr. *McCormock* were both killed in this Rencounter.

Major *Lermont* commanded the second Attack, when we beat the Enemy again, and Duke *Hamilton* narrowly escaped, by Dean *Ramsay's* warding off a Blow a Countryman was just giving the Duke. The General sent up a Party who relieved the Duke, beat back the Major: His Horse was shot under him, and falling, he stepped back a little to a Fold-dike, and killed one of the Four Horsemen who pursued him, mounted his Horse, and came safe off from the other Three.

The last Encounter was after Sun-set, when the General's Foot, flanked with their Horse upon all Hands, overpowered us, broke our Ranks, and we gave Way. Our Horses not being trained, was a great Loss to us. Many more had been killed and taken, had not the Night prevented it. I fell in with a whole Company of the Enemy, who taking me in the Dark for one of their Number, carried me down the Hill a little with them in the Pursuit,

1666.

Southward he placed a small Body of Horse, under the Command of *Barfcob*, and the *Galloway* Gentlemen: In the Centre were the poor unarmed Foot, under his own Command; and upon the Left stood the greatest Part of his Horse, under the Command of Major *Lermont*.

They are scarce settled there, till the General's Army come up to them.

This Handful were scarce well put in this Posture, when they were called to other Work than a Review. An Alarm comes, that a Body of Horse is approaching them. At first they pleased themselves, that it might be some Friends coming to joyn them: But quickly they found it was *Dalziel's* Van, who had cut through the Ridge of *Pentland Hills*, and come straight from *Calder* towards them, quite undiscovered till they were within a Quarter of a Mile of them, upon an Hill opposite to them. There was a great Descent and Hollow 'twixt them, so they could not meet on that Side.

They engage.

When they had viewed each other for some Time, *Dalziel* sends out a Party of about Fifty Horse, to squint along the Edge of the Hill, and attack their left Wing. *Wallace* orders out Captain *Arnot* with a like Number of Horse, to receive them. The Captain came up with the General's Detachment upon a Piece of level plain Ground. After both had spent their Fire, they closed upon the Sword-point, and fought it very stoutly for a good while. At length, notwithstanding all their Advantages, *Dalziel's* Men run; and had it not been for the Difficulty of the Ground, their Loss had been far greater than it was. Divers fell on both Sides; and of the Captain's Party Mr. *John Crookshanks*, and Mr. *Andrew McCormock*, Two Ministers who had come from *Ireland*, and had very much encouraged the People to this Undertaking.

Mr. Crookshanks and Mr. McCormock killed.

Upon this little Advantage, *Wallace* advanceth with a Party of Foot towards the Body of the Enemy's Horse, they being on a Ground, upon that Side inaccessible by Horse. This obliged them to shift their Station, and to draw up on a Bank or rising Ground a little more easterly; and there they continued till all their Foot came up.

These being arrived, the General advanced towards *Wallace*, and drew up his whole Army upon the Skirt of the same Hill, whereof the Colonel had the Ridge, which is called the *Rullion Green*. Being thus posted, the General orders out a great Body of Horse, attended with some Foot, to attack the Wing commanded by Major *Lermont*. To meet those, *Wallace* orders out another Party of Horse flanked with Foot. After firing on both Sides, they close one upon another, and *Wallace's* Foot force *Dalziel's* to give Way, and his Horse run also. A Second Party of Horse, the same Way, come from the General upon the same Wing, and a Second Party meet them with the same Success, and chase them beyond the Front of their Army.

The Country Army are defeated.

But a Third Body of Horse, for the General had Abundance to spare, coming up, made *Lermont's* Men retire up the Hill to their First Station: And thus the Dispute is mostly upon the left Wing of *Wallace's* Army. When they had acquit themselves so gallantly, *Dalziel* advances his whole left Wing of Horse, upon the Colonel's right, where he had scarce Thirty weak Horse to receive them. These were soon born down, and the General carried the Charge so briskly, that all *Wallace's* Companies gave Way, were put out of their Order, and never able to rally again.

The Slaughter not very great; about Fifty killed, and as many taken Prisoners.

The Slaughter was not very great. The Colonel had happily placed his Men, and most of them were upon the Top of the Hill, and got the easier off. It was almost dark Night before the Defeat; and the Horsemen who pursued, were most part Gentlemen, and pitied their own innocent and gallant Countrymen. There were about Fifty of the Countrymen killed, and as many taken Prisoners: A very few of *Dalziel's* Men were killed, but several wounded.

A further Account of this Rising and Engagement, from an old Minister present.

After I had formed the above Narrative of this Rising and Defeat, there came to my Hand a very distinct Information of this Affair, from an old Reverend Minister, who was present with Colonel *Wallace's* Army for the most part, and in the Action; which containing several Particulars I have not met with elsewhere, and being but short, I have insert it here.

Information sent to the Author of this History, as to the Rising in Galloway dissipated at Pentland, November 1666. by a Minister present with the Country Army.

I Was prevailed upon by Mr. *Welsh* Minister of *Irongray*, and some others, to joyn with that Party in *Galloway*, fore oppressed by the inhumane Cruelties of Sir *James Turner*, for their Nonconformity to abjured Prelacy. A little while after they had seized Sir *James*, that his Cruelties in that Corner might be stopt, and when they were resolving to march to *Edinburgh*, to represent their Grievances, you know, they were broken at *Pentland Hills*, many of the Prisoners were executed, and those of any Note who escaped, were forfeited in Life and Fortune in Absence, most illegally. In this Sir *John Nisbet* King's Advocate was most active, and fearing After-enquiries, he procured an Act of the First Parliament after, approving this Piece of Injustice.

The

commended their Gallantry and Courage; and yet under such Disadvantages as they had to wrestle with, they could not but give Way. Two Parts of their Company had deserted them; they were perfectly spent and wearied, and surprized under a begun Treaty, and overpowered with Numbers of fresh Horse and Men, many of them disciplined Troops, and none of them under their Difficulties and Discouragements.

They always protested and declared, Their only Design was to present their Grievances, and testify for their God and their Country, for Religion and Liberty; and herein holy and infinitely wise Providence accepted of them, and smiled upon them, albeit not in a Way of Victory and Success, yet in the Road of noble and unshaken Stedfastness and Suffering, which turned very much to the Advantage of the Interests they appeared and testified for.

This Account shall be concluded with the Letter the Council wrote to the King, the Day after this Engagement.

May it please your Majesty,

SINCE the first Notice we had of the late Insurrection in the West, we have from Time to Time given an Account of it, and the Proceedings against it, to the Earl of *Rothes*, to be communicated to your Majesty: And now we presume, by this humble and immediate Address, to make known to your Majesty, That Yesterday in the Afternoon, the General, and Noblemen with him, and your Forces under his Command, gave them a total Rout at the South-side of *Pentland-hills*, about Seven Miles from *Edinburgh*. Many of them were killed in the Field. There be several Prisoners, against whom there shall be speedy Proceedings, according to the Laws against Traitors: And if Night had not prevented your Majesty's Forces in the Pursuit of the Rebels, none of them had escaped. And although this Rabble be totally dissipated for the Time, yet we conceive our selves obliged, in the Discharge of our Duty, to represent unto your Majesty, That those Principles which are pretended as the Ground of this Rebellion, are so rooted in many several Places through the Kingdom, and there be such just Grounds of Apprehensions of Dangers, from Persons disaffected to your Majesty's Government, as it is now established by Law, as will require more vigorous Application, for such an Extirpation of it as may secure the Peace of the Kingdom, and due Obedience to the Laws: And we shall not be wanting in any Thing in our Power; and your Majesty's Commands shall be obeyed by

1666.
After their
Defeat, the Pri-
soners suffered
with an unsha-
ken Stedfast-
ness.

Letter from
the Council to
the King,
giving an
Account of
the Engage-
ment.

Edinburgh,

Nov. 29th, 1666.

Your Majesty's most, &c.

St. Andrews.

*Montrose,
Haddingtoun,
Dumfries,
Sinclair,
Halkertoun,
Bellenden,
President,*

*Register,
Advocate,
Justice-clerk,
Lee,
Niddry,
Sir Robert Murray.*

This Letter breathes forth a Spirit of Cruelty peculiar to the present President and Prelates. I make no Reflections upon it: They fairly own the Prejudice generally prevailing now against the Prelates for their Oppression, and Inclinations toward a Freedom from that Yoke; and seek further Severities, and a standing Army. But I come now to give Account of the Sufferings of those taken at *Pentland*.

Remarks upon
it.

1666. 'suit, till I got to a Side, and having a sturdy Horse, turned off from them, and was pursued, but happily escaped.'

The English Writers, their Accounts of this Engagement considered.

It is scarce worth while to take Notice of the Misrepresentations the English Historians give of this Rising and Engagement. That Party-writer of the *Caveat for the Whiggs*, published toward the Close of the last Reign, in order to corrupt the Commonalty of England, and dispose Matters for the present Attempt of the Pretender (1715) hath as many Lies as Words almost in his Account of this Matter. He pretends this Rising was in Concert with the Whiggs in England, and the Republicans in Holland; whereas it was entirely unconcerted. He talks of the Leaders of their Troops being Taylors, and outed Preachers; that Five Hundred of them were killed at Pentland, and near a Hundred executed. So gross Misrepresentations need no Reflections.

Remarks upon Mr. Eachard's Account of this Matter:

Mr. Eachard, Hist. of England, Vol. III. in his Accounts of this Matter, hath copied several of the Blunders formerly printed by his Countrymen. He insinuates a Correspondence 'twixt the Presbyterians in Scotland and those in England, without the least Proof; and indeed it was not capable of Proof, such a Correspondence not being practicable, considering the Circumstances narrated above. His Bite upon Major Lermont, That he had been formerly a Taylor, is not worth noticing. I know not what Truth is in the Fact; but I could give Instances of Tradesmen in their Youth, who have gone in to the Army, and proved eminent in the Art of War; and the Major's bitterest Enemies owned him to be a very good Officer. What follows is a plain Falshood, That most of their Officers were cashiered Preachers. And though several of the outed Ministers were in Company with the West-country Army, there was not one of them an Officer, or had any Command over the Soldiers. Presbyterian Ministers leave those Things to another Set of Clergymen, who claim the Privilege of a double Capacity, and act in it where they see it for their Interest; and, under Pretext of their Temporalities, can make a Shift to be Princes Palatines, Members of Parliament, Lords High-treasurers, Plenipotentiaries, Presidents of the Privy Council, and what not. Mr. Eachard has known very little of the Story, when he talks, They were met in the Height of their Power by the King's Forces. A third Part of those who had been together the Day before the Engagement, were not at the Battle; and, considering all Things, it was much so many of them kept together. Those Things indeed are scarce worth the observing, were it not, if possible, to prevent other subsequent Historians from copying after Mr. Eachard, as he has done from those that went before him, in our Scots Affairs, to which they have been very much Strangers.

And upon the Author of the Complete History of England.

Those Remarks upon Mr. Eachard, relate likewise to the Author of the Complete History of England, whom, in Scots Affairs, the Archdeacon pretty closely follows; only the Bishop hath an ill-natured Turn, The rigid Presbyterians, says he, were as mutinous as the Popish Tories in Ireland. This must be reckoned a spiteful, as well as an ignorant Comparison, since, as the Presbyterians were not as yet, with any Colour of Reason, to be divided into rigid and not rigid, they all, without Exception, owned the King's Authority, and submitted to every Thing save Episcopacy; so there was no Mutiny in the Case, but horrid Oppression from the Soldiers hounded out by the Prelates, which this Author might have known from Nephthali, and other printed Accounts, and so spared this odious Comparison.

The Country about very unkind to the discomfited Army.

After this Engagement, November 28th, 1666. the Country-people were very cruel to the poor fleeing Men. Many of them were killed, and severals taken Prisoners by the People in the Parishes round about. I am well informed, that some visible Judgments of God did come upon some of them for their Cruelty and Murder.

Colonel Wallace and Mr. Welsh escape, and the first retires to Holland.

Colonel Wallace and Mr. John Welsh fled over the Hill Northward; and when they had turned their Horses from them, entred into a Countryman's Barn that Night; and, after some very refreshing Rest, got off undiscovered. We shall afterwards meet with Mr. Welsh about his Master's Work. The Colonel, after some Wandrings, got over to Holland, and lived many Years there; but never returned to his native Country.

The Valour of the Country-people very remarkable in the Engagement.

Thus was this Body of good People broken and dissipated. It was next to a Wonder, and can scarce be accounted for, except from the Goodness of their Cause, that they were so brave on this Day of their Defeat, if either the Constitution or Circumstances of such an Army be considered. They were but a small Handful of untrained, undisciplined Countrymen, who had never seen War; they had very few Officers, and these had little Authority. Every private Man in such a Gathering, readily must either be let into the Secrets of the Council of War, otherwise he is in Hazard of clamouring his Neighbours in the Company into a Mutiny, and then of deserting upon a Scruple. So hard a Matter did Admiral Chatillon find it to command an Army of Volunteers. And the inexpressible Hardships the poor People had been under for some Time before their Engagement, heighten the Wonder.

Further Evidences of this.

The commanding Officer, Colonel Wallace, was a Gentleman, a good Soldier, bold and resolute; but such an Undertaking was for a Man of Miracles. Their Enemies very much

commended

It may be of some more Importance to observe, That upon *December 1st*, the Council, without any previous Trial, give Orders to General *Dalziel*, 'To search for and apprehend all Persons and their Horfes, who have been in Arms with the Rebels, or are suspected since, or before the Defeat, or who have refect, or been aiding to them, and to intromit with their Goods; and require him to quarter upon their Lands with his Forces: And Duke *Hamilton* is appointed to feize all such in *Lanerk* Shire.' This is Three Days before the former Proclamation, which is pretended to be so much for the Good of the Lieges; and surely these Orders were either unreasonable, or the Proclamation very uselefs, unless it be to convey down to Posterity, the Names of those who made so gallant a Stand for their most valuable Concerns.

Together with this Proclamation, I find in the Council-registers an Act of the same Date, against Presbyterian Ministers, entituled, *Act against deposed Ministers*. It runs thus. 'The Lords of his Majesty's Privy Council being informed, that there are many deposed Ministers who have transgressed the Act of Council, of the Date of *August 13th*, 1663. in not removing themselves and Families out of their respective Parishes, where they were Incumbents, and not residing within Twenty Miles thereof, Six Miles of *Edinburgh*, or a Cathedral Church, and Three Miles of any Royal Burgh, whereby they ought to be proceeded against as Movers of Sedition: Therefore they require the Archbishops of *St. Andrews* and *Glasgow*, to ordain all Bishops within their several Sees, to cause all Ministers within their respective Dioceses, give up a List of such Ministers Names, and of the Place of their Residence, and in what Manner they have transgressed the said Act, and report to the Archbishops, and they to the Council.' It hath been formerly remarked, that Obedience to this Act was next to impossible; and now the Primate reckons it a good Season to harass his (once) Brethren, and hound out the Army upon them, in order to throw the Odium of this Rising upon them, when mean while they were living peaceably.

I shall make one Observe further, before I come to give Account of the Severities upon such who were taken at *Pentland*; and that is, This Disaster, and the Cruelty following on it, not only was Matter of great Grief and Heartbreak to the most Part of any Piety and Seriousness through *Scotland*, but really hastned some to their Grave. One Instance shall suffice, of that worthy old Minister Mr. *Arthur Murray*, who was upon the Matter a Sufferer with those worthy Persons, unto Death. This good and aged Man was living in the Suburbs of *Edinburgh*, through which *Dalziel's* Soldiers marched in Triumph. When he opened his Window, and saw them display their Banners, and heard the Shouts of the Soldiers triumphing over the Prisoners, he was struck to the very Heart, took his Bed immediately, and died in a Day or Two.

But leaving those accessory Sufferers, I come to those who were taken in the Engagement it self. The Prisoners, about Fifty in Number, who were taken at the Battle, were brought in by the Soldiers to *Edinburgh*, and the Country-people brought in about Thirty more: They were all crouded together by the Magistrates of *Edinburgh*, in a Place near the Tolbooth, called *Haddocks-hole*, which of late is turned to a better Use. The late *French King*, I am told, turned the noble and capacious Church at *Charenton*, near *Paris*, to a Draught-house; and this Place out of which those Innocents were taken, as Sheep for the Slaughter, is since converted to a Church. Some of the better Sort were put into the Tolbooth, and, as the Council promise in their Letter to the King, *very quick Dispatch was made of them*.

Bishop *Sharp* the President, pushed violently the Prosecution and Execution of the Prisoners; and indeed, his blood-thirsty Temper at this Time made him very odious. I am well informed, that after some of them were condemned, and a few executed, a Letter came down from the King discharging taking any more Lives. This Letter came to the Primate as President, and ought to have by him been communicate to the Council; but the blood-thirsty Man kept it up, till as many, as he had a Mind should die, were dispatched. This foul Act of his he was very justly charged with, by the Persons, who some Years after this, took away his Life; and when he cried pitifully for Mercy, he was told, That as he never shewed Mercy to others, so he was to expect none from them.

This base Breach of Trust was of a piece with another Step he took about this Time. When the Country-people were rising in the South and West, he wrote up a Letter to *Lawderdale* or *Roths*, to be communicated to the King, wherein he signified, That all went well in *Scotland*, and that every Man was in his Duty, except the few Phanaticks who were in Arms, whom he feared not. At the same Time he wrote a Letter to another Nobleman at Court, wherein he asserted all was wrong, scarce any were faithful to the King, and they were all fold. Both the Letters, of the same Date, were read to the King, who now saw his Dishonesty and double Face, which he would never believe before, although he had several Hints of it given him. After this, I am told, the King never gave him that Credit he had with him before, and trusted him very little.

However, at this Time with a great deal of Willingness he presided in Council. When they met, the first Thing before them was, What they should do with the Prisoners. It seemed very natural to think they had their Lives spared by the King, in as much as they had

1666.

Particular Orders given to General *Dalziel* and Duke *Hamilton*.

Act of Council, *December 4*, against Presbyterian Ministers.

Mr. *Arthur Murray* dies, it may be said, of Grief for the Disaster at *Pentland*.

The Treatment of the Prisoners taken at *Pentland*.

The Primate very violent against them, and keeps up a Letter from the King, putting a Stop to their Execution.

He writes up contradictory Accounts of the Rising to *London*.

The Council consider, whether Quarters given to the Prisoners,

S E C T. III.

1666.

Of the Sufferings and Execution of such who were taken at Pentland, with some Reflections upon their Death.

HAVING given an unbiaſſed Account of this Riſing, as far as my Materials would carry me, I come next to offer ſome ſhort Narrative of the Cruelties exerciſed upon ſo many of this broken Party, as came into the Managers Hands. Many came to be Sharers with them in Sufferings, who had not been up in Arms with them, as may afterwards come to be noticed.

The Riſing which ended at Pentland, charged upon all Presbyterians.

Now the Prelates made a terrible Clamour, and took Care to load the whole Body of Presbyterians, Miniſters and People, as concerned in this Riſing; and miſrepreſented them as Rebels, Enemies to the Government, and what not: And a Handle was taken from this Appearance in Arms, which was very far from being any Concert among Presbyterians through the Nation, to violent and bear down all of that Deſignation, Miniſters and People, as common Enemies.

The Pains taken after the Engagement to prevent the Eſcape of any who had been at it.

The utmoſt Care had been taken, before and after the Battle, to prevent their Eſcape. Upon the Country-people's moving from *Collingtoun*, the Council ſent one *Patrick Murray* to *Teviotdale*, to acquaint the Heritors, the Rebels were moving Eaſtward, and all the Paſſes were appointed to be guarded. Immediately after the Engagement, they ſend Expreſſes to *Berwick*, to ſtop the Rebels who came to the Borders; and likewise order Earls *Annandale*, *Niddſdale*, and Lord *Drumlanerh*, and others in that Country, to keep the Forces together they had raiſed, in order to apprehend the Rebels upon their Return. Alſo the Forces at *Linton-bridge*, are ordered to keep together till *Saturday's Night*.

The Lord Treafurer appointed by the Council to ſecure the Goods and Rents of all who had been at Pentland.

Next Day, *November 30th*, the Lord Treafurer is ordered by the Council, to ſecure all the Goods and Rents belonging to any of the Rebels indicted or to be indicted, and to intromit with them; with a Reſervation of their Dues reſting to their Maſters: And all Hazard being now well nigh over, the Council give Liberty to all the Forces in the *Merſe*, *Teviotdale*, and the Foreſt, in *Dumbarton* and *Stirling* Shires, to diſmiſs.

Great Hardſhips ſuch who were in the Army underwent.

After all this Care in the Council, now managed by the Primate, I need ſcarce notice, that the Difficulties and Hardſhips of many who had got off from *Pentland* with their Lives, were very great: Not a few who had eſcaped the Sword at *Rullion-green*, were moſt cruelly murdered by the Country-people; the common People, in many Places about, wanted the Bowels of Men; not to ſay Chriſtians, toward the ſcattered Party. Yea, ſo inhumane were ſome, as to break in upon the Graves of thoſe who had been buried, that they might get the Linen ſome good People in *Edinburgh* had provided to bury them in; and Multitudes were forced for many Years to lurk and hide themſelves, and undergo inexpreſſible Hardſhips, having their Life, as it were, every Day in their Hand.

Proclamation, Dec. 4. againſt them. App. No. 8.

To render their Life more uneaſy, and to involve others who ſhould ſhew them the leaſt Favour, a Proclamation comes out, *December 4th*, which I have inſert, *App. No. 8*. There is a Reference made here to their former Proclamation, making it Treafon to aſſiſt, ſupply, or correſpond with any that had riſen in Arms; and that no Subject may harbour, reſet, hide, or conceal any of them, or they muſt be brought to Trouble therefore. The Names of about Sixty are ſet down; and the Proclamation adds, *or any others who concurred or joyned in that Rebellion*; with Certification, that all who fail herein, ſhall be reputed guilty of their Crime.

Remarks upon it.

The Hardſhips of this are plain, and likewise the Uſeſſneſs of inſerting ſo many of their Names; ſince Converſe, &c. with ſuch who are not named, runs a Perſon as deep in Guilt, as with ſuch as are named. I ſhall make no Reflections on the Liſt in the Proclamation. *John Semple* is named among the Miniſters; and every one was ready to take it for *John Semple* Miniſter at *Carsphairn*, whereas he was no way concerned in this Buſineſs. Accordingly, I find this pious plain Man, upon the *13th* of *December*, petitioning the Council, 'That whereas one of the ſame Name with him, is inſert in the late Proclamation, as among the Rebels, whereby he and his Family living peaceably theſe Fifteen Months at *Carsphairn*, in their old Age, he being Sixty four, and his Wife Seventy Years, are brought to great Trouble, craving Redreſs.' Which being found true, the Council permit him to live ſtill there, and confine him to that Place, and Four Miles about it. The Laird of *Caldwell*, and his Neighbours before mentioned, had no legal Evidence againſt them, of their being up in this Rebellion. I have been informed, ſeveral here named were not concerned at all in the Riſing; and Mr. *John Crookſhanks* was killed, and no Body in Hazard of Reſet or Converſe with him.

up Arms, to be desperate and irreclaimable, and the Power of giving of Quarter is naturally inherent in all Soldiers as such: And as the Council, without express Remission from the King, upon Submission, might have secured their Lives, so might Soldiers by Quarter, for they have as much Power in the Field as the others at the Council-table. 2^{dly}, Lawyers are very clear that Quarter should be kept, tho' given to Subjects who are Rebels. *Grotius lib. 3. cap. 19.* where, after he hath fully treated that Question *de fide servanda*, concludes, *That fides, data etiam perfidis & rebellibus subditis, est servanda.* And this hath been observed in the Civil Wars in *Holland* and *France*; and by his Majesty and his Father at Home during the late Troubles. 3^{dly}, Quarter is advantagious to the King, and so should be kept; for these who are taken might have killed his Majesty's General and Officers, and by giving Quarter to his Enemies, he redeemed his Servants: And if the only Effect of Quarter were, to be reserved to a publick Trial, none would accept Quarter. I think no unbiassed Person can read this, but they must see how iniquous the Procedure against these good Men was.

These Ten were accordingly hanged, *December 7th*, and their Heads and Arms disposed of according to the Sentence. Their joynt Testimony, and the dying Speeches of some of them, have been more than once published in *Nephtali*, and other Prints that are not uncommon, and so they need not be inserted here. It will be more worth while, to give the Reader a Taste of the Hardships brought upon the Families of some of those Martyrs for Religion and Liberty, by the Managers, after they had done their utmost to the Persons of those Worthies, and I shall only instance in Two of them.

I begin with Major *McCulloch*, an excellent Gentleman of good Parts and great Piety. He never had Freedom to conform to Prelacy, and suffered considerably for his conscientious withdrawing from the Church. Before *Pentland* several Soldiers were quartered upon him for Thirty Days; and besides their Entertainment, he had Eight Pence a Day to pay each of them, and was forced to pay an Hundred Pounds of Fine to Sir *James Turner*. So good a Man as he could not escape his Share in the Fines imposed by *Middleton's* Parliament; and so in the Year 1665. he paid the whole Sum imposed on him, Twelve hundred Merks, and Three hundred Merks of *Riding-money* to the Soldiers who exacted it. His Estate lay under Forfeiture from *Pentland* to the Revolution. After *Pentland*, one *Charles Campbell*, without any Warrant, seized a Horse of his Son *William McCulloch*, who was not concerned in the Rising, worth Eight Pounds *Sterling*, and Clothes and other Things near to the Value of Five Pounds *Sterling*. His eldest Son was seized, and kept in Prison a full Year after his Father's Execution, upon no Ground I can learn, but his being Major *McCulloch's* Son. The Major's Lady was happily infest in a Part of his Lands, and she and her eldest Son lived upon these till the Year 1681. when, upon Noncompearance, they were forfeited, and given to *Queensberry*, who put *John Sharp* Clerk of *Dumfries* in Possession of them. Mr. *McCulloch* the true Owner of them was obliged to take them again from *Sharp*, and besides a considerable yearly Rent of Ten or Twelve Pounds *Sterling*, he had upwards of a Thousand Merks of Entrance-money, and other incidental Charges to pay.

The other Instance I mention is, The excellent Family of *Knockbreck*, in the Parish of *Borg* in *Galloway*. The Two young Gentlemen at this Time executed, I have it from Persons yet alive of their Acquaintance, that they were Youths of shining Piety, and good Learning and Parts. The Harassings and Losses of the Family cannot be estimate, they were so frequent and severe. Besides the Payment of their parliamentary Fine, and their common Losses, with others in *Galloway*, by Sir *James Turner*, in a little Time after *Pentland*, their whole Crop for that Year was seized, and the Household-furniture disposed of and destroyed. Six Soldiers continued quartered upon the House, from the 6th of *March* to the 9th of *July*, which comes to a great Sum: Besides, near Four hundred Pounds of Cess, and other Impositions, were uplifted from them and their Tenants. They had their Share in all the after Harassings of the Country; Particulars would swell this Account. In the 1684. Captain *Strachan*, with his Troop, came, and destroyed and took away the whole Household-plenishing. Next Year *Glenlyon*, with near Two hundred Highlanders, came and stayed at *Knockbreck* from *Thursday* to *Munday* and consumed and took with them all the Meal and Malt they found, and killed vast Numbers of Sheep; and at their Departure broke the Glass-windows, and carried off all the Horses about the House, to bear away the Spoil. And last of all, cruel *Lagg* came with a Company of Men, and carried off all within the House, to the very Trenchers and Spoons; and, with much Difficulty, was prevailed with not to burn the House. Any of the remaining Sheep they could not eat, *Lagg* carried with him, to the Number of about Fifty, besides many black Cattle. From these the Reader may guess at the Severities used to the Families and Relations of such who were executed at this Time.

While the Blood of these first Ten is scarce cold, the Advocate is ordered to intent a Process against other Five of the Prisoners, Mr. *Alexander Robertson*, Preacher of the Gospel, who was basely betray'd by the Laird of *Mortoun* his Friend, to whom he committed himself upon Promise of his Life. He points at this in his Speech at his Death, and forgives him. *John Neilson* of *Corrack*, *George Crawford* in *Cumnock*, *John Lindsay* in *Edinburgh*, and *John Gordon* in the Parish of *Irongray*. And, upon *December 10th*, the Two former Judges find them guilty.

1666.

They are
hanged at
Edinburgh, De-
cember 7.

The Hard-
ships put up-
on some of
their Families,
particularly
Major *McCul-
loch's*,

and the Ger-
sons of *Knock-
breck*,

Five more of
the Prisoners
proceeded and
hanged, Dec. 14.

1666.
ought to stop
a Criminal
Process.

Debates upon
this, the ablest
Lawyers silent;
they are remit-
ted to the Jus-
ticiary.

General Dal-
ziel's Reflecti-
on upon this.

The King's
Advocate or-
dered to pro-
secute Eleven
of them
criminally.

Advocates al-
lowed them.

Sir John Hume
of Rentoun, and
Mr. William
Murray their
Judges.

Their Crimi-
nal Process
from the Jus-
ticiary Records.

App. No. 9.

Sir George Mac-
kenzie's Opini-
on in this Mat-
ter, from his
Criminals.

Quarters given them, by such who had the King's Commission to kill or to save alive; and *Grotius, De jure belli & pacis*, determines, *fides est etiam rebellibus servanda*: But this reasonable and merciful Construction, agreeable to all the Rules of War, was too moderate for our cruel Bishops, and what their Party in Council would not hear of. And so in the first Letter writ when the Prisoners were brought in, the President, according to his cunning Way of doing Business, shuffled in the Clause we have seen in their Letter to the King, to premitte their Procedure, *That they would prosecute them with all Dispatch*.

When this Matter came to be reasoned at the Council-table, Sir John Gilmer the best Lawyer among them, declined peremptorily to give his Judgment, knowing, as was then said, that if he gave his Opinion for taking of their Lives, he would go against both Law and Conscience; and if he voted for sparing them, he would offend both the President and Prelates. It fell very unhappily to one of the best of the Counsellors, to give it as his Opinion, when others were silent, That though the Prisoners had their Lives given them in the Field as Soldiers, yet this did not pre-judge their Trial in Law as Subjects. This was greedily backed by the President, and insisted on as an Oracle, and gone into by the Council, such who were against it inclining to be silent; and the Council remitted them to the Criminal Court. They say, that General Dalziel, when he had the Accounts of this, cursed and swore terribly, and said, Were he to serve the King never so long, he should never bring in a Prisoner to be butchered.

Accordingly I find the Council, upon the 4th of December, order the King's Advocate to pursue a Process of Forfeiture against Eleven of the Prisoners, who were picked out for the first bloody Sacrifice: Major John McCulloch, a reverend old Gentleman, Captain Andrew Arnot, Brother to the Laird of Lochridge, Thomas Paterson Merchant in Glasgow, who was sentenced with the rest, but died of his Wounds in Prison; the Two Gordons of Knockbreck, John Parker in Busbie, Gavin Hamilton, James Hamilton in Kilmuir, John Ross in Mauchlin, John Shields in Titwood, Tenant to Sir George Maxwell of Nether-pollock, Christopher Strang Tenant in Kilbride. Those are to be indicted before the Criminal Court, or rather Two Criminal Judges, for Treason and Rebellion: And the Council allow them Sir George Lockhart, Sir George Mackenzie, Mr. William Maxwell, and Mr. Robert Dickson, for Advocates.

So upon the same Day, Sir John Hume of Rentoun Justice-clerk, one of the greatest Zealots for the Prelates in Scotland, and Mr. William Murray Advocate, Justice-depute, sit down as their Judges, in the Tolbooth of Edinburgh. They heard the Advocates plead a little for Form's Sake; but very quickly they came to Sentence, finding them guilty, and ordering them to be hanged at the Cross of Edinburgh upon the 7th of December.

That the Reader may have a full View of the Reasonings *pro* and *con*, and the Method taken with these worthy Persons, I have insert the Whole of their Process, extracted out of the Records of the Criminal Court, and the Council's Act as to the Disposal of their Heads and Arms, App. No. 9. This Extract is in Print in a begun Account of the Sufferings of these Times, Intituled, *Sampson's Riddle*. That Work being stopt in Holland, by the Gentleman's Death who was at the Charges of it; and that imperfect Part of which was got printed, being but in the Hands of a few, I have here in the *Appendix* taken several original Papers relative to the Sufferers at *Pentland*, from it, after I had collated them with the Justiciary Records.

In the mean Time, to satisfy the Reader's longing, he may here take a short Account of that Process from the unsuspected Hand of Sir George Mackenzie, in his *Criminals, Part II. Tit. 16. Par. 2^d*. 'The most considerable military Questions, saith he, which I remember in all the adjournal Books, are, first, That which was debated December 5th, 1666. the Case where- of was: Some West-country Men had formed themselves in an Army, and were declared Traitors by the Council, and being thereafter beat at *Pentland Hills*; Captain Arnot, Major McCulloch, and others, were taken by some of his Majesty's inferior Officers upon Quarter: But being pannelled before the Justices as Traitors, it was alledged for them, That they could not be put to the Knowledge of an Inquest before the Justices, because they having been modelled in an Army, and taken in the Field fighting as Soldiers, they behoved to be judged by the military Law, and by that Law such as get Quarter in the Field, are by that Quarter secured therein for their Lives, and cannot be hereafter quarrelled. To which it was replied, That there can be no Quarter but where there is a *bellum justum*, and it is not the Number nor Form of the Army, but the Cause that makes *bellum justum*; and publick Insurrections of Subjects against their Prince, are rather Sédition than *bellum*; and these Insurrections being Treason, none can remit Treason but the King, and therefore Quarter could not be equivalent to a Remission; but all the Effect of Quarter in this Case is, to secure these who get the same, from present Death. To which it was duplied, That all who get Quarter from any who are authorized to be Soldiers, are by that Quarter secured against that Authority from whom these Soldiers derive their Power; and these who get the Quarter, are not to dispute whether these Soldiers had a sufficient Power to give Quarter, or whether *bellum* be *justum* or *injustum*, for that were in effect to destroy Quarter in all Cases, and to make all such as take up

Son, who had been intercommuned, and paid near an Hundred Pounds. In the Year 1680. 1666.
 her Son was forfeited, merely for Noncompearance; and in a Year or Two, by *Claverhouse's*
 Troop, and others, the lost and expended on vexatious Suits, upwards of Four hundred
 Pounds. Her eldest Son, for Three Years, was forced to wander and hide in *Ireland*. In
 the Year 1684. she and her Second Son being cited to a Court for not hearing the Curate,
 her Son was imprisoned for some Months, and fined in Two hundred Merks: And still for-
 ward, until the Liberty 1687. this excellent Gentlewoman was vexed with Parties of Soldiers,
 and Compearance before Courts, which put her to great Trouble, and much Charges. From
 these well vouched Accounts, the Reader will have some View of the Hardships wherewith
 the Families of such who appeared at *Pentland*, were distressed.

That Terror might be struck into the West Country, while the Blood of the Lord's People
 is running so fast at *Edinburgh*, a Commission is granted to the Persons named in it, or any
 Three of them, with a judiciary Power, to try and judge such who were concerned in *Pent-*
land Riling: I have inserted it, *App. N^o. 10.* By virtue of this Commission, at *Glasgow, De-*
cember 17th, the Earls of *Linlithgow* and *Wigtoun*, the Lord *Montgomery*, and *Mungo Mur-*
ray, constitute themselves in a Court; and Mr. *Thomas Gordon* Writer in *Edinburgh* is cho-
 sen their Clerk. Sir *William Purves*, his Majesty's Solicitor, indicts *Robert Buntine* in *Fin-*
wick Parish, *John Hart* in West-quarter in *Glasford Parish*, *Robert Scot* in *Dalserf Parish*,
 and *Matthew Paton* Shoemaker in *Newmills*. The Court finds them guilty of Rebellion and
 Treason, and sentences them to be hanged at *Glasgow*, upon *Wednesday December 19th*. Their
 Process I have not insert, as coinciding, *mutatis mutandis*, with *App. N^o. 9.*

They were accordingly executed that Day. The Men were most cheerful, and had much
 of a Sense of the Divine Love upon them, and a great deal of Peace in their Sufferings. It
 was here that abominable Practice was begun, which turned afterwards so common, of the
 Soldiers beating Drums when the Sufferers spoke to the Spectators before their Death. Re-
 flections need not be made upon this barbarous unchristian Practice, scarce any where used,
 but by the Popish Inquisitors, and is a plain Evidence of an ill Cause, which cannot bear the
 Light. The Persecutors were afraid lest the Words of these dying Witnesses for Truth,
 would confirm and strengthen honest People in their Adherence to, and Appearance for Li-
 berty and Reformation; and I cannot say they were mistaken in their Fears, for the Christi-
 an and manly Carriage of those noble Sufferers, had a mighty Influence upon Multitudes.
 Few, if any, were terrified by their publick Death, and many were convinced of the
 Goodness of their Cause, and fixed in their Resolutions to adhere to it.

To return again to *Edinburgh*: Upon the 18th of *December*, the above named Justice-
 clerk and Justice-depute, have before them Mr. *Hugh McKail*, *Thomas Lennox*, *Umphrey*
Colquhoun, *Ralph Shield* Clothier in *Air*, *William Pedin* Merchant there, *John Wodrow*
 Merchant in *Glasgow*, *Robert McMillan*, *John Wilson* in the Parish of *Kilmawock*, *Mungo Kai-*
po in *Evandale*. The Judges pronounce Sentence of Death upon them, and order them to
 be hanged at the Cross of *Edinburgh*, *December 22^d*.

All of them, save Three, were executed that Day; and most Part of their Speeches are al-
 ready more than once published. Upon the 21st of *December*, I find the Council supersede
 the Execution of the Sentence of Death upon *Robert McMillan*, *William Pedin*, *Thomas Len-*
nox, and *John Lindsay* formerly reprimed, till further Orders. As far as I can guess, these
 Four got off, after some Imprisonment, and partial Compliances; probably the Reason of this
 was the King's Letter formerly mentioned, for sisting Execution. When the rest are dis-
 patched, the Council order the Magistrates to take down the Gallows at the Cross to Mor-
 row; and dispense with the cutting off the Heads and Hands of such as are to be executed.
 Now all were satiate with Blood except the Prelates, and they were forced to yield.

Before those Executions began, which I have put all together: Upon the 4th of *December*,
 I find the Council order Mr. *Hugh McKail* and *John Neilson* of *Corsack*, to be tortured
 with the Boots, a Practice not used before in *Scotland*, in the Memory of any now living;
 and I doubt if it was often practised since the Reformation. Now it was brought in, and vi-
 olently urged by the Prelates, and afterward frequently used, as we shall hear. This, with
 other inhumane and barbarous Tortures made Use of in this Period, was justly complained
 of at the Revolution, and abrogated.

What moved the Council to pitch upon those Two, I do not know. Mr. *McKail* was a
 Youth of great Sense and Learning, and *Corsack* a Gentleman of excellent Parts, and probab-
 ly from them they expected vast Discoveries. A Conspiracy was pretended, and they were
 to be examined by this Torture in Presence of the Council, and Interrogatories formed to be
 put to them, which I have not seen. But there was indeed no Plot to be found, and their
 Riling was merely for Self-defence, and unconcerted. *Corsack* was fearfully tormented, so
 that his Shreiks would have melted any Body but those present, who still called for the other
 Touch. Nothing was recorded, for all they said was what they had candidly signified before,
 That the Oppression of the Country had forced them to rise in Arms, and being up, they were
 obliged in Self-defence to stick together. The Sufferings of Mr. *Hugh McKail* are so singu-
 lar, that though they are printed in *Nephtali*, yet being so proper for a History of this
 Nature, I have inserted them.

Commission,
 with a judicia-
 ry Power, granted to se-
 veral Persons
 to try some of
 the Prisoners
 at Glasgow who
 are hanged
 there, Dec. 19.
App. N^o. 10.

At their Exe-
 cution, the
 barbarous Cu-
 stom of beat-
 ing Drums,
 when the
 dying Men of-
 fered to speak,
 began; with
 some Reflec-
 tions upon this

Mr. *Hugh Mc-*
Kail, and Se-
 ven others
 sentenced to
 die at *Edinburgh*,
 Dec. 22.

Three of
 them reprimed.

Mr. *Hugh*
McKail and
Corsack tortured
 with the
 Boots.

They make
 no Discoveries;
 having frankly
 told all they
 knew formerly.

A particu-
 lar Account of
 Mr. *Hugh*
McKail's Suffer-
 ings in *Neph-*
tali.

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guilty. I do not find they gave themselves the Trouble of hearing Advocates but make short Work, and go upon their Confession, and condemn them to be hanged at the Cross of *Edinburgh*, on *Friday* the 14th of *December*; which was accordingly done, only *John Lindsay* was delayed. Their Testimonies are likewise printed in *Nephtali*, and elsewhere, so I do not insert them, or the Process about them, which falls in with the former. The Council being weary of disposing Heads and Arms, order the Magistrates of *Edinburgh* to affix their Heads on such Ports of the Town as they see fit, and bury their Bodies in the usual Place.

Observation
on Sir George
Mackenzie's
Vindication.

Sir *George Mackenzie's* Vindication, pag. 8th, very confidently says; 'That generally no Man was executed in King *Charles's* Reign, who would say, *God bless the King*, or acknowledge his Authority.' The Falshood of this will appear from a vast Number of Instances in the Progress of this History. I only here ask, If any of these Persons now executed, had the Offer of their Life upon that Condition? If not, as certainly they had not, then Sir *George's* Vindication is a very false one, and a Covering of Cruelty with a Lie: For all of them that were put to Death on this Occasion, did both pray for the King, and own his Authority, though they could not justify his Administration.

The particular
Sufferings of
the Family of
Corsock.

The Sufferings of one of those worthy Persons, *John Neilson* of *Corsock*, in the Parish of *Partan* in *Galloway*, and those of his Lady and Children, are so remarkable, that they deserve a Room in this Collection; and I see not where an Abstract of them can be more properly insert than here. Mr. *Dalgleish*, the Curate of *Partan*, had no small Hand in this Gentleman's Hardships. When Sir *James Turner* came first into *Galloway*, *Corsock* was soon delated by the Curate for Nonconformity, and Sir *James* exacted an Hundred Pounds *Scots* from him, and, contrary to Promise, he was sent Prisoner to *Kirkcudbright*. He suffered very much by Quarterings of Soldiers upon him; from the Beginning of *March*, to the End of *May* that Year, he had Troopers lying on him, sometimes Ten, sometimes Six, sometimes Four at once, and was forced to pay each Man Half a Crown a Day, which came to Eight hundred and nineteen Pounds *Scots*, and free Quarters besides to Man and Horse; which, moderately computing at Fifteen Pence a Day, amounts to Four hundred and eight Pounds, Ten Shillings. Next Year, Sir *James Turner* sent Six Foot-soldiers to quarter upon him, from *March* to the Middle of *June*. These had each of them Twelve Pence a Day, besides free Quarters, which amounts to Seven hundred and fifty six Pounds. By those Hardships, *Corsock* was obliged to leave his House, and wander up and down; and upon his hiding, he lost his Horse worth an Hundred Pounds, and was seized himself, and imprisoned for some Time. The Loss of his Household-stuff, Victual, and most Part of his Sheep, cannot be well reckoned. When they had turned his Lady and Children to the Doors, they fell next upon his Tenants, and obliged them to bring them in Sheep, Lambs, Meal, and Malt, till they were well nigh ruined. And last of all, they drove all his Oxen and black Cattle to *Glasgow*, and sold them. And all this for nothing else but precise Nonconformity.

Corsock very instrumental in saving Sir *James Turner's* Life, and when Sir *James* is endeavouring to get him spared, the Curate of *Partan* and Bishops prevail to get him executed.

After all this Oppression, of which I have before me an attested Account, the Reader can scarce wonder that he, and many others in the like Circumstances, took hold on the first Opportunity that offered to complain of, and relieve themselves of those Calamities. When saying this, he is taken at *Pentland*, and, when a Prisoner in *Edinburgh* Tolbooth, Sir *James Turner* used his Interest to get his Life spared, because *Corsock*, out of his truly Christian Temper, saved Sir *James*, when some were seeking to take his Life, both at *Dumfries* and afterwards, though few had felt more of his Severity than this Gentleman; Mr. *Dalgleish* the Curate, getting Notice of it, applied himself to some of the Bishops, and acquainted them, *Corsock* was a Ringleader to the *Phanaticks* in *Galloway*, and if he were spared, he needed not think of continuing in his Parish, and they might spare them all. This went further than Sir *James* his Interest could go, and so he was executed.

Maxwel of *Milltown*, and Sir *William Bannantyne*, heavily oppress *Corsock's* Family.

His Lady being in *Edinburgh* after her Husband's Death, *Maxwel* of *Milltown* came to the House of *Corsock*, with Thirty Men, and took away every Thing that was portable, and destroyed the rest, and turned the Family, and a Nurse with a sucking Child, to the open Fields. Some Time after, Sir *William Bannantyne* came and inventoried any Thing that was in the House, seized that Year's Crop, and arrested the Rents in the Tenants Hands. One of the Tenants, *Arthur McGachie* in *Glenhead*, with his Wife and a young Child, were carried off Prisoners, and kept some Weeks, merely because he had converted with his Master *Corsock*, before *Pentland*, a Day or Two after he had been at *Dumfries*. The same Sir *William*, a little after, came, and took Lodging with Thirty Horse in *Corsock*, till the Lady gave him a Bond, with Two Neighbour Gentlemen Cautioners, for Three hundred Merks. The Laird of *Partan*, a Papist, posselt himself of a Part of *Corsock's* Lands contiguous to his in that Parish, of about Eighty Pounds *Scots* yearly, and forced the Tenant to pay One hundred and twenty Pounds of Rent, due to *Corsock* before *Pentland*. And further, by virtue of the Forfeiture, the said Popish Gentleman defrauded the Lady *Corsock* of a Bond he had given to her Husband, of Four hundred and eight Merks *Scots*, and all the Interest. The said Gentlewoman had all her Moveables seized, for her Converse with her own Son.

All of them owned the King's Authority, and disclaimed any rebellious Designs, to set up against the Government, and still professed they were craving no more, but a Redress of the Church and Kingdom's Grievances in the only Way now left them. I hear, most, if not all of them, left their written Testimonies behind them, and it is Pity any of them are lost. Scarce the Half of them are in *Nephthali*!

Though some of them had lived long in Bondage through Fear of Death, and others of them had fore Anguish of Body through the Wounds received at *Pentland*, their Torture, and other Pieces of ill Treatment afterward, yet all of them died in great Serenity and peaceful Hope of Salvation. *George Crawford* was so pleased to die, that he pressed to be up the Ladder, and, when upon the Top of it, triumphed in Christ.

And as they had much solid Peace and Comfort as to their own eternal State, so many of them had a firm Expectation that God would deliver *Scotland* from the Bondage of Bishops, and their Influence upon the heavy Oppressions the Country was groaning under.

A few of them were Persons of Learning and great Knowledge. Major *McCulloch*, *Corsock*, Mr. *Hugh McKail*, have been spoken of already. When *Knockbreck* and his Brother were turned off the Ladder, 'tis said, they clasped other in their Arms, and endured the Pangs of Death. The most of them were illiterate Persons, of very common Education, and yet in their dying Speeches they discover a Greatness of Soul, much Piety, and good Sense. Their Friends who knew them before, could not but remark, it was given them what and how to speak in that Hour. *John Wodrow* Merchant in *Glasgow*, in his Testimony and Letter to his Wife, was observed to go far beyond one of his Education and Circumstances; and his very Style was noticed to be much above what it was formerly known to be. *Humphrey Colquhoun* when he died, spoke not upon the Scaffold and Ladder, like an ordinary Townsman, but like one in the Suburbs of Heaven; related his Christian Experiences, called for his Bible from one of his Friends, and laid it on his wounded Arm, and read some most apposite Passages, and spoke to the Admiration of all who heard him.

Unless it be the first Three Worthies mentioned in the former Book, never did Men in *Scotland* die more lamented by the Spectators; yea, the religious Part of the Nation, but most of all, when Mr. *Hugh McKail* suffered, there was scarce ever seen so much Sorrow in On-lookers; scarce was there a dry Cheek in the whole Street, or Windows at the Cross of *Edinburgh*. He was a Youth of Twenty Six Years of Age, universally beloved, singularly pious, of very considerable Learning. He had seen the World, and travelled some Years abroad, and was a very comely graceful Person. I am told he used to fast one Day every Week, and had frequently before this signified to his Friends, his Impressions of such a Death as he now underwent. His Share in the Rising was known to be but small; and when he spoke of his Comfort and Joy in Death, heavy were the Groans of these present.

Many Remarks might have been made upon the Process insert in the *Appendix*, and pleasant Observes from the Testimonies published in *Nephthali*; but this would swell this Work very much. When these good People were executed, such who were accustomed too much to Cursing, cursed the Prelates; and such as used to pray, prayed the Guilt of this innocent Blood might not be laid to their Charge, nor visited upon the Land.

I have met with several Accounts of Prodigies seen in the Air about this Time; and Persons who lived then, of good Information, have left behind them a very strange Passage, that several People about *Pittentree* made publick Faith upon, That the Night after the Battle, and after some of these publick Executions, they heard the Voice of a Multitude about *Wellfoun* Mount, praising and singing Psalms with the sweetest Melody imaginable: But I am unwilling to insert any Thing here save what is fully attested, and leave those Things to be enquired into by such as shall write a complete History of these Times.

It is not my Work in this Historical Essay, to insist upon a Vindication of these religious and excellent Persons who suffered at this Time. This hath been done oftner than once, and this Rising hath been proven to be no Rebellion, but a necessary and forced Appearance for Religion, Liberty, and Property: And yet, without ever attempting an Answer to what hath been said in Vindication of these Sufferers, it hath been the Way of the Prelatick Party to run them down as Villains and Rebels. This was the Cant of the Days before the late happy Revolution; and no great Wonder, since the then Laws and Governors were pleased to talk at this Rate: But this Treatment, I confess, is a little odd since that happy Turn, when Matters are much altered.

That Jacobites and Papists should continue in the Style of those Times, they would so willingly have us back to, is no great Wonder: But for any who own the Revolution, the Authority of King *William* of ever glorious Memory, and the Protestant Entail now so happily taken Effect and established, to rail at these Persons as Rebels, and what not, is every Way unaccountable and inconsistent.

The very same Reasons which vindicate the Revolution, 'As being an extraordinary Case, a Case of Necessity, and still implied, tho' not expressed in the general Rules of Loyalty and Subjection to Sovereigns, when the Sovereign, misled by evil Counsellors, endeavoured to subvert and extirpate the Protestant Religion, and the Laws and Liberties of the King-

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All of them own the King, and disclaim any Rebellion.

And die in great Serenity and Hope, as to their Salvation, and firm Expectation of a coming Deliverance to their Country and Church.

Particular Objections upon them. The Conditions of *Knockbreck*.

John Wodrow.

Humphrey Colquhoun.

They died much lamented, particularly by Mr. *Hugh McKail*.

A short Character of him.

Extraordinary Things related about this Time.

A short Defence of the Rising above described, and those who suffered for it from Revolution-principles and plain Facts.

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The Commis-
sioner and o-
thers with
him, having a
Justiciary
Power, go
West to Air.

Nature, I would willingly have insert them here were they not very prolix, and therefore must refer my Reader thither, for a larger Account of this singular Person.

No Discoveries being made, or indeed further to be made from the Prisoners at *Edinburgh*, the Commissioner *Roths*, now come from Court, resolves upon a Progress through the West and South, that he might be at the Bottom of an imaginary Conspiracy and Plot, he would fain have landed upon some Body or other. He came first to *Glasgow*, and from thence to the Town of *Air*, with a Committee of Noblemen and others with him, having a Justiciary Power.

Those con-
demn Twelve
more of the
Prisoners
there.

At *Air*, upon the 24th of *December*, the Earl of *Kellie*, Lieutenant-general *Drummond*, *Charles Maitland* of *Hattoun*, *James Creighton* Brother to the Earl of *Dumfries*, sit in Judgment, and have Twelve more of the Prisoners before them, indicted by the Solicitor for Treason. They are found guilty, and ordered to be executed at *Air*, *Irvine*, and *Dumfries*; and the Sentence was put in Execution accordingly.

Seven of them
hanged at
Air, *December*
27.

Thursday, the 27th of *December*, was appointed for the hanging of Eight of them, *James Smith*, *Alexander M'Millan*, *James M'Millan*, *George M'Cartney*, *John Short*, *John Graham*, *James Muirhead*, and *Cornelius Anderson*, in the Town of *Air*. The Hangman of that Town being unwilling to imbrue his Hands in the Blood of those good Men, got out of the Way, and no other could be found to undertake this hateful Work. The Provost not being able to find one for this Office, proposed this Expedient, which was gone into: That one of the Eight who were condemned should have his Life, if he would consent to become *Burrier* to the rest; and with Difficulty enough *Cornelius Anderson* is prevailed upon. When the Execution-day is come, the poor Man's Heart being like to fail him, the Provost, to secure all, took Care to make him almost drunk with Brandy. Thus, with much Difficulty, they got their Sentence executed.

Two executed
at *Irvine*, *Decem-*
ber 31.

Other Two of them, *James Blackwood* and *John M'Coul*, were executed at *Irvine* upon *Munday December* last. When Mr. *Alexander Nisbet* Minister there, visited them in Prison, he found them ignorant, and very much discouraged and damped with the near Views of Death and Eternity. After he had bestowed some Pains upon them, and instructed them in the Way of Salvation by Faith in Christ; when the Day of Execution came, they died full of Joy and Courage, to the Admiration of all who were Witnesses. *Anderson*, as I am told, was likewise obliged to hang them, and in a few Days he himself died in Distraction and great Misery.

William Suther-
land Hangman,
refuses to exe-
cute any of the
Prisoners.

His Declarati-
on,
App. No. 11.

His barbarous
Treatment.

The Courage and Behaviour of *William Sutherland* Hangman at *Irvine*, a Man very much Matter of the Scriptures, and blameless and pious, and the Carriage of the Persecutors to him, deserve a Room here. His own Declaration, which I am well assured is genuine, and formed by himself, and Account of his Examination, will set this Matter in its native Light; and therefore, tho' the Paper be rude, and in a very homely Dress, I have insert it, App. No. 11.

This poor Man, after the Hangman at *Air* fled, was by Force brought from *Irvine* to that Place, and boldly stood out against all the fair and foul Means used to bring him to execute the above named Persons there. When he had been put in the Stocks, and endured all the Hardships he himself gives Account of, and still persisted in his Refusal, Lieutenant-general *Drummond* ordered him to be taken out and bound to a Stake, and caused a File of Musketeers present their Pieces, assuring him he was a dead Man, if he yielded not to hang the condemned Persons. This moved him not. Then they covered his Face, and after a little the Soldiers were ordered to run in upon him with a Shout, and all the Noise they could make. Thus they resolved to make him feel the Fear of Death, though he escaped the Pain of it. And this was his Martyrdom, which he underwent with a great deal of Composure and Resolution.

Two more ex-
ecuted at *Dum-*
fries, *January*
2, 1667.

John Grier and *William Welsh*, the remaining Pair of those condemned at *Air*, were executed at *Dumfries*, upon *Wednesday January* 2^d, 1667. Thither the Commissioner with his Company came; and after all the Pains he had taken in this Perambulation of the Country, to discover a supposed Plot, upon which the Rising was alledged to have been founded, only learned, that there was nothing to be discovered.

Thus I have given as full an Account, as I could gather, of the Sufferings unto Death of these Persons taken at *Pentland*. The following Persecution of the rest who escaped, and of some Gentlemen who never joyned them, by Forfeiture and otherwise, will come in in the Order of Time upon the succeeding Years.

The meek and
magnanimous
Carriage of
the above na-
med Sufferers
in Prison, at
their Trial and
Death.

It is a Loss we have not preserved to us, a more particular Account of these excellent Persons Carriage, both in Prison and at their Death. By the short Hints I have met with, I persuade my self it would have been very useful and instructive. Their Behaviour all along was with the greatest Meekness and Magnanimity; and very much of the Spirit of the primitive Christians runs through many of their last Speeches. None of them would save their Lives by renouncing the *Covenants*, and taking the Declaration. None of them made any shifting Defences in their Process, but fairly and boldly owned what they had done, as Christi-
ans and *Scotsmen*, for the Cause of Religion and Liberty.

C H A P. II.

1667.

of the State and Sufferings of Presbyterians during the Year 1667.



HIS Affair of *Pentland* had no small Influence upon the Interests of Prelacy in *Scotland*: Some of the Bishops at least reckoned now their Enemies were buried, and that none would dare, after this, to move a Lip against them or their Procedure. Their Fears were much over, and they took Care to brand the Presbyterian Party, as a few inconsiderate rash Rebels, Enemies to Monarchy and them; but they came to see their Mistake, and Matters proved quite contrary to their Expectation.

The Influence of the Affair of *Pentland* upon the Interests of Prelacy.

The Bloodshed last Year, had an Effect not unusual in the Christian Church, really to encourage good People in their adhering to the *Words of Christ's Patience*. Since the *Reformation* there had been but few Executions for Conscience Sake; and now when these are turning common, by the cheerful and Christian Sufferings of so many, People are animated to their Duty, and hardened against Danger; as if now, and scarce till now, they had believed, that Torture and Death for *Christ's Sake*, can be gone through with Cheerfulness, by Divine Assistance; and that not only by eminent, but ordinary Saints.

The cheerful and steady Carriage of the Sufferers strengthened Presbyterians.

To blacken these noble Sufferers, Mr. *Robert Lawrie*, a little after their Death, declared from one of the Pulpits in *Edinburgh*, That they had gone down to the Pit with a Lie in their right Hand; but brought no Proofs of his uncharitable and unchristian Censure. There was indeed a Cause; he was hounded out to this bitter and unjust Reflection. Their Death, and the triumphant Nature of it, had left deep Impressions of the Righteousness of their Cause, and their own Innocence: And this publick Calumny only left the Speaker under a Blot, yea, the Hatred and Contempt of many, but did no Hurt to the Sufferers.

Mr. *Robert Lawrie* endeavours to blacken the Sufferers after their Sufferings, but in vain.

Indeed from the Time of these repeated publick Executions, the Episcopal Interest in this Kingdom, gradually and sensibly decayed, till the Prelates, the chief Instruments of this Bloodshed, were at length laid aside, as a publick Nuisance. The Nobility perfectly wearied to follow these severe Courses, and this Year the Persecution slackened, People began more generally to dishaunt the Churches, and the outed Ministers ventured to preach a little more publicly, particularly Mr. *John Welsh*, whose Labours were singularly and eminently blessed of God. Multitudes flocked to their Sermons, and much Love to the Gospel abounded in a Proportion to the Benefit People felt by it: And the poor honest People, who were in Railery called *Whiggs*, from a Kind of Milk they were forced to drink in their Wandrings and Straits, became Name-fathers to all who espoused the Interest of Liberty and Property through *Britain* and *Ireland*. If the Reader would have another, and perhaps better Origination of the Word, he may consult *Burnet's Memoirs* of the House of *Hamilton*.

The Interests of Prelacy decay after this Multitude of Executions.

A little after the *Restoration*, as hath been observed, *Lawderdale* had reasoned against the Establishment of Prelacy in *Scotland*, as what would raise Uneasiness to the Government there, being really contrary to the Inclinations of the most and best of the King's Subjects. He was over-ruled, and the general outward Quiet of the Country, for some Years after the Obtrusion of Episcopacy, seem'd to vindicate the Sentiments of such who had opposed him: But this Insurrection, together with the general and growing Contempt of the Bishops and their Clergy, and the great frequenting of Presbyterian Ministers Sermons, in Houses and the Fields, made the King to reflect upon what *Lawderdale* had assured him of; and being bent on his Pleasures, lazy in Business, and impatient of Disturbance, he was the more inclinable to mild and moderate Measures.

Lawderdale's Argument against bringing in Prelacy, now verified.

Accordingly, this Year, after a considerable Struggle with the Prelates and their Party, *Lawderdale* prevailed, and got an Indemnity for *Pentland* Insurrection, and in a little Time the first Indulgence came down.

Moderate Measures followed this Year with Presbyterians.

That the Reader may have a further View of the Severities after *Pentland* altogether, I shall first give some Account of the Methods taken by the Army in the West and South, on the Back of this Insurrection, and the Forfeitures passed under Form of Law; and then essay a more particular Narrative of the Procedure against Presbyterians this Year, the *Bond of Peace* offered them, with the Indemnity at length granted. These may be Matter for Two Sections.

Contents of this Chapter.

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App. No. 12.
and 13.

dom, to borrow the Words of a great Lawyer, the same Arguments are of equal Weight in this Case. The Cause was indeed the very same, Religion and Reformation, Law and Liberty; and had the Attempt under the Prince of Orange miscarried, as, blessed be the Lord, it did not, no question it would have been branded with the same hard Names of Rebellion, and resisting the Ordinance of God, this was loaded with, yea, with worse.

We have seen the Declaration of these People who rose at *Pentland*, and I shall refer the Reader to *Appendix* No. 12 and 13. where he will see Two Associations or *Covenants*, if he please, entred into at *Exeter*, and in the North of *England*, while King *JAMES VII.* was upon the Throne, which in some Things go a greater length than our *Pentland* Men.

And if the Success of this Rising was not equal to that of the Revolution, these brave and gallant Men were not to blame: But the Lord's Time, set for the Delivery of this poor Church and Kingdom, was not come. And I must add, what hath been already hinted, That their Appearance was not concerted with that Caution the Difficulty of the Times required; and they too much depended upon Assistance from others in the same oppressed Circumstances with themselves; and when that failed them, they failed in their Attempt.

But leaving those Things to others who may handle them more fully, as a Historian I shall only lay before my Readers, the plain Matters of Fact as to this Undertaking, many of them scattered up and down in the former Account; that having the whole Circumstances under View at once, they may judge for themselves.

Pentland Attempt then was no premeditated, but a very accidental Rising some few Country-people were obliged to by the barbarous Oppression of the cruel Soldiers.

It was merely upon Necessity and Self-defence they took Arms, being morally assured they would be murdered by those merciless Men, had they not looked to themselves after their first Attempt.

When some were thus got together, others of better Note joyned them, as being under the same Grievances, tho' not so liable to military Execution as they; and knowing no other Method of getting Redress, but in this Posture, all Application to the King being discharged by Law, and the Bishops in Council effectually stopping any Thing like this; that they had no more in their View, appears plain enough, from their Treatment of Sir *James Turner*, when in their Hands.

When they came Eastward to make this Application, and had, at the Noblemens Desire, with the General's Concurrence, agreed to a Suspension of Arms, and had in part proposed their Grievances, and these were sent to the Council, and they some Way under a Treaty; they were attacked in a sudden and subdolous Way, and obliged then to resist Force by Force, when no Indemnity was allowed them.

When taken at the Engagement, they got Quarters, and a Promise of their Life; and it was contrary to all Rules to be dealt thus with after Quarter given and taken.

Several of those who were executed, were not in the Engagement, had not born Arms, and were only in the Company with the rest, when going through the Country.

Some of them, I know not how many, not having the Date of the King's Letter, nor the Time when the Primate received it, died to gratify Bishop *Sharp's* Cruelty, and contrary to the King's express Orders, *That no more Lives should be taken.*

All of them owned the King's Authority, and suffered really, if the Matter be narrowly considered, not so much for their rising in Arms, there was Grace to pardon that, as for their not renouncing their sworn *Covenant*, and refusing to take the *Declaration*, for which, it would seem, the Bishops would allow of no Mercy: So that they died not for Rebellion, but Religion and Conscience Sake.

In short, the Reader will notice, That these worthy Persons are fairly vindicated, as soon as the Nation recovered its Senses, by our *Revolution-Parliament Act*, July 4th, 1690. *rescinding Forfeiture*, where the forfeited Persons are restored, not *ex gratia*, but *ex justitia*; and all Decrees and Sentences pronounced by any Judges against them, are declared void and null from the Beginning. The good Men confessed they had risen in Arms, and the Thing was evident; yet our Parliament, in this circumstantiated Case, plainly judging it not to be treasonable, or Rebellion, pronounce, *ex justitia*, their Sentences void and null from the Beginning, and those excellent Persons innocent: And I have no doubt, but long before this publick Vindication from Men, these Sufferers had a very comfortable Sentence passed upon them by the righteous Judge of all Men.

saw a Man at some Distance, who, upon their Approach, fled into a Country-house near by, and both Doors being open, only passed through it, and got down into a Ditch full of Water on the other Side of the House, and stood up to the Neck; there he remained undiscovered, till he escaped. The Party, when they observed him flee, pursued hard, and came into the poor Woman's House, and searched it narrowly, but miss their Prey. All the poor Woman could say, was, That indeed a Man had run through her House, and she knew nothing about him: However, because she owned the Man had been in her House, and could not produce him, she is brought Prisoner to *Kilmarnock*, where she was sentenced to be let down to a deep Pit under the House of the Dean, full of Toads and other vile Creatures. Her Shreiks thence were heard at a great Distance; but no Body durst intercede for her, otherwise they would have been sent to bear her Company. Whether she died there, or what became of her, I know not.

Instances of such Severities might be multiplied. I add but one further. Sir *Mungo Murray* had the Command of some Soldiers, and was rummaging up and down for Intelligence, and to seize Wanderers. He gets Notice of Two Countrymen who had given a Night's Lodging to Two of the *Pentland* Men, when coming Home. The Men are brought in before him, and, without any further Probation than Hear-say, Sir *Mungo* orders the Two Countrymen to be bound together with Cords, and hanged up by their Thumbs to a Tree, there to hang all Night. 'Tis odd to think, how cruel Men fall upon such Methods to torment their Fellow-creatures, as this and others we shall meet with. The poor Men would in all Probability have died before next Day, through Pain and Torture, had not some of the Soldiers been so merciful as to cut them down to save their Lives, tho' this was at the Hazard of being dealt with themselves the same Way.

These are some Part of the unprecedented Methods taken by the Army in the West, and much more was done of this Sort. The Vexation, Loss, and Hardships the Country-people were put to, cannot be expressed. Mean while, the poor Whiggs either got off to wander in a strange Land, or lurked in some retired Corners under borrowed Names, or hid themselves in Caves and Coal-pits; and this was the forest Winter of Persecution *Scotland* had known of a long Time.

Sir *William Bannantyne*, much about the same Time, was sent into *Galloway* with a considerable Party of Soldiers under his Command. Some of his Cruelties have been noticed, and others of them will come to be narrated afterwards: I shall only set down here attested Accounts of his Carriage in Two or Three Parishes, upon the Back of *Pentland*. The Reader will find more of this Nature in *Nephthali*.

He was more than once harassing this poor Country. At his first Incoming after *Pentland*, he brought Four hundred Foot, and a Troop of Horse to *Roger Gordon's* of *Holm*, in the Parish of *Dalry*, against whom nothing could be charged; but wherever they pleased, they took free Quarters. At the *Holm*, he and his Horsemen ate up Sixteen Bolls of Corn, killed and ate vast Numbers of Sheep, and consumed Abundance of Meal and other Things, besides what they took away from him and his Neighbours.

From thence they went to the House of *Earlstoun*. Some of the Sufferings of the Family of *Earlstoun*, have been pointed at, and now the House is made a Garison. From this Parties were sent out through that Parish, and these about, and exercised inexpressible Cruelties upon any they were pleased to alledge had been at *Pentland*, or conversed with such.

One *David McGill* in that Parish, whom they came to apprehend, escaped happily from them in Womens Clothes; but dreadful was the Way taken with his poor Wife, whom they alledged accessory to her Husband's Escape. They seized her, and bound her, and put lighted Matches 'twixt her Fingers for several Hours: The Torture and Pain made her almost distracted; she lost one of her Hands, and in a few Days she died.

They pillaged the Country round about, as they pleased. Some they brought to their Garison, though under heavy Sickness, stripped them naked almost by the Way, bound them, and cast them into nasty Places, without the least Accommodation; and it was a great Favour to let them out when at the Point of Death.

Many were the Fines the Soldiers uplifted: From one Countryman in *Dalry* Parish, a Thousand Merks were exacted; another poor Man was fined in Three hundred and twenty Merks, a Part of it was paid, and his Bond taken for the rest, and that was afterward exacted in the Year 1684. Another Countryman in the same Parish had a Hundred and fifty Pounds imposed upon him, and another Four hundred Merks. These Fines were perfectly arbitrary, founded upon alledged Suspicions that the poor People had been concerned in the Rising, and so were laid on just as the Soldiers pleased, and as the Man was able to pay.

In the Parish of *Carisphaun*, *Gilbert Monry* in *Marbrack*, without any alledged fault, had Fifty Merks imposed upon him. When he asked Sir *William Bannantyne* for what he was fined; the other answered, Because you have Gear, and I must have a Part of it. Great Numbers of Sheep and Nots were taken in that Parish, and Gentlemen as well as others were ruined. *Alexander Gordon* of *Knockbreck*, for his Sons being at *Pentland*, suffered a great deal,

1667.

Sir Mungo Murray hangs up Two Men on a Tree by the Thumbs, for having some who had been at Pentland, one Night in their House.

Sir William Bannantyne his Cruelties in Galloway.

He takes free Quarter at the Holm.

A Garison placed in Earlstoun House.

Horrible torturing of a Woman, for being accessory to her Husband's Escape.

The Country about pillaged. Sick and dying Persons brought to the Garison.

Fines uplifted by the Soldiers on their Pleasure in Dalry.

Fines and Oppressions in the Parish of Carisphaun.

1667.

S E C T. I.

Of the Severities of the Army after Pentland, the Forfeitures and other Hardships upon such as were concerned in that Attempt.

General Dalziel marches Westward, and the Soldiers harass the Country.

A Little after the Victory at *Pentland*, General *Dalziel*, with a considerable Number of his Troops, marched Westward to improve his Success, in harassing all suspect of favouring Presbyterians. We have, upon the former Chapter, seen the Powers given him by the Council, *December 1st*. Here opens a Scene of Cruelty unheard of before in *Scotland*. Sir *James Turner* lately had forced *Galloway* to rise in Arms, by his Cruelty the last and former Years: But he was an easy Master, compared with the General his Ruffians, and Sir *William Bannantyne* this Year. The Reader cannot form any Notion of their Carriage, without some few Instances out of many which might be given.

The Soldiers take free Quarter where they come.

It was the smallest Part of those Hardships, that the Soldiers took free Quarter through the West and South, as if they had been in an Enemy's Country; though this went very nigh to destroy the Sustainance of that Country. In short, the Soldiers do what they will, without Controul.

The General takes up his Head-quarters for some Time in the Town of *Kilmarnock*. I have a well attested Account of many Sums extorted from the Inhabitants of that Country Town, by me, too large to insert here; but only remark from it, That their Loss, by quartering of Soldiers, and other Impositions, in a few Months after *Pentland*, at a very modest Calculation, was upwards of Fifty thousand Merks; a terrible Sum for a Place of their Poverty at that Time.

The Heritors and Country about called before him.

Hither *Dalziel* calls in the Country-people about, the Heritors, and whomsoever he pleases. Suspicion, without any Probation, is what he goes upon. If he or his Informers were pleased to entertain any Jealousy a Man had been in Arms, or harboured any who had been in Arms, this is Reason enough to sift him before him; and, as it was lately at the Commission-court, few came but were either guilty, or made so, if they had any Money. He not only examined privately, and endeavoured to expiscate Crimes, and then pronounced Sentence as he pleased, but threatened, and cruelly tortured whom he would.

Multitudes thrust into a Dungeon, upon mere Suspicion.

Not a few, yet alive, remember how he thrust so many into that ugly Dungeon in *Kilmarnock*, called the Thieves Hole, upon mere Suspicions of their being accessary to the late Rising, where they could not move themselves Night or Day, but were obliged constantly to stand upright. When in this Pin-fold, one of them, and it was God's good Providence there were not many more, fell dangerously sick: The General would not allow him to come forth, till Two compassionate Persons were Bail for him, to return him living or dead. The poor Man died in a little, and the Two Sureties were forced to bring the Body to the Prison-door, where it lay a considerable Time, till the General, in his great Humanity, permitted the Body to be buried. But somewhat worse follows.

David Finlay is instantly shot, for his being at *Lanerk* when Colonel *Wal-lace* was there, tho' he joyned not the Army.

David Finlay in *Newmills* Parish, not far from that Town, is by Order brought before him. When examined, he acknowledged he was accidentally at *Lanerk*, when Colonel *Wallace* and his Army came thither, but had not joyned them. Being interrogate further, Whom he saw there? he gave little Satisfaction; and because he would not, and indeed, being only transiently there upon his Business, could not give an Account of the rich Whiggs there, presently the General sentences him to die. He was no Soldier under *Dalziel's* Command, no Judge had passed Sentence against him, no Witnesses were adduced, no Council of War held, and yet the poor Man is summarily ordered to be shot to Death immediately. When he was carried off from the General, neither the Lieutenant who was to execute the Sentence, nor the Man-himself, took *Dalziel* to be in earnest; but they found otherwise. The Soldiers had positive Orders to execute the Sentence: When they signified so much, the poor Man begged, for the Lord's Sake, one Night's Time to prepare for Eternity. The Lieutenant was so affected, that he returned to the General, and earnestly intreated the poor Man might be spared but till to Morrow. His Answer was like the Man who gave it, *That he would teach him to obey without Scruple*. So the Man was shot dead, tripped naked, and left upon the Spot. The Sergeant who had brought him from his own House to the General, being wearied, had gone to his Bed, and slept a little; when he awoke, and was acquainted with this sudden Dispatch, he sickned, took his Bed immediately, and died in a Day or Two.

Barbarity exercised on a Country woman, merely because a Man pursued by the Soldiers, went thro' her House.

Another Instance of their tender Mercies, was towards a poor Country Woman in the Neighbourhood of *Kilmarnock*. A Garison was kept in the House of the Dean, nigh by the Town: The Soldiers who lodged there, used frequently to traverse the Country, to see if they could find out any of the Whiggs wandering or hiding. One Day a Party of them

saw

Mr. ----- Orr, Mr. William Veitch, Mr. ----- Paton, Mr. John Crookshanks, Mr. Gabriel Maxwell, Mr. John Carstairs, Mr. James Mitchel, and Mr. William Forsyth.

What hath been remarked upon the Proclamation, December 4th, above narrated, discharging Refet and Converse with those above named, needs not be repeted here. Some here insert, as Mr. Crookshanks, were dead, and some others named had no Being: And we shall afterward hear, that the Council correct the Names of some of them, in the Indemnity which comes down this Year.

Upon Dittay given in against these Persons by the Advocate, which I have insert App. N^o. 14. the Court decerns them to be denounced Rebels, and their Lands to fall to his Majesty's Use, as Outlaws and Fugitives from his Majesty's Laws, upon their Noncompearance.

It seems a simple Forfeiture was not reckoned a good enough Claim for the Estates now to be disposed of, and therefore the Advocate urged to have a Sentence of Death passed upon as many of them as he saw fit to insist against. The Difficulty was obvious which lay against this illegal Proposal; the Persons were absent, and it had not been a Practick to put an Indictment to the Knowledge of an Assize, and examine Witnesses in Absence of Parties. To obviate this, the Advocate, having beforehand practised upon the Lords of Session, and obtained their Judgment in this Case, produceth in Court a Query to the Lords of Council and Session, with their Answer, which I shall here insert, as a Document of the Equity of those Times.

QUERY.

WHETHER or not a Person guilty of High Treason, may be pursued before the Justices, albeit they be absent and contumacious; so that the Justices, upon Citation, and sufficient Probation and Evidence, may pronounce Sentence and Doom of Forfeiture, if the Dittay be proven? The Reason of the Scruple is, That Processes of Forfeiture are not so frequent, and that in other ordinary Crimes, the Defenders, if they do not appear, are declared Fugitives, and that the following Reasons appear strong and relevant for the Affirmative, 1^{mo}, By common Law, albeit a Person absent cannot be condemned for a Crime, yet in Treason, which is *crimen exemptum*, this is a Speciality, that Absents may be proceeded against and sentenced. 2^{do}, By Act 1. Jam. V. Parl. 6. It is declared, that the King has good Cause and Action, to pursue all Summons of Treason, committed against his Person and Commonwealth, conform to the common Law, and good Equity and Reason, notwithstanding there be no special Law, Act, or Provision made thereupon; and therefore, seeing by the common Law, Persons guilty of *Lese-majesty* may be proceeded against and sentenced, though they be absent, it appears that there is the same Reason, that the Justices should proceed against, and sentence Persons guilty of Treason though absent, and that they are sufficiently warranted by the said Act so to do. 3^{to}, It is inconsistent with Law, Reason, and Equity that a Person guilty of Treason should be in a better Case, and his Majesty in a worse, by the Contumacy of a Traitor, the same being an Addition, if any can be, to so high a Crime; and that he should have Impunity, and his Majesty prejudged of the Casualty and Benefit arising to him by his Forfeiture. 4^{to}, The Parliament is in Use to proceed and pronounce Forfeiture, though the Party be absent; and in so doing, they do not proceed by a legislative Way, but as the supreme Judges: And the Parliament being the Fountain of Justice, what is just before them, is just and warrantable before other Judicatories in the like Cases. 5^{to}, By the above mentioned Act of Parliament, it is statuted, *That Summons and Processes of Treason*, may be intended and pursued, after the Decease of the Delinquent, against his Memory and Estate, for deleting the one and forfeiting the other, whereupon Sentence may follow to the Effect foresaid. And therefore, seeing Sentence may follow, where the Delinquent cannot be present, and is not in Being, it were against all Reason, that where they are wilfully and contumaciously absent, they should not be proceeded against, and sentenced if they be guilty: And it were most unjust, that his Majesty should be forced to call a Parliament for punishing and forfeiting of Persons being absent, or that he should wait until they die, especially seeing in the *Interim* the Probation may perish by the Death of the Witnesses.

This is the utmost so good a Lawyer could go, in reasoning for this Stretch against these worthy Gentlemen. I shall not pretend to answer the Reasons brought from an old and antiquated Law in Time of Popery, nor from the King's Interest, which seems fully to be answered by the simple Forfeiture, nor consider the Reasoning from Parliamentary Power to that of inferior Judges: I am well assured, that any Lawyer could very easily expose the Weakness of such Arguing; only it may be remarked, that as soon as a Parliament sat, it was found needful to approve *ex post facto* this Reasoning, and the following Answer.

1667.

Mistakes in the Persons procured.

Indictment given in, and they proceeded according to then Laws. App. N^o. 14. The Advocate's plea upon a Forfeiture of Life against a good man, in Absence.

Query to the Lords of Session, about Forfeitures in Absence, with Reasons for it.

Remarks upon it.

1667.

Sir William Bannantyne's Wickedness and Severities in the Parish of Balmagie.

His Villanies so many, that his Masters were ashamed of him, call him to some Account, and he died in Misery.

Dutch Squadron comes into the Firth, and the Army called thither.

Many other Oppressions at this Time.

Grierson of Dalgoner.

Lewiston.

Narrative of the Forfeiture of such who escaped, and a good many Gentlemen who had not been at Pentland. Members of the Justice-court held at Edinburgh, August 15.

The King's Advocate pursues criminally the Persons named.

deal, and his Family after him, as in part we have seen. Robert Gordon in Carnevel, had his whole Estate, being Sixteen thousand Merks, taken from him; another lost his Lands worth about Six hundred Merks a Year. Seven hundred Merks were taken by the Soldiers from Three Countrymen near Lochdun.

In the Parish of Balmagie, Sir William came into a publick House, and after calling for some Ale, he offered Wickedness, and attempted it on the Mistress of the House. Her Husband being present resisted him; whereupon Sir William struck him down dead in the Spot; and some Life remaining, when about to kill him outright, a Gentleman in the Parish being present, endeavoured to prevent him, and fell in Grips with Sir William, and being too strong for him, Bannantyne called in the Soldiers who were at the Door: They took the Gentleman, and bound him with his Head 'twixt his Knees, and his Hands behind his Back, with a Teather, and kept him lying on the Ground in that Pickle all that Saturday's Night, and Part of the Sabbath, till his Friends came and gave Bond for him. This Gentleman was no Whigg, but had been with the King's Forces at Pentland. Bannantyne and his Party drank in the House, most of the Lord's Day; and when they could drink no more, let what remained run upon the Ground, and rifled the House of all in it. In short it was known, that Bannantyne, in this Country, never refused to let his Men rob and plunder wherever they pleased.

His Oppressions, Murders, Robberies, Rapes, Adulteries, &c. were so many and atrocious, that the Managers themselves were ashamed of them; and we shall afterwards hear that he was called to some Account for them, and forced to flee the Nation; and when at London, made an Attempt upon Lawderdale, which obliged him to go abroad, where he died in Misery.

Those Hardships from the Army continued upon the West and South-country, till, towards the Beginning of June, a Squadron of Dutch Ships came up the Firth of Forth, to make Reprisals for the Hurt done to their Trade by our Privateers. They shot some Guns at Leith, and fired some Hours upon Burntisland, without doing any great Damage. The Army was then ordered to the East-country to guard the Coasts.

A great many other Hardships were put upon good People after Pentland, by others as well as the Army. Many were imprisoned upon mere Suspicion, and without any Ground put to a vast deal of Trouble. James Grierson of Dalgoner was imprisoned in the Tolbooth of Air; he was perfectly innocent as to the Rising in Arms, and earnestly craved a Trial, but was not allowed it: At length, upon giving Caution for Compareance, under a vast Sum, he is let out.

John Hamilton of Auldstain or Austane, was in January apprehended by the Council's Order, upon a Suspicion that Major Lermont his Son in Law, had been in his House after Pentland. Nothing could be proven, and with Difficulty he got out, upon giving Bond to compar when called, under Penalty of Ten thousand Merks. At the same Time I find the Council liberates one Carmichael, alledged to have been at Pentland, upon his signing an Obligation to serve at Sea in a Frigate.

But I come to end this Section, with some Account of the Procedure of the Government, in forfeiting such who were not caught at Pentland, and others who had not been there, in August this Year; and some Hints at the Sufferings of others upon the Account of that Rising, of which I have no particular Dates, but they come in natively enough here.

Upon the 15th of August, the Earl of Athole Justice-general, and Sir John Hume of Rentoun Justice-clerk, with the Two Assessors appointed by the Council, the Earls of Linlithgow and Dumfries, hold a Justice-court at Edinburgh. Their main Design was against the Lairds of Caldwell and Kerland, whose Estates were to be given to the General and Lieutenant-general, for their good Services.

Sir John Nisbet the King's Advocate, produceth a Commission signed by the Commissioner Rothas, to pursue criminally before the Justice-court, and for forfeiting these following Persons in their Lives and Fortunes, as being in the late Rebellion in the West. viz. ' Colonel James Wallace, Major Joseph Lermont, William Maxwell of Moncrief younger, John McClellan of Barscob, John Gordon of Knockbreck, Robert McClellan of Barmageichan, James Cannon of Burnshalloch younger, Robert Cannon of Montdrogat younger, John Welsh of Star, ----- Welsh of Cornley, ----- Gordon of Garrary in Kells, Robert Chalmers Brother to Gadgirth, Henry Grier in Balmaclellan, David Scot in Irongray, John Gordon in Middleton of Dalry, William Gordon there, John McNaught there, Robert and Gilbert Cannons there, Andrew Dempster of Carradow, James Grierson of Dargoner, (who was delayed) James Kirk of Sundaywell, ----- Ramsay in Mains of Arnistoun, John Hutchison in Newbottle, ----- Row, Chaplain to Scotstarbet, Patrick Listoun in Calder, Patrick Listoun his Son, James Wilkie in Mains of Cliftounhall, William Muir of Caldwell, the Good-man of Caldwell, Mr. John Cunningham of Bedland, William Porterfield of Quarreltoun, Alexander Porterfield his Brother, Robert Ker of Kerland, William Lockhart of Wicketshaw, David Pe in Pokellie, Mr. Gabriel Semple, Mr. John Semple, Mr. John Guthrie, Mr. John Welsh, Mr. Samuel Arnot, Mr. James Smith, Mr. Alexander Pedin, Mr.

a few Days he died, and escaped the Fury of the Persecutors, who were resolved to carry him to *Edinburgh* in a Litter. Great was the Trouble *Mary Gordon* of *Robertoun* was put to, after her Husband and Brother's Death, mostly from the Instigation of the Curate of the Place. After *Bothwell-bridge* she was very hardly dealt with, by frequent Quarterings of Soldiers, imposing of Fines for her Nonconformity. At one Time the Soldiers took Two good Horses from her; at another Time a Party of Dragoons carried off almost all in the House. They emptied the Feather-beds, and packed up the rest of the Household-stuff in them, and carried it off. She had almost nothing valuable left her. In a short Time they came again, and carried her, and her only Son *John Gordon* a Boy, to Prison, and Two of her Servants, who were both banished to *America*. She and her Son, for mere Nonconformity, continued some Time there, to their considerable Loss in Person and Purse. In the 1685. a Company of Highlanders quartered some Days in *Robertoun*, destroying every Thing. Her Tenants were sadly oppressed for the Sake of this good Family. One of them, *John Sprat*, was plundered, and fined in Twenty Pounds for speaking to his own Son, who had been at *Bothwell*. Horses and Cows were taken from others of them: But Particulars would be endless.

1667.

One of their
Tenants fined
for speaking
to his own
Son.

Kirko of *Sundaywell*.

I shall next consider the Sufferings of the Family of *Sundaywell*, in the Parish of *Dunscore*. We have already heard how this Gentleman *James Kirko*, was taken at *Edinburgh* in the Year 1660. with *Mr. James Guthrie*, and others, and put in Prison, where he was kept near Four Months. He could not escape *Middleton's* Fines, and paid of Fine, with Riding-money, Six hundred Pounds; at another Time, for Nonconformity, he was fined in Two hundred Pounds. In the Year 1666. *Sir James Turner* exacted from him Five hundred Merks of Church-fines, and he paid Two hundred Pounds for the Soldiers quartered on him. In *October*, by the Severities of the Soldiers, and their continual spoiling of his House, he was obliged to dismiss his Family, and betake himself to a wandering Lot. This gave Occasion to the Persecutors to believe he was at *Pentland*; but that could never be evinced. However, by the Severities after, he was forced to leave the Kingdom for Three Years; and then, to his dying Day, he was vexed by the Lord Lyon, with a Process of Forfeiture, in which he was forced to expend a great deal of Money: Before it ended, he got out of all his Troubles, by a comfortable Death in the LORD.

James McClellan, who succeeded him in what remained of the Estate of *Sundaywell*, had no small Share of the Hardships of these Times. Upon a mere Allegiance he had been at *Pentland*, when not yet Sixteen Years of Age, he was forced to flee to the Mountains, where he, with some others, lurked from *November* last, till *February 15th* this Year, when *Mr. McClellan* ventured nearer Home to get some Clothes and other Necessaries, with a Design to leave the Kingdom. That Day he was apprehended by a Party of *Sir William Bannantyne's* Men, and brought to their Garison at *Earlstoun*, and there put into a Vault with some other Prisoners. *Sir William* most cruelly tortured him with fiery Matches 'twixt his Fingers, and would force him to tell Matters he knew nothing about.

James McClellan
who succeeded
him in the
Lands of *Sundaywell*, his
fore Sufferings.

Cruelly tortured
at Sixteen
Years of Age.

After some Times, he was carried Prisoner to *Glasgow*, and from thence to *Linlithgow*, where General *Dalziel*, for a Fortnight, would not so much as allow the Prisoners a little Straw to ly upon; from thence to *Leith*, where he was in great Straits for Meat; and at length he was brought up to the *Canongate* Toll-booth, where the Prisoners had much Kindness from the good People in *Edinburgh*. There he continued till the Middle of *September*, when he was examined by the Council; and, upon his refusing the Declaration, with Fifteen others, was banished to the Plantations, but happily broke Prison, and escaped.

When he came to the South again, about Five Years after this, and was married by *Mr. Robert Archbald* Minister of the Parish, at the Instigation of the Curates, he was cited before the Council for clandestine Marriage; where, after much Trouble and Charges, he got off. Within a little, the Parish of *Dunscore* was fined, for alledged Robbery committed on the Minister, in Five thousand Merks, though, by the Curate's own Acknowledgment, the whole Parish was innocent. His Share came to Six hundred Pounds. In the Year 1678. for refusing the Bond when pressed, he was forced to leave his Family for Six Weeks, and hide. In the Month of *April* that Year, an Order came for *Niddale* Militia to go into *Lanerk* Shire, and oppress honest People there. *James* refusing to go, or send any in his Room, was fined in Eighty Pounds. Upon the 9th of *May* 1679. he was taken out of his House by Fifteen Dragoons, without any Reason given, and carried to the Prison of *Dumfries*, and from thence to *Edinburgh*, where he continued till the Middle of *July*. For Clerks and Jaylors Fees here, he was Two hundred and eight Pounds. He met with much Trouble in the 1672. for gathering some Money for the Necessity of some Prisoners, and was indicted before the Justiciary, and escaped with much Charges. At the Circuit held at *Dumfries* by the Lord *Castlehill*, *Forrest*, and others, he was indicted for Reset and Converse, because Two Ministers had lodged in his House one Night, and was imprisoned, and forced to take the Test the 2^d of *August* thereafter; which, in his signed Account, from which this is taken, he says, was the saddest Day ever he saw, and desires to mourn for this Fall all his Days.

Opinion of the Lords of Session.

1667.

Answer to it
by the Lords of
Session.

THE Lords of Council and Session, having considered the Query presented to them by the Lord *Bellenden* his Majesty's Treasurer-depute, it is their Opinion, That upon the Justices Citation, and sufficient Probation taken before the Judges and Assize, they may proceed, and pronounce Sentence thereintil, and Forfeiture against the Persons guilty of high Treason, though they be absent and contumacious.

JO. GILMOR I. P. D.

When this is
produced, the
Justices sustain
the Libel a-
gainst Eight of
themTheir Process
App N^o. 15.Remark upon
Sir James Tur-
ner's being
Witness against
them.Aug. 16. the
Advocate in-
sists against
Caldwell, Ker-
land, and o-
thers.Their Process
App N^o. 16.Mr. Gabriel
Maxwell Mini-
ster at Dund-
onald, forfeited
Four Years af-
ter this.The rest de-
layed till Nov-
ember and dropt.Forfeited Es-
tates their
Rents to be lit-
ted by Houshill.His Commissi-
on
App. No. 17.Caldwell's Es-
tate given to
General Dalziel,
Kerland's to
L. G. Drummond,
&c. with
the Gift.
App N^o. 18.
Robert Chalmers's
Remission,
App. N^o. 19.Sufferings of
some more Fa-
milies in the
South, this
and the fol-
lowing Years.Of the Gordons
of Robertoun
and Largmore.

Matters being thus prepared to the Lords Hands, they declare their own Power, and go on to their Work, find the Dittay relevant, and refer it to an Assize. That Day the Advocate insisted against Colonel *Wallace*, Major *Lermont*, *Barstow*, Mr. *John Welsh*, Mr. *James Smith*, *Patrick Listoun*, his Son, and *Quarreltoun*. Their Process I have insert, App. N^o. 15. They had some Difficulty to get an Assize, but at length made a Shift; and 'tis made up of Officers in the Army, the General's Servants, and some Parists. Sentence was pronounced the same Day, and all the abovenamed were forfeited in Life and Fortune.

It may be remarked, That Sir *James Turner* was the first Witness who swore in this Process, though 'tis plain he could not well purge himself of Malice: Yea, the Privy Council it self, corrupt as it was, found him guilty, and condemned him afterwards, for oppressing them, as we shall hear.

Next Day, August 16th, the chief Part of the Process comes on; and the Advocate declares, that he insists against *William Muir* of *Caldwell*, *John Caldwell* of *Caldwell* younger, *Robert Ker* of *Kerland*, Mr. *John Cunningham* of *Bedland*, *Alexander Porterfield*, *Maxwell* younger of *Moncrieff*, *Barmageichan*, *Montdrogat*, *Robert Chalmers*, Mr. *Gabriel Semple*, Mr. *John Guthrie*, Mr. *Alexander Pedin*, Mr. *William Veitch*, Mr. *John Crookshanks*, and Mr. *Patrick McNaught*. Their Process being short, I have insert it, App. N^o. 16. and their Sentence is the same.

Mr. *Gabriel Maxwell* Minister at *Dundonald*, was upon the same Account forfeited in Life and Fortune, Four Years after this, December 22^d, 1671. by the Justice-court. What the Reason of this Delay was, I do not well know. His Process I have before me, but it needs not be insert; for the Depositions of *James Cochran*, *John Stevenson*, *John Wilson*, *John Anderson*, *John Caldwell*, and *William Caldwell*, in Process, App. N^o. 16. are just adhered to before the Assize, who bring him in guilty; and the Judges pronounce the ordinary Sentence.

The rest, in the Advocate's Commission above, are delayed till November, when I do not find they are insisted against, the Indemnity and Bond of Peace being before that Time upon the File.

Perhaps it was not so convenient, that General *Dalziel* and Lieutenant-general *Drummond* should come immediately to possess the Estates of *Caldwell* and *Kerland*, though I am informed they were now secured to them: And therefore at present the Rents of these Two, and other forfeited Persons in *Renfrew* Shire and the Neighbourhood, are put into the Hands of *James Dunlop* of *Houshill*, and he is countable to the Treasury for them, as appears by his Commission, October 12th, this Year, which I have insert, App. N^o. 17.

Some Time after, *Caldwell's* Estate is gifted by the King to *Dalziel*. I have inserted a Copy of the Gift, App. N^o. 18. *Kerland's* is given to *Drummond*; Major *Lermont's* Estate is given to Mr. *William Hamilton* of *Woollshaw*, *Quarreltoun* and his Brother's to Mr. *John Hamilton* of *Hallcraig*. The Copies of the Gifts are before me, but being all the same, *mutatis mutandis*, 'tis needless to swell the Appendix with them. I find the King is prevailed with to pardon *Robert Chalmers*, condemned at this Time, in the Year 1669. and I set down, App. N^o. 19. a Copy of his Pardon, that the Reader may have all the View I can give him of this Affair, all together.

Here I would put an End to this Section; but the Sufferings of several other Gentlemen and Heritors, upon the Account of this Rising at *Pentland*, offer themselves to me. Most of them were forfeited, but I have not the Dates, and so I shall cast them together in this Place, with some Hints at the sore Oppression of their Families in the succeeding Years.

The Sufferings of the Family of *Robertoun*, in the Parish of *Borg* in *Galloway*, deserve a Room here; and I give an Hint at them from an attested Account now before me. *John Gordon* of *Largmore*, with his Brother in Law *William Gordon* of *Robertoun*, joyned with other Gentlemen in the Attempt at *Pentland*, where the said *William Gordon* was killed, to the great Loss of the Country where he lived, and his own Family, his aged Father having no more Sons. *John Gordon* was very sore wounded, and lost much Blood; through this, and his lying in the Fields some Nights after the Engagement, when he came Home to his own House, in

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Of the State of Things during the rest of this Year, the disbanding the Army, Bond of Peace, and Indemnity.

IT remains now that I lead the Reader in a little to the Reasons and Method of putting some Stop to such heavy Persecution. The Bishops and their Party, who had been the Occasion of the raising the oppressing Army, use all their Interest to continue and keep it up; and here joyned them, not only the Officers and their Friends, but also several others, hoping to share of the Spoil of Presbyterians in the West and South.

Accordingly they endeavour to persuade the King, that all the Whiggs and Presbyterians are Enemies to Monarchy, as well as to the Church established by Law, and therefore must be extirpated. The Execution of this, they hope, will be put into the Hands of their Friends; and all of them expected they might come to reap the Harvest of Money and Estates, they had been greedily looking for since the Restoration.

From the Letter to the King immediately after the Victory at *Pentland*, the Reader will have observed their Desire of a more vigorous Application of the King's Power for rooting out rebellious Principles now leavening the Nation. The plain Scots of this, as explained by private Letters sent up at the same Time, was a Desire, that the Council might have Power put in their Hands to press the Declaration upon all Presbyterians of Estates and Riches; and in case of Refusal, which they made no Doubt of, straight to forfeit them. It was likewise pressed that the Army might be continued, and being filled with their good Friends, the rest of the Nation would have been Providitors for them, and Tenants at Will.

At present there was very little Difference between the King's Secret Council and *Dalziel's* Council of War. Duke *Hamilton* was only *Rit-master Hamilton*, as the General used to call him, *Rothes* was *Rit-master Lesly*, *Linlithgow* was Colonel *Livingstone*, and so of the rest. *Dalziel* and *Drummond* were, quickly after the Disaster at *Pentland*, made Privy Counsellors; and had this Project gone down at Court, the Misery of this Nation had been very soon completed, and the Eastern *Turkish* Slavery introduced, or that of *France*, where the Nobility and Officers of the Army are much the same.

The Bishops used all their Interest, and made as great Efforts as they were capable of, to get this Project gone into in its full Latitude; and Lieutenant-general *Drummond* goes up to Court to negotiate this Affair. He endeavours to persuade the King, the Country was so averse from Prelacy, that they could not be kept in Quiet, without a good Army and military Force, and violently pressed the Continuance of a standing Army, and the harshest Methods against the Refusers of the Declaration. The Archbishop of *Glasgow* went likewise up to *London*, the Primate, as we have heard, not being at present so very acceptable, as once he had been. He was a Man of Cunning and Subtily enough, and by his setting up so very much upon the Lay of the English Forms, was in good Terms with the violent Churchmen and their Party, and hoped by their Assistance, to have Conformity crammed down People's Throats, by the rigorous pressing of the Declaration, and a standing Army.

While this Matter is in Dependence, a Convention of Estates meet at *Edinburgh*, *January 23^d*, and lay on a Subsidy for the Army, Sixty four thousand Pounds a Month for a Year's Time, as may be seen in the printed Acts of Parliament. When I looked to the Act of the Convention, I wondred to find so few hard Words upon the late and recent Rising at *Pentland*; and am apt to think, this hath not been looked upon as so black and atrocious a Crime, as some Prelatists and Jacobites have made it since; nor so frightful an Attack upon the Prerogative, otherwise this loyal Convention would have taken more Notice of it. It may be farther remarked, that in the Narrative of the Act, 'tis said, *That the King hitherto had maintained the Army upon his own Charges*, which I know not so well how to reconcile with the express Application of the Fines, to the Payment of the Army, above narrated. In short, the Convention, in the Excess of their Loyalty, humbly offer to maintain all the Forces the King shall please to raise: A Blank is thus put in his Hand, to raise and continue as numerous a standing Army, as his arbitrary Counsellors should for their own Ends advise him to.

It was happy for the Nation, that *Lawderdale*, who had very much of the King's Ear at this Time, was of other Sentiments. He smelled, the Design of a great many, who were for a standing Army, was to enrich themselves and Friends, and gratify the Prelates in Severities upon Presbyterians.

Several Things concurred to cross this Violence projected against them. Bishop *Sharp's* double Dealing had been lately discovered to the King, and his Interest at Court was considerably weakened; therefore the Archbishop of *Glasgow* went up to Court, and not the Primate, as had been in use these Years bygone. Chancellor *Hyde* and his Party were fast losing Ground

The Bishops and their Party endeavour to keep up the Army.

Suggestions made to the King against Presbyterians.

True Meaning of the Council's Letter to the King, Nov. 29 last, to press the Declaration upon Pain of Forfeiture.

The Council now made up almost of Persons in the Army.

Lieutenant-general *Drummond* goes to Court to stop the Disbanding,

and the Archbishop of *Glasgow*.

Convention of Estates meet, *January 23*, and give large Subsidies. With some Remarks on their Procedure.

Lawderdale against the Continuance of the Army, and why.

Several Things concurred to stop the Violence designed against Presbyterians.

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Indeed he gave sufficient Evidence of the Sincerity of his Repentance. At the next Circuit 1684. he appeared with the rest of the Heritors, apprehending no more Hazard: But when all were again made to renew that Oath, which, he says, had been to him as a Fire in his Bosom, he retired, and fled Home; but was soon apprehended, and with Difficulty got off, with giving a Bond of Five thousand Merks, to appear when called. After this, by *Storhouse* he was forced, with his Wife and Infants, to quit his House in the Middle of Winter, and wandred in Mosses and Mountains, without any settled Abode, until the *Liberty*. By *Barscob's* Forfeiture he left his whole Patrimony, and the Donator would never give him a Farthing. In the 1685. his House was plundered by the Garison of *Dalswintoun*. But I must leave this good Man, from whose attested Account of his Sufferings we may guess at the Severities many others were trysted with.

James Callane
Merchant in
Dumfries his
Sufferings.

James Callane, Merchant in *Dumfries*, was forfeited some Time after *Pentland*, but his being there was never proven: He was indeed present, being dwelling in the Town, at the taking of Sir *James Turner*; but no other Guilt was ever made out against him, but mere Nonconformity. In the Years 1662 and 1663. for refusing to hear the Curates, he paid for a Year's Space, Forty Pence every *Munday* for himself and Wife. He underwent much Trouble, and several Imprisonments, for his Parliament-fine Five hundred Merks, and paid the Half of it, and Fifteen Pounds *Sterling* Riding-money, and more by far than the other Half in Expences, and Clerks Fees, to get his Discharge. Sir *James Turner*, before *Pentland*, exacted considerable Sums of Money from him. When he was declared Rebel, most unjustly, after *Pentland*, he left the Kingdom, and was Seven Years in the *East Indies*. At his Return, he was taken by *Claverhouse*, and imprisoned at *Dumfries* Fourteen Months, and at *Edinburgh* a Year and a Half; after which he was banished to *Carolina*, where he died. When the Accounts of this came Home, his Wife and Daughters at *Dumfries* were attacked for Nonconformity, and spoiled of any Thing they had, and forced to wander up and down in the Hills and Mountains, for Three Years and an Half.

Robert Lennox
of Plumpton.

Robert Lennox of *Plumpton* was reduced to great Losses and Straits before the *Revolution*, as appears by a Petition under his Hand, now in mine Eye. After *Pentland*, though I cannot find he was there, his Estate, worth Two thousand Merks yearly, with a good House upon it, was taken from him, and he forced to flee to *England*, where he was for Three Years in a wandring Condition. At length, with his Wife and Children, he went over to *Ireland*, and settled at *Glenevie*, where, the Lord blessing his Labours in Merchandizing, he came to have a good Stock, and was very useful to get a Presbyterian Minister settled there, where none had ever been. For this he was persecuted by the Bishop and his Official, and excommunicated, and upwards of Four hundred and thirty Pounds *Sterling* taken from him, whereby he was reduced to Beggary almost. Some Relief was got to him by my Lord *Granade*, and some others, and he ventured over to *Scotland*, and raised a Process against the Donator of his Estate, a Papist. When he produced his Charter of his Lands, it was taken from him, and he cast in Prison, where, through bad Treatment, he was brought very near Death, and got out; and afterwards lived upon Charity till the *Revolution*. All this he narrates in his Petition, which is all I know about him.

Thomas Lennox.

I find another Person, *Thomas Lennox* of *Plumpton*, in an attested Account of the Sufferings of the Parish of *Borg*, a very considerable Sufferer. I cannot learn whether he be any Relation of the former, but the particular Hardships he was under, before and since *Pentland*, are in short; Sir *James Turner* extorted from him Two hundred and thirteen Pounds; and, being imprisoned a great Part of Two Years, his Fees to Jaylors, &c. cost him Two hundred Pounds: Extorted by Sir *William Bannentyne*, Two hundred sixty six Pounds, thirteen Shillings, four Penies, besides Loss of his whole Crop, and most of his Houshold-plenishing: All this for mere Nonconformity, and without any Process against him. At one Time he was imprisoned at *Edinburgh* Three and thirty Weeks, and at another Three Months, precisely for refusing the *Test*.

Thus we have some Account of the Severities and Forfeitures immediately after the Defeat at *Pentland*. The Sufferings of several other excellent Persons upon this Score, will come in in the Progress of this History. 'Tis Time now to come forward to the Account of other Occurrences this Year, and to the stopping the Severities in part by the *disbanding* the *Army*, *Bond of Peace*, and *Indemnity*.

‘*Fifthly*, We do require you with all Speed to provide Arms and Ammunition for the Defence of the Kingdom; for which Purpose We do allow all the Remainder of the first Year’s Taxation; and because Money may not be presently raised, We do allow --- our Commissioner to allow such Rates for Advance of the same, as you think necessary.’
 ‘*Sixthly*, We do require you to take some effectual Course, that every Parish secure the Persons of their Ministers from Violence and Affronts.’
 ‘*Lastly*, For exemplary Punishments of the late Rebels, for the terrifying of all Men from daring to attempt any Thing of the like Nature hereafter, upon any Pretext whatsoever, and for the more effectual rooting out of rebellious Principles, We do peremptorily require you without any further Delay, to give present Order for the Criminal Pursuit of all Heritors, or Men of Estates, all Preachers and military Officers who were in the late Rebellion, or who assembled themselves without Our Authority, in order to the Rebellion, before the Justice-general, to the end they may be tried according to Law, and being found guilty, forfeited without any further Delay. So expecting a ready Obedience, and speedy Account from you, We bid you heartily Farewel. Given at Our Court at *Whitehall* the 12th Day of *March*, 1667. and of Our Reign the Nineteenth Year.’ By his Majesty’s Command.

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LAW D E R D A L E.

That same Day the Council, ‘Appoint a Committee to meet and think upon Rules to judge what Persons are disaffected, and the fittest Means for securing the Persons of Ministers in every Parish.’ The Clerk is ordered to form Proclamations, conform to the Second and Third Articles of his Majesty’s Letter. They ordain a Warrant to the Advocate to pursue Heritors, &c. in Terms of the Sixth Article.

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At their next Meeting, *March 22^d*, they approve the Two Draughts of the Proclamations laid before them, which are published *March 25th*. The First is, For bringing in of Arms from the Shires of *Air, Lanerk, Renfrew, and Wigtoun*, and Stewartry of *Kirkcudbright*, against the 1st Day of *May*. I have insert it, *App. N^o. 20*. The Order is universal through these Shires, and Gentlemen are only allowed to wear walking Swords. It seems no Body in these Western Shires, were allowed to have the Privilege of defending themselves or Families from Thieves and Robbers, they were so deeply leavened with Presbyterian Principles. One Pretext for this unreasonable Treatment of Subjects, is, *To prevent the invading the Ministers of the Gospel, who were lawfully admitted Preachers of the Gospel among them*. Parishes are made liable for all the injuries done to legal Ministers, not only when in the Exercise of their Ministerial Function, but when in their Houses and Families: And accordingly, as we shall have Occasion to remark, most iniquitous Fines were extorted from Parishes, when Thieves and Robbers came and spoiled the Curates Houses; or they themselves, by their Incivilities, Injustice, Unrighteousness, and Oppression, had provoked some passionate Persons to fright them, which the People of their Parish could neither prevent, neither so much as knew off, till the Attempt was over. These Attempts are charged upon these they now call *Rebels* in the Proclamation, most groundlessly: None, I can learn of, who were up at *Pentland*, and indeed no Presbyterian, approved these Riots. The Proclamation likewise seems to insinuate as much, as if those who had been at *Pentland*, were in Concert with the *Dutch*; which is a very idle and groundless *Innuendo*. Indeed this Proclamation had no great Consequence as to the bringing in of Arms; a few were brought together, and, a little while after this, were cast into the Sea.

Proclamation for bringing in of Arms from the Western Shires. *App. N^o. 20*. Remarks upon it.

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‘**T**hat whereas nothing can be useful for Our Service, or more conducive for reclaiming the People from these treasonable and phariseick Principles, wherewith they have been poisoned by factious Preachers, than the encouraging the sober and orthodox Clergy,

1667. Ground in *England*, and in *August* this Year he resigned his Staff; and the Interest of our *Scots* Prelates at Court, leaned much upon him and his Party of High-fliers. And perhaps this Disappointment was not a little owing to a Difference fallen in of late 'twixt *Lawderdale* and several of our great Men in *Scotland*, who had been his Friends in his Debates with *Middleton*, yea, had been brought into their Posts by his Influence.

Differences among our Statesmen, and those who oppose *Lawderdale*, who stand by him.

Changes in the Council and Officers of State this Year.

King's Letter, March 12. upon the Declaration and other Things.

Of this Numoer were Duke *Hamilton*, *Roths*, *Newburgh*, *Linlithgow*, *Dalziel*, with the Officers of the Army; and almost the whole of the Prelates joynd them. These made up a separate Party from *Lawderdale*'s Friends in the Council, who were the Earls of *Argyle*, *Tweddale*, *Kincardin*, the Lord *Cochran*, Sir *Robert Murray*, and some others. *Lawderdale*'s Favour with the King made him able with his few Friends to make a Stand against his Enemies, and his Interest above produced very considerable Charges in *Scotland* this Year.

In *March* I find the Earl of *Airly* and Lord *Cochran* are made Counsellors; in *June* Sir *Robert Murray* is made Justice-clerk; in *October* the Earl of *Roths*'s Commission is declared void, and he is divested of several Profits he enjoyed, and made Chancellor; the Army is disbanded, and an Indemnity granted, as we shall hear. These Civil Changes, save in as far as they had Influence upon the Sufferings or Respite of Presbyterians, I leave to be accounted for by others.

After the Convention of Estates were up, *Lawderdale* prevailed with the King to send his Letter, dated *March* 12th, to the Council, which, though severe enough, was not so agreeable to the Projects of such who were concerned in the Army: yea, it was a considerable Disappointment to the Party who opposed *Lawderdale*, and the Forerunner of a greater. The Council read it, *March* 21st. By it they are allowed to put the Declaration to all suspect Persons, and to incarcerate such as refused it. But they cared not much for bare Imprisonments, those produced little Money, and it was the Estates of the Whiggs and their Money they had in their Eye. The Conversion of Phanaticks by Imprisonment, was either despair'd of, or little at Heart. This Letter is of that Importance, and had so many Consequences, that it must have a Place here.

The King's Letter read in Council, March 20th.

- CHARLES, &c. We Greet you well. The Convention of Estates of that Our ancient Kingdom, having liberally and cheerfully contributed to the Maintenance of the Forces raised, and such as We should think fit to raise at this Time, for the Defence of the Kingdom against any foreign Invasion, or intestine Rebellion, We have seriously considered of the fittest Means for securing the Kingdom against Invasions from abroad, for rooting out of the late Rebellion, preventing the like for the future, and for quieting and preserving the Peace of the Kingdom, and the Good of the Church, as it is now settled: And for these Ends having heard those lately come from *Scotland*, and considered the Advices which We have had out of *Scotland*, We have resolved to send you these following Powers and Directions.
1. First, According to the Advice of Our Privy Council, for the better Discovery of such as are dangerous, We do impower you to tender the Oath of Allegiance, and the Declaration, which was by Our Parliament required of all who are or shall be in any Place of Trust, unto such active and leading Persons of the disaffected Party, as you shall find just Reason to suspect, and secure the Persons of all who shall refuse either the one or the other, when so tendered unto them.
 2. Secondly, We do authorize you in Our Name to emit a Proclamation in due Form, requiring all, both Gentlemen, and Heritors, and Commons, within these Shires where there appears most Disaffection, (which you are to set down in that Proclamation) to bring in, by such a Day to be named by you, all Arms of what Sort soever, and all Powder, under such Pains and Penalties as be by you thought fit; and that these Arms and Powder be forthwith secured in any of Our Garisons of *Edinburgh* Castle, *Stirling* Castle, or *Dumbarton* Castle, you always allowing Gentlemen to wear their Swords.
 3. Thirdly, We do authorize and enjoin you to seize all serviceable Horses, in the Possession of any disaffected or suspected Person of what Quality soever; provided always, that such Horses be first apprized by honest and indifferent Persons, at the Sight of the Sheriff, or some other Person or Persons appointed by you for that Effect.
 4. Fourthly, We do authorize and require you with all possible Diligence, to model a Militia of Horse and Foot in the several Shires of that Our Kingdom, to be ready to joyn with Our Forces, as they shall be commanded, for securing the Kingdom, as well against intestine Commotions as foreign Invasions, which you are to model, and offer to Us with all possible Expedition for Our Approbation; which being signified, and We having named Persons loyal and well principled, to command them, you may speedily proceed to put the Kingdom in a Posture of Defence.

‘*Fifthly*, We do require you with all Speed to provide Arms and Ammunition for the Defence of the Kingdom; for which Purpose We do allow all the Remainder of the first Year’s Taxation; and because Money may not be presently raised, We do allow --- our Commissioner to allow such Rates for Advance of the same, as you think necessary.’

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Clergy, against whom the greatest Rage appeared in the late Rebellion. And whereas We are resolved not only to encourage and protect the Bishops in the Exercise of their Callings, and all the *orthodox Clergy* under them, but also to discountenance all of what Quality soever, who shall shew any Disrespect or Disaffection to that Order and Government: Therefore We do more especially and earnestly recommend it to you, who are trusted under Us with the Government of that Our ancient Kingdom, to give all Manner of Countenance and Encouragement to the *orthodox Clergy*, and to punish severely any Affronts or Disrespect put upon them; to the end that they may be the more endeared to their People, when they see how careful We, and all in Authority under Us, are of their Protection in the due Exercise of their Calling.

Remarks upon it.

Indeed when many of the *orthodox Clergy*, as their Name now is, took no Care to conciliate Respect to themselves by their Doctrine and a proper Ministerial Carriage, but, by their violent persecuting Temper, drew down the Hatred of their People; there was no other Way left to support them, but the secular Arm that had made the Bishops, and forced in this *Clergy* upon *Scotland*. I have heard nothing of any Rage, or particular Injuries done to the Episcopal Ministers, by the People who were in Arms lately; but somewhat of the Nature of this Letter was necessary at this Time, when it was found proper to take a different Course from what the Prelates inclined to.

Proclamation for the Protection of the *orthodox Clergy*.

According to this Letter, and indeed beyond the Expressions in it, a Proclamation is emitted next Council-day, *June 13th*, making Heritors and Parishioners liable for all the Damages done to Ministers, and that in the strongest Terms: And we shall afterwards find it rigorously enough put in Execution. Since I have not seen it in Print, I have insert it, *App. N^o. 23.* and it needs no Remarks; some upon the Matter may fall in afterwards.

App. N^o. 23.

Letter from the King, urging the Forfeiture, and other Heads.

That same Day, another Letter from the King to the Council is read, pressing in warm Terms, the forfeiting of such who had been concerned in the Rising, and escaped from it; the Issue of which was the Justiciary Court, held *August 15th*; as we have seen in the former *Section*. The King there makes an *Innuendo*, That some of his Judges were too favourable to that Party; with some other Particulars, which the Reader will best see in the Proclamation itself, which I have annexed, *App. N^o. 24.* The Occasion of it was the Clamour of the Bishops, and an alledged Attempt made upon Mr. *Patrick Swinton* Curate of *Borg in Galloway*, who was indeed very active in the Persecution of that Country. I own any irregular Attempt, even under Provocation, is a Fault; and I will not in the least offer to vindicate it in any whosoever.

App. N^o. 24.

Sir Robert Murray comes down from Court, to get true Accounts of the State of Things.

The Project being now formed above, and Things thus disposed for slackning Severities against the Presbyterians, and dismissing the Army; Sir *Robert Murray* came down from Court, to get a true Account of the State of the Country, and the Carriage of the Army. He was a very learned and ingenious Gentleman, a great Ornament of his Country, a diligent Promoter of every Branch of useful Knowledge, and moderate in his Temper. Indeed, true and useful Learning makes all who have it, heartily against Persecution for Conscience Sake, and a Friend to the Liberties of their Country. The Primate's contradictory Accounts, and the great Interest these concerned in the Army, had in the *Scots Council*, all the Counsellors almost being under Pay, made the King very justly suspect the Informations he got from *Scotland*. In *June*, I find Sir *Robert* admitted to the Office of Justice-clerk.

He is made Justice-clerk.

Pains taken to evince the Necessity of keeping up the Army.

While Sir *Robert* is in *Scotland*, all the Efforts possible were made by the Prelates and the Army, to force some Evidences of the Necessity of the continuing the Forces now in Pay. One Day, Letters come in to *Edinburgh*, signifying that the Whiggs were in Arms again. Indeed another *Pentland* would not have been unwelcome to some now. At another Time, the Accounts came in of Attacks upon the legal Ministers Houses. I find it believed by People who understood the Circumstances of those Attempts, that some of the Army did perfonate the Whiggs, and plundered, and rifled, or at least threatened some of the Curates Houses; but having seen no particular Proofs of this Fact, I cannot assert it. However, those Attempts were made a strong Argument for the keeping up of the Army; yea, Sir *William Bannantyne* was sent into *Galloway* a second Time, to exact the Bonds he had taken from a great many there, which yet were not payable till *Martinmas*, in Hope that the poor People might be prevailed with to resist such palpable Injustice; and great was the Struggle at the Council-board to preserve the Army, the chief Hope and Support of the Bishops.

Disbanding the Army put off till the Peace with the Dutch is concluded.

Some Favours to confined Gentlemen, *William Lawrie* of *Blackwood* and the Laird of *Aikenhead*.

Till once the Peace with *Holland* was concluded, it was not found proper to disband the Forces: But mean while, I find, in *July*, many Prisoners, upon the Account of *Pentland*, are set at Liberty, upon their signing the *Declaration*; and some Favours are granted, but awkwardly enough, to some Presbyterian Gentlemen confined and imprisoned. *William Lawrie* Tutor of *Blackwood*, is allowed to come out of the Castle of *Edinburgh*, and to have the Liberty of the Town, about his Affairs. *James Hamilton* of *Aikenhead* (at the writing of this, 1715. lately dead) applies the Council, shewing, 'He had been confined to the Town of *Inverness*, and Liberties thereof, for Ten Months; and, after the Payment of a

' good

‘ good Part of his Fine, was confined to his own House, and a Mile about it, where he had lived peaceably; and all this for mere Nonconformity, as we have heard; craving, he might be permitted to come to *Edinburgh* about necessary Affairs.’ The Council grants him Liberty, upon giving Bond, under the Penalty of Ten thousand Merks, to return to his Confinement ’twixt and the 1st of *August* next.

1667.

That same Day, *July* 11th, the Council have before them a Report of a Committee they had appointed for considering the Case of the Prisoners after *Pentland*, and come to the following Issue as to this Matter.

Case of the Prisoners after *Pentland*.

THE Lords of his Majesty's Privy Council, having considered the Report of their Committee for examining the Prisoners in the Tolbooths of *Edinburgh* and *Canon-gate*, upon the Account of their Accession to the late Rebellion; bearing, That they have examined the said Prisoners, and thereafter considered their own Confessions, do find all of them to come under one of these Four Classes. 1. Some that are risen in Arms, and are, by their own Confession, clearly guilty of Rebellion, and refuse the *Allegiance* and *Declaration*. 2. These who are so guilty, and are content to take the *Allegiance* and *Declaration*. 3. These who have been taken upon Suspicion, that they have had some Accession, by resetting, abetting, or otherwise complying, and nevertheless deny they had any Accession, and against whom as yet there is no Evidence or Probation of Guilt, who refuse to take the *Declaration*. 4. These who are in the Condition above written, and are content to take the *Declaration*: In which several Classes the Committee have placed the several Prisoners, conform to the Lists thereof, given in.

Committee's Report.

The said Lords having considered the said Report, with his Majesty's Letter, giving Order for sending such of the said Prisoners as were guilty, to the Plantations, do ordain the Persons contained in the first Class, who are clearly guilty of Rebellion, to be sent to *Barbadoes* with the first Opportunity; and ordain a Letter to be written to the Secretary, to endeavour to procure his Majesty's Pardon and Favour for the Two Prisoners in the Second Class: Ordain these in the Third Class to continue in Prison; and recommend to the former Committee to examine how and by whom they were imprisoned, and to call these who did imprison them, to give Evidence against them; and ordain these in the Fourth Class to be set at Liberty forth of Prison, they taking the Oath of *Allegiance* and *Declaration*; and such of them as are able, finding Caution to appear when they shall be called, and to keep his Majesty's Peace in the mean time; and such of them as are not able, enacting themselves to that Effect, under the Penalties contained in the Laws and Acts of Parliament.

The Council's Orders upon it.

By the Registers of *August* 1st, I find that *Lawderdale* received this Opinion of the Council; and acquaints them, as the King's Will, That as to *Simpson* and *Rome of Beech*, the Two spoken of, the King remits them to the Council, and approves of what they had done, and leaves it to the Council to determine of all the Commons that were in the Rebellion, as they shall think best for his Service, and the Quiet of the Nation; reserving the landed Men, and such as are under Process for Treason, to the due Course of the Law. And this Power, as to the Commons, is afterwards explained, upon the Council's Desire, of all the Commons at *Pentland*, whether in Prison or not.

The Approbation, and leaving of Commons to the Council.

At length a Letter from the King, dated *August* 13th, comes down, peremptorily ordering the disbanding the Army; it stands, *App. N^o. 25*. The Peace with *France*, *Holland*, and *Denmark*, had been concluded in the End of *July*. The Nation could not much longer bear an Army, at least acting as they did, without Ruin. A Captain's Place was now as profitable as a good Estate; and no Redress could be got of the Cruelties and Injustice committed by them, the Privy Council being mostly made up of the Army. By this the Presbyterians had a considerable Breathing, when, upon the Event of a Peace abroad, they expected the utmost Rigour, and the Bishops resolved it.

The Army ordered to be disbanded, by the King's Letter, *Aug* 13. *App N^o. 25*.

The Forfeitures we have heard passed this Month, balanced the Dissolution of the Army, to the Two chief Officers, *Dalziel* and *Drummond*, and the rest behaved to be satisfied. I am told, the Archbishop of *Glasgow* was extremely chagrined at this Step, and said, *Now that the Army was disbanded, the Gospel would go out of his Diocese*. The King's Letter is very peremptory, and the Army is paid and disbanded, except Two Troops of Horse, and *Linlithgow's* Foot-guards.

The Officers and Bishops dissatisfied. The Archbishop of *Glasgow's* Expression.

Now, for a Season, Matters are managed by the more moderate Part of the Council, *Tweeddale*, Sir *Robert Murray*, and others, under the Direction of *Lawderdale*.

When the Army is removed, the next Question in Council is, How the Country shall be kept in Peace without the Army? Here the Two different Parties in Council acted their different Parts, according to their differing Views and Designs. The Bishops and their Party, who had managed all here for some Time, were violently for pressing the *Declaration* upon all suspected Persons, and no doubt quoted the King's Letter of *March* last, allowing this.

Different Methods proposed for the Peace of the Country, when the Army is disbanded. The one Side for pursuing the *Declaration*.

1667.

Forfeitures and Spoil were now a little out of their present Hopes, but still that Party continued to press the hardest Measures they had any Prospect of accomplishing, expecting such Measures might at length irritate the Country, and open a new Door for Violence and Force. In this their good Friends concerned in the Army heartily joyned them.

The other
Side propose a
Bond of
Peace.

The moderate Party, *Tweddale, Kincardin, Cochran*, and *Sir Robert Murray*, who now had the Treasury in Commission, with such as joyned them, proposed a Bond of Peace to be taken and subscribed by all to whom it should be tendered; and alledged this would either be taken, and so the End proposed was gained; or be refused, and then the Refusers, which they imagined would be very few, would be exposed, and every Body would observe their Unaccountableness, in standing out against so reasonable and easy a Demand.

This carries
in Council
very narrowly,
September 13.

After Abundance of warm Reasoning anent the Two Expedients, the Council came to state the Vote, which of them should be gone into, the *Declaration*, or *Bond of Peace*. When the Rolls were called, *Sir Peter Wedderburn* Clerk to the Council affirmed, the first Expedient carried. *Sir Robert Murray* contradicted him, and the Rolls were again called, and the Clerk affirmed a Second Time the *Declaration* carried. *Sir Robert* a Second Time contradicted him. Great Heat arose, and the Chancellor blamed *Sir Robert* for questioning the Clerk's Fidelity. He answered, he would credit his own Senses more than any Clerk in the World. And the Rolls being called, and the Votes distinctly and narrowly marked, it was found, the *Bond of Peace* was voted to be the Expedient, by the Plurality.

This Council-day, *September 13th*, the Members were fully convened: Both Sides had mustered their Forces, and there were present, 'Earl of *Rothes* the King's Commissioner, Archbishops of *St. Andrews* and *Glasgow*, Duke *Hamilton*, Marquis of *Montrose*, Earls of *Kelly*, *Weems*, *Airlie*, *Callender*, *Annandale*, *Tweddale*, *Kincardin*, and *Dundee*, Lords *Drumlanerk*, *Sinclair*, *Cochran*, *Bellenden*, General *Dalziel*, Lieutenant-general *Drummond*, *Sir John Gilmer* Lord President of the Session, *Sir Archibald Primrose* Lord Register, *Sir John Nisbet* Lord Advocate, the Lord Justice-clerk, *Sir Robert Murray*, *Sir James Lockhart* of *Lee*, the Lairds of *Haltoun* and *Niddry*.'

Council's Pro-
posals to the
King, September
13.

The Council, after their Debates are over, offer some Propositions to the King, for the Peace of the Country when the Army is disbanded, that after Examination, he may signify his Pleasure thereanent: And they are as follow.

1st. That a Proclamation be issued, bearing a general Pardon and Indemnity to all that were in the late Rebellion, except these that are forfeited, or under the Process of Forfeiture; as also all such, as since the late Rebellion, have done Violence to the Persons of Ministers, invaded their Houses, or robbed and taken away their Goods, the said Persons indemnified always coming in to such as the Council shall appoint, betwixt and a blank Day, and giving Bond, and sufficient Surety for the Peace, or otherwise give their own Bond and their Oath, that they are not able to find Caution, at the Sight of these who shall be appointed by the Council.'

2^{dly}. That such Noblemen and Gentlemen, Heritors and Feuars, who shall subscribe Bonds for blank Sums of Money, for themselves, and their respective Tenants and Servants, to keep the Peace; the said Noblemen and Gentlemen, Heritors and Feuars, for their Relief and Security, shall have Power and Warrant to take Bonds from their Tenants and Servants for blank Sums of Money, not to rise in Arms against, or without the King's Authority; and not to buy any Arms, or keep Horses above the Value of Threescore Pounds *Scots*; with Power to disarm their Tenants, and if they refuse to give Bonds, as said is, in that Case, if they have no Tacks nor Rentals, that they remove them from their Possessions; and if they have standing Tacks or Rentals for Years yet to run, that they raise Letters, and charge them for that Effect under the Signet of the Privy Council, for which these shall be a sufficient Warrant to the Clerk thereof to grant the same, and shall cause denounce them Rebels, and put them to the Horn; whereupon it is declared, that their Masters shall have the Gift of their single, or liferent Escheat *gratis*, in so far as may be extended to the Rooms and Possessions belonging to their Masters.'

3^{dly}. That a Militia be settled, in that Way that his Majesty shall be pleased to appoint.'

4^{thly}. That the King's Royal Pleasure may be known, as to all Noblemen, Gentlemen, Heritors, and Feuars, who shall enter in Bond for themselves, or their Tenants and Servants to keep the Peace, and, if they need, to be pressed with the taking of the *Declaration*.'

5^{thly}. That an express Order be sent for taking off the Proclamation of the 25th of *March* last, for bringing in of Horses and Arms, as to all such as have taken the Oath of *Allegiance* and *Declaration*, or have carried Arms for his Majesty's Authority against those in the late Rebellion.'

King's Answer
by his Letter
October 1, to the
Council.

Upon the 8th of *October*, the King's Letter in Answer to their Proposals, comes to be read, with a Proclamation of Pardon and Indemnity, dated *October 1st*. This I have insert here from the Register, as follows.

CHARLES, &c. Whereas you, having considered of the best and most effectual Ways, **1667.**
 for the securing of the Peace of that Our Kingdom, did, upon the 13th of September last,
 offer to Us Five Proposals, that, after Examination thereof, We might signify Our Royal
 Pleasure and Commands concerning them. We have considered the said Proposals, and have
 thought fit to return you this Our Answer, that We approve of the First Proposal; and in
 pursuance thereof, We send you this inclosed Proclamation, which We require you to pub-
 lish in the ordinary Way. We do also approve the Second Proposal, and require you
 speedily to give Order for these Bonds from the Noblemen, Gentlemen, Heritors, Feuars,
 for themselves, and their respective Tenants and Servants to keep the Peace, and for their
 Relief, as is exprest in that Proposal. As to the Third Proposal, We shall give Orders speedi-
 ly for settling a Militia in that Our ancient Kingdom. In answer to the Fourth Proposal, it
 is Our Royal Pleasure, as to the Noblemen, Gentlemen, Heritors, and Feuars, who shall
 enter in Bonds for themselves, Tenants, and Servants, to keep the Peace, according to the
 Second Proposal, that they be not prest with taking the *Declaration*, enjoyned by the Act
 of Parliament for Persons of publick Trust. And lastly, in pursuance of your Fifth Propo-
 sal, We do authorize you to take off the Proclamation, dated the 25th of March last, in re-
 lation to all such as have already taken the *Oath of Allegiance* and *Declaration*, or who have
 carried Arms for Our Authority against those in the late Rebellion. These, We hope, shall
 prove effectual Means for securing the Peace. Yet, lest there should be any so malicious,
 as not to accept of this Our gracious Pardon, and for the more effectual executing of what
 is proposed, We do require you to advise of the most convenient Quarters for the Horse
 and Foot yet standing, to the end they may speedily march thither, and carefully observe
 such Orders as you shall appoint. We do again repeat what we seriously recommended
 by Our last Letter from *Whitehall*, concerning countenancing Our Archbishops and Bishops,
 and all the *orthodox* Clergy. And as We have here signified Our Pleasure about your Pro-
 posals for the Quiet of the Kingdom; so We are no less solicitous for the Peace and Quiet of
 the Church, recommending to you, that all prudent and effectual Course may be pursued
 for the Peace and Quiet of the Church, for Obedience to the good Laws made thereanent,
 and for punishing the Contemners and Disobeyers of the same. And so We bid you heartily
 Farewel. Given at Our Court at *Whitehall*, the First Day of *October* 1667. and of Our
 Reign the Nineteenth Year.' By his Majesty's Command.

LAWDERDALE.

I find by the Registers, that there hath been Heat among the Counsellors upon receiving
 of this Letter, and the Council do not, as hitherto they never failed since the Restoration,
 order immediate Publication of the King's Proclamation, but appoint a Committee to consider
 the Letter and Proclamation.

To Morrow, *October* 9th, the Council order some Alterations to be made in the Names of
 the excepted Persons, in the Proclamation of Indemnity. They find there is no such Person as
 — *Row* Chaplain to *Scotstarbet*. They order *Caldwell* and *Kerland* to be designed Younger,
 Mr. *Trail* to be designed Chaplain to *Scotstarbet*, and *Paton* they order to be designed late
 Preacher, and *Row*'s Name to be scored out; and then appoint the Proclamation to be prin-
 ted. I have insert it, *App. N^o. 26.*

Alteration
made in the
Names of the
excepted Per-
sons.

Proclamation
of Indemnity,
App. N^o. 26.

This Pardon and Indemnity had this Remark made upon it by some, when it came out,
 That in the Beginning it pardoned all, in the Middle very few, and in the Close none at all.
 After the Amendments made upon this Proclamation, which are Censures on their own Rash-
 ness, and Inconsiderateness in their former Acts, among the excepted some still remain dead,
 and others of them who were not at *Pentland*, as hath been remarked. In short, the Reader
 will notice, that the same Lists almost are in the Proclamation discharging Harbour, the Ad-
 vocate's Commission for processing by Forfeiture, and these Exceptions in the Pardon.

Remarks up-
on it.

The Exceptions are very large, about Sixty in Number, and include the Persons of any
 Consideration almost, which they got Notice of. These, with about Forty executed, and an
 Hundred killed, and a good many who died of their Wounds, do make up near a Third
 Part of the People who had been actually in the Engagement at *Pentland*; and the rest were
 such whose Names they had not come to the Knowledge of, and generally mean Country-
 people, whom they needed scarce notice. So the King's Mercy in this Indemnity does not
 extend it self very far.

The Exception of robbing Ministers Houses, is cast in to throw an Odium upon all en-
 gaged in that Appearance. It hath been already noticed, that at this Time it was alledged,
 some of the Army, under the Mask of these honest People, had been put upon this Work;
 but I can find no Presbyterians engaged in those Attacks. The last and greatest Clog put
 upon the Indemnity is, the *Bond of Peace*, with a Clause of Nonresistance in it, which ren-
 dred it almost useless to any who had been at *Pentland*; and very few of them, as far as I
 hear of, took it. However, this Pardon, such as it was, tended to the Quiet of the Coun-

1667.

The Council's Act containing the Persons in each Shire who were to tender the Bond to the Rebels, with the Bond it self, App. N^o. 27. Council's Act about the Bond from Noblemen, &c. App. N^o. 28.

try, and joyned with the *disbanding of the Army*, which was by far the more merciful and gracious Act, gave a little Breathing to the Presbyterians in the West and South.

Joynly with this Indemnity, the Council publish their Act of the same Date, containing the Names of the Persons appointed by them in the different Shires, to take Subscriptions from such as claimed Benefit by this Indemnity, and annex the Copy of the Bonds, with Caution and without it, required of them; which the Reader will find App. N^o. 27. and order all the Prisoners at *Edinburgh*, to be dismissed upon signing the Bond.

That same Day, the Council agree upon the *Bond of Peace* to be signed by Noblemen, Gentlemen, Heritors, and Feuars, for themselves, Tenants, and Servants, and make an Act thereanent, which I have insert, App. N^o. 28. and from it I shall set down here the Tenor of this Bond, which, at this Juncture, was very much pressed on the West and South-country. As it stands in the Registers, it runs;

Tenor of the Bond of Peace.

I A. B. do engage, bind and oblige my self, to keep the publick Peace, under the Pain of a Year's Rent of all and whatfomever Lands and Heritages pertain to me, to be paid in case I contravene; and also I bind and oblige me, that these who are, or at any Time hereafter shall be my Men, Tenants, and Servants, during the Time they shall be Men, Tenants, and Servants to me, shall keep the publick Peace, under the Pains respective aftermentioned, to be paid *toties quoties*, if they, or any of them shall do in the contrar; that is to say, of the Payment of the full Value of a Year's Duty, payable to me for the Time by the Tenant or Tenants that shall happen to contravene; and for my Servants, in case any of them shall contravene, the full Value of a Year's Fee. Which Sums foresaid, I bind and oblige me, my Heirs, Executors, and Successors, in the Case foresaid, to pay the Commissioners of the Treasury, Treasurer or Treasurer-depute, who shall happen to be for the Time, for his Majesty's Use: And consent thir Presents be registrate in the Books of Privy Council.

A shorter Form of it.

I have before me a good many other Copies of the *Bond of Peace* at this Time pressed, which all agree, and are only a little shorter than this taken from the Registers. And though the above Draught is that which was imposed by Authority, yet having Ground to think that what follows was the Shape in which it was offered up and down the Country, I have likewise added it.

I A. B. do bind and oblige me to keep the publick Peace, and if I fail, that I shall pay an Year's Rent: Likewise, that my Tenants and Men-servants shall keep the publick Peace, and in case they fail, I oblige my self to pay for every Tenant his Year's Rent, and for every Seryant his Year's Fee. And for the more Security I am content thir Presents be registrate in the Books of Council.

This became Matter of warm Debate.

This short Bond was framed, as were most of the publick Papers of this Time, so as it became Matter of warm Debates amongst conscientious and religious People, who feared an Oath, and, which are next to it, Bonds and Subscriptions. The Words were so general, as, at first View, they seemed to contain nothing contrary to the Principles of a Presbyterian, and those who desired to stand firm to the Land's Covenants: Yet, they were so ambiguous, as it might be affirmed by the Judge who tendred this Bond, that the Subscriber did homologate the present Government, both in Church and State. So it became Matter of Dispute and Controversy among these who were opposite to the Bishops and their Ways.

Expedient proposed by some, of a Declaration and Protestation. Copy of this App. N^o. 29.

To obviate this Ambiguity, an Expedient was offered by some, of a *Declaration* of the Subscribers Sense and Meaning, with a Consent of the Imposers to it; and a *Protestation* taken against the supposed unlawful Meaning of the Words in the Bond, and all done by Way of Instrument, in the Hands of a publick Notar, before Witnesses. A Copy of one of these Instruments, taken, or designed to be taken, *December 30th, 1667.* for the Paper is only a Double, I have insert, App. N^o. 29. Whether this Method was fallen into by many, or accepted by the Persons appointed to take Subscriptions, I cannot say. By the Clause about Nonresistance in this Copy, it seems to relate to some concerned in *Pentland*.

Many Papers sent upon these Bonds.

Many Papers *pro* and *con*, anent those Bonds of Peace, were handed about at this Time. The Hinge of the Debates lies in the Import of *keeping the publick Peace*, and the *nonresisting Clause* in the printed Bond, annexed to the Council's Act above referred to, App. N^o. 27. which indeed defeat the pretended Design to these Persons, and probably was cast in by the Prelates and their Friends, as knowing it would render the Pardon very much precarious.

The Question stated, and the Debate summed up.

The Question then was plainly stated thus, Whether he who engageth to *keep the publick Peace*, engageth to do nothing which may disturb or alter the present Laws to which the *publick Peace* plainly refers? Or, Whether the Subscriber only binds himself to the Duties of Righteousness commanded by the Moral Law? It was said upon the one Hand, That no more was in *keeping the publick Peace*, but what we are antecedently bound unto by the Second

cond Table of the Law: And, on the other, it was urged, That when Two Persons enter into a solemn Treaty with each other, they are bound, not only to all moral Duties, antecedently lying upon them, but even to every Particular in the Treaty, and are to keep by it, even though it be to their own Hurt, according to all Articles and Clauses in it. The other Branch of the Debate ancient rising in Arms, and resisting Tyrants, or Subjects endeavouring to have unjust and unrighteous Laws repealed by Arms, when precluded of all other Methods of Redress, both which had been done in *Scotland* more than once, landed in long and nice Reasonings.

1667.

People did divide in their Judgments and Practices, as frequently happens in dubious and debatable Cases. Some took it, and others refused it, under different Views of the Extent, Import, and Meaning of the Words. Yet, for any Thing I can learn, there followed no Alienation of Affections among Presbyterians, but the greatest Harmony was kept up. It was good that this Trial did not last long; but our Managers within a little laid it aside.

Different Practices, and yet Harmony kept up.

Sir *George Mackenzie*, and the Jacobites at this Day, aggravate the Wilfulness of those who refused this Bond of Peace, from the Consideration of the general Nature of the Terms in which it was conceived, affirming, That there was no more demanded thereby, than the ordinary Surety of Lawborrows; and that seeing any private Man may force his Neighbour to give him such Surety, much more might the King, who had Reason to be jealous of their breaking the Peace, from their late Rising at *Pentland*. A few Considerations will abundantly show the Insufficiency of this Reasoning.

Remarks by Sir George Mackenzie upon such who refused this Bond.

The more general the Terms were, the more ensnaring was the Bond; because, when the Managers of these Times had a Mind to be at a Man, they could easily, upon the least Shadow of an Offence, bring him within so wide a Noose. The Oath of the *Test* was conceived in very general Terms; yet, as we shall see afterward, when the Earl of *Argyle*, at taking of it, restricted its Generality, by declaring he did not mean to bind up himself to wish or endeavour any Alteration he thought to the Advantage of Church or State; he was hereupon sentenced to lose his Head. The very same Risk did every Man run at this Time, who subscribed the Bond to keep the Peace, in case he had any such Meaning, which 'tis certain every conscientious Man would have. The Instance of Lawborrows by private Men, does not hit this Case; for, if any Neighbour oblige me to find Surety to him, I can oblige him, on the other Hand, to find Surety to me: But in this Case, when unlimited Subjection was enacted by Law, it had been high Treason to demand any such Thing of the King. In short, how much soever the late Rising at *Pentland*, may be supposed to give the King Ground to be jealous that they would break the Peace; 'tis as plain that the Government's former Conduct to Presbyterians, gave them better Ground to be jealous, that it would give them the greater Provocation so to do.

Reflections upon them.

That same Day, *October 9th*, the Council form and agree to Two Acts. The one was printed, taking off the Restraint put upon Persons in the Western Shires, as to carrying Arms, by the Proclamation dated *March 25th* last; and allowing such who take the Oath of *Allegiance*, subscribe the *Declaration*, or have carried Arms for the King against the late Rebels, as full and free Liberty as any other Subjects, to have and carry Arms: Declaring always, that nothing in this derogates in any ways from that Part of the said Proclamation for the Defence of the Persons, Families, and Goods of Ministers.

Part of the Proclamation, *March 25th* last, rescinded.

The other was of more general Consequence, and related to Persons disobedient to Ecclesiastical Authority, which not being in Print, I insert here from the Registers.

Acts, *October 11th* as to Persons disobedient to Ecclesiastical Authority.

THE Lords of his Majesty's Privy Council being informed, That there are many profane Persons, who are not only scandalous in their Lives and Conversations, but being cited before Church-meetings, to answer for the same, are contumacious, and refuse to appear, after lawful Citation, to the great Contempt of Ecclesiastical Authority, as now settled; whereby open Profanity is like to abound and increase, and Ecclesiastical Government and Discipline like to be weakened and suffer in the Exercise thereof: Therefore the Lords of his Majesty's Privy Council, give Power and Warrant to all Magistrates and Ministers of Justice within this Kingdom, upon Intimation made by the Bishops, within their respective Dioceses, to apprehend such Persons, and incarcerate them, until such Time as they shall find sufficient Caution to compare and answer before the Church-meetings authorized by Law, as have cited them for such Scandals, whereof they are, or shall be accused. With Certification, that all such Magistrates and Ministers of Justice, who shall refuse to apprehend and incarcerate, as said is, shall be answerable before the Lords of his Majesty's Privy Council, under all highest Pains.

This Act was improved by the Bishops far beyond the Letter of it, which seems to restrict it to such as are openly profane. And all who, as they called it, were irregular, and did not subject themselves to their Authority and Courts, when cited for their not keeping

Remark upon it.

1667.

Orders and Regulations to the Army.
Nov. 15.App. N^o. 30.

Act about the Forces.

App. N^o. 31.Several Presbyterian Gentlemen liberated, *Cesnock, Dunlop.**Blackstoun* liberated by the Council.

the Church, and the like, were harassed and imprisoned; while, in the mean time, Papists and Quakers, as we shall see, were scandalously overlooked.

In *November*, the Council agree to some Regulations and Orders to the standing Forces, and record them, *November 15th*. They are frequently referred to afterwards, and are Documents of the Irregularities and Depredations committed by the Soldiers upon the Country; therefore I have annexed them, *App. N^o. 30*. Those Regulations were very little looked after by the Makers of them, and, generally speaking, as little observed by the Soldiers. That same Day, the Council form an Act concerning the Forces, Horse and Foot, in the Shires of *Lanerk, Air, and Wigtoun*, to prevent Abuses; which I have likewise added, *App. N^o. 31*. But none of these were of any great Use to relieve the Country from the Abuses of the Army.

Upon taking the Bond of Peace, by the Council-records I find several of the Gentlemen confined in the Year 1665. liberate; some upon a Bond of Caution, and some without it. Upon the 21st of *November*, Sir *Hugh Campbell* of *Cesnock*, *James Dunlop* of that Ilk, and *James Holburn* of *Menstry*, petition the Council they may be liberate from their long Imprisonment in the Castle of *Edinburgh*, and beg their Case may be recommended to his Majesty. The Council write a Letter to *Lawderdale*, signifying they were made Prisoners by the King's immediate Order, and desiring the Secretary may represent their Case, and that of others in Prison, to the King. In *December*, a Return comes, ordering them to be liberate, *Cesnock* giving Bond and Caution for keeping the Peace, under a Thousand Pounds *Sterling*, *Menstry* and *Dunlop* under Twelve thousand Merks *Scots*.

The same Day, I find the Laird of *Blackstoun* liberate by the Council's Act following.

‘**A**NENT a Petition presented by *Maxwel* of *Blackstoun*, bearing, That by Order of Council, dated the 13th of *December* last, the Petitioner was committed Prisoner to the Tolbooth of *Edinburgh*, and by a posterior Act, transported to the Castle, where he has ever since been detained Prisoner; Therefore humbly craving to be set at Liberty: The Lords of his Majesty's Privy Council considering the foresaid, and that the Petitioner is not excepted out of the *Indemnity*, and that there is neither Sentence nor Process of Forfeiture depending against him, give Order to set him at Liberty, he giving Bond to keep the publick Peace, under the Pain of Ten thousand Pounds *Scots*.’

Ralstoun and *Robert Halket*.*M. G. Montgomery*.

And upon other Applications, I find another Letter from *Lawderdale*, *January 22^d* next Year, ordering *William Ralstoun* of that Ilk, and *Robert Halket*, to be set at Liberty, upon their signing the Bond of Peace, with Caution: And Major-general *Montgomery* is to be set free, only upon his Parole of Honour to keep the Peace. The Council's Act anent him is but short.

Council's Act liberating him.

‘**A**NENT a Petition presented by *Robert Montgomery*, late Major-general of his Majesty's Army, 1651. shewing, That the Petitioner having remained (excepting a little Time) now by the Space of Two Years and Four Months, with all Silence and Submission, in the Castle of *Stirling*; and as, in the Knowledge of his Innocency, he is confident he hath failed nothing in his Faithfulness and Loyalty to his Majesty, so he is most desirous to remove all Suspicion of his Carriage for the future; humbly therefore desiring, That Order and Warrant may be granted to the Effect underwritten: We the Lords of his Majesty's Privy Council, having considered the said Petition, with his Majesty's Pleasure signified anent him, give Warrant to the Governor of the Castle of *Stirling*, to set him at Liberty; and ordain him immediately to repair to *Edinburgh*, and subscribe such Bonds as are set in the Books of Council, for keeping the publick Peace of the Kingdom, as they have ordained.’

Here the Council go some further than the King's Pleasure signified to them by his Secretary.

Other Gentlemen, *John Cunninghamhead, Rowalland*, kept in Prison.Sir *James Stuart* and Sir *John Cressy* sent to *Dundee*.Mr. *Alexander Smith* brought from *Zetland*.Mr. *Hugh Peebles* allowed to come West.

Mean while, some others of the Gentlemen, formerly confined without any Reason given, are kept under their Confinements, such as Sir *George Maxwell* of *Nether-pollock*, *Cunninghamhead*, and *Rowalland*; and upon the 26th of *November* this Year, Sir *James Stuart* late Provost of *Edinburgh*, and Sir *John Chiesly*, are, by the Council's Orders, sent from their Confinement in the Castle of *Edinburgh*, to the Tolbooth of *Dundee*. And, upon *December 12th*, I find Mr. *Alexander Smith*, sometime Preacher, banished to *Zetland* by the Commission for Church-affairs, is ordered to be brought to *Leith*, and presented before the Council. And Mr. *Hugh Peebles*, late Minister at *Lochwinnoch*, in the Shire of *Renfrew*, confined to the North for several Years by the same Commission, is allowed to go West to order his Affairs, upon giving Bond of a Hundred Pounds *Sterling*, to answer the Council when called.

Little more considerable offers this Year. In *July* the Council had passed an Act against Papists, and recommended the Execution of it to the Archbishops. By the Registers there appears a plain Slackness in the Archbishops, in all Acts made against Papists; and many Letters are writ to them upon every such Occasion, before any Return can be had, as has been remarked in the First Book. Another Instance I give here. In *December*, the Council ordered the Clerk to write the following Letter directed to the Two Archbishops.

1667.
The Bishops negligent as to the Council's Act against Papists.

Most Reverend,

BY an Act of Council of the Penult of *July* last, it was ordained, That a List of the haill Papists in every Parish within the Kingdom, should be made by the Minister of each Parish where they live, and be returned to the Council before the Second *Thursday* of this Instant, which is now elapsed: And finding that the Care of that Business, which is so important, is recommended to your Grace, as to all Parishes and Bishopricks within your Diocese, the Council has recommended to me to give you Notice hereof, that a speedy Return may be made, that accordingly they may proceed to the Execution of the Acts of Parliament made against Papists; and, in order thereunto, what Commands your Grace shall think fit to send, shall be obeyed by

Council's Letter to the Archbishops.

Your Grace's most humble Servant,

PET. WEDDERBURN.

The Violence wherewith the Two Archbishops pushed on the Persecution against Presbyterians, is the more aggravated by their Coldness in doing any Thing which might be hard upon the Papists: It may be a good Reason also, and is an undoubted Proof of the great Hazard we were in of returning back to *Rome*; yea, this and other Steps, taken now and afterwards, paved the Way for a Papist's mounting the Throne, and the desperate Plot of destroying the whole *Reformation*, so happily disappointed by the late happy *Revolution*.

Observes upon this.

Upon the 12th of *December*, the Council emit a Proclamation against the known Book, entituled *Nephthali*, or *the Wrestlings of the Church of Scotland*. It is ordered to be burnt, and all Copies of it are ordained to be brought in to the next Magistrates, against the 1st of *February* next; and any who have Copies after that, are to be fined in Ten thousand Pounds *Scots*. The Book was compiled by Two very great Men; the Reasoning Part of it was done by one of the best Lawyers of his Time Mr. (afterwards Sir) *James Stuart* of *Goodtrees*, whom we shall meet with frequently in the following Periods; and the Historical Part by a very worthy Minister, the Reverend Mr. *James Stirling* Minister of the Gospel at *Paisly*. An Answer was published to it by Bishop *Honnyman*; but he evidently weakened the Cause he undertook to defend, and was taken up, with great Strength of Reason, by the foresaid Mr. *Stuart*, as were some other Authors of his Kidney, in that useful Book *Jus populi vindicatum*.

Proclamation against *Nephthali*. Its Author. Answer and Reply made to it.

Thus I have gone through the Sufferings immediately succeeding *Pentland*, and the State of Things this Year, till the *Indemnity* stopped a little the Persecution. In this Calm, Mr. *Alexander Dunlop*, and Mr. *James Fergusson*, Two eminent Presbyterian Ministers, died.

Mr. A. Dunlop, and Mr. James Fergusson their Death.

1668.

C H A P. III.

Of the State and Sufferings of Presbyterians in the Year 1668.

Under the Calm, by the Indemnity, the persecuting Spirit remains with the Bishops.



It hath been said just now, that the Presbyterians had a Calm after the Indemnity. This must only be understood comparatively with the Rigour used immediately after *Pentland*, and the Severities of the Army, and the many Executions then so common. The same Spirit of Persecution raged in the Ecclesiastical State. Indeed the King's Change of Hands did not permit them to run their full Length, as heretofore; yet, now and then, during this and some others of the more easy Years to the Whiggs, some very sharp Documents were given, that the same bitter Temper remained.

Reasons of the Lenity of the present Managers, towards Presbyterians:

Many were the Occasions of the Lenity of the present Managers. Just Clamours were raised from all the Corners of the Country, of the Severities of Sir *James Turner*, *Bannantyne*, and the Army, and it was popular to take a contrary Course. The King had changed his Cabinet-council in *England*, and laid aside some of the High-fliers. The Constancy and Religion of the Sufferers had left such Impressions on some, that, I am told, the Earl of *Dumfries* said openly in Council, *That if they went on to take away more Lives, all Scotland would turn such Phanaticks as these People were.* In short, the Bishops more and more discovered their cruel and selfish Temper, and were generally disliked; and such who had publick Affairs among their Hands, were neither so much under the Prelates Management, nor so violent in their Temper, as the former Set.

Yet Presbyterians wanted not their Difficulties this Year.

They believed an Injury and Act of Injustice might be done against a Whigg as well as another Subject, and did not altogether regulate themselves according to the Maxim laid down now for near Seven Years, That nothing done against a Presbyterian could be wrong; yet Presbyterians were far from being overlooked, and wanted not their Difficulties, as shall be noticed. Yea, some were pleased to think, that the Managers might have discovered their Zeal against Popery better, than by the boring the Tongue of a Fellow of no good Reputation indeed, for saying, what many now jealous, and every Body afterwards saw, That the Duke of *York* was a Papist.

Division of this Chapter.

This Chapter then will naturally fall into Two Halves. The Stop put to the Severities in the former Period, by some of the Persecutors their being called to an Account; and the remaining Sufferings of Presbyterians, with their State and Circumstances during this Year. I begin with

S E C T. I.

Of the Council's Enquiries into Sir James Turner and Sir William Bannantyne their Cruelties and Oppressions.

Enquiry by the Council into Sir James Turner's Carriage.

IN the Beginning of this Year, the Council came to enquire into the Carriage of Sir *James Turner* and Sir *William Bannantyne*; and I shall give the Account of their Procedure mostly from the Records. Had a joyn't Enquiry been made into General *Dalziel*, Sir *Mungo Murray*, and others Procedure, as great, if not greater Oppressions, might have been found.

Letter from the King requiring this.

To deduce Sir *James Turner*'s Examination from its Rise last Year, I find a Letter from the King, *November 26th* last, signifying to the Council, 'That he had received divers Informations of many illegal Executions by Sir *James Turner*, during his Command in the West, and therefore he orders them to enquire into that Matter, and report.' That Day the Council appoint the Lords *Halkertoun*, Register, Advocate, Justice-clerk, Lord *Cochran*, Lieutenant-general *Drummond*, and Sir *Robert Murray*, to try Sir *James*, and report to them.

Commission given to the within written, to examine his

The Report of this Committee lands in a Commission from the Council, *December 8th*, 'To the Earl of *Nidisdale*, Lord *Kenmure*, the Laird of *Craigdarroch*, and some others in the

South

South, to make Trial of the Actions of Sir *James Turner*, what Sums of Money, Bonds, Moveables, and Goods, were exacted, levied, and uplifted by him, or any under his Command; what was the Soldiers Carriage in the said Exactions, what free Quarters were taken; and his hail Carriage in the Shire of *Dumfries*, and Stewartry of *Kirkcudbright*, and report.

1668.

Carriage in the South.

Before this Committee, Abundance of Gentlemen and others appeared, gave in Informations, and adduced Witnesses, clearly proving a great many grievous and atrocious Things against Sir *James* and those under his Command, which were so many evident Vindications of that poor oppressed Corner their rising in Arms, and Evidences of the Necessity they were laid under so to do. Some of them have been pointed at, and Particulars would be endless. As the best Account I can give of this Affair, I here insert a Copy of the Report given in to the Council by their Committee, as the Issue they came to in this Matter, *February 20th*, 1668. which they transmit to the King.

Many Things found proven against Sir *James*.

Apud *Edinburgh*, vigesimo die mensis *Februarii*, 1668.

Report anent Sir *James Turner*.

THE Committee appointed for Trial of Sir *James Turner*'s Carriage, having given in their Report, bearing, That, according to Order, they having met upon the 28th of *November* last, drew up fit Queries and Instructions concerning it, and Orders to some Gentlemen in the West, to take Information of all Sums of Money exacted by Sir *James*, or his Order, for Fines, Cefs, or otherwise, and of all his Departments: And to be sure of a speedy Return, sent *Thomas Buntine* with Letters, and the Orders above mentioned, appointing him to attend the Prosecution of them, and bring back the Reports; which accordingly he did, before the 10th of *January*.

Report about Sir *James Turner*, Feb 11 17 20.

The Committee did thereafter deliver to Sir *James*, a Paper containing some Grievances drawn out from the Stewartry of *Kirkcudbright* only, those in the other Shires not being so clear and full. They allowed Sir *James* to see all the Reports in the Clerk's Hands, and enjoined him to give in his Answers in Writing, the 17th Instant, which he did. And the Committee having read and considered all, and examined Sir *James* upon every Point that occurred, after a full Debate, agreed to offer to the Council their humble Opinion, That the Council do, in Obedience to his Majesty's Commands, transmit to the Secretary the following Report, to be communicated to his Majesty.

The Lords of his Majesty's Privy Council did no sooner receive his Command in his gracious Letter, of the 21st of *November* last, for taking exact Information of Sir *James Turner*'s Department in the West, but they ordered and impowered a Committee of their Number, to enquire diligently thereinto; and by their Report it appears, that upon Informations from the Stewartry of *Kirkcudbright*, given in upon Oath of Parties, or their Masters or Neighbours, many illegal Exactions have been made, and Disorders committed, such as,

1^{mo}, Quartering of Soldiers, for levying of Fines and Impositions. 2^{do}, Exacting Cefs, or Quartering-money, for more Soldiers than were actually present, sometimes for double the Number, or more; and that besides free Quarter for those present, sometimes Eight Pence, sometimes Twelve Pence, sometimes Sixteen Pence, and sometimes more for each Man. 3^{io}, Cefs exacted for divers Days, sometimes Eight, Ten, or more, before the Party did actually appear. 4^{to}, Imposing of Fines, and Quartering, before any previous Citation, or hearing of Parties. 5^{to}, Fining without due Information from Ministers. 6^{to}, Fining such as lived orderly, as appears by Ministers Certificates. 7^{mo}, Fining and cessing for Causes, for which there are no Warrants from Acts of Parliament or Council; as 1^{mo}, Baptizing of Children by outed Ministers. 2^{do}, Baptizing by neighbouring Ministers, when the Parish-church was vacant. 3^{io}, Marrying by outed Ministers. 4^{to}, For keeping of Conventicles. 8^{vo}, Fining for whole Years preceding his coming to the Country, and that after they had begun to live orderly. 9^{no}, Fining Fathers for their Daughters baptizing their Children with outed Ministers, though forisfamiliar Six Months before, and living in another Parish. 10^{mo}, Fining, without proportioning the Sum with the Fault. 11^{mo}, Fining in whole Parishes promiscuously, as well those that lived orderly, as those that did not. 12^{mo}, Fining whole Parishes, where there was no incumbent Minister. 13^{to}, Fining one that lay a Year bedfast. 14^{to}, Forcing Bonds from the innocent. 15^{to}, Cessing People who were not fined. 16^{to}, Taking away Cattle. All those Actings are illegal.

Misdemeanors of other Kinds were, 17^{mo}, Agreeing for Fine and Cefs both in one Sum, whereby Accounts are confounded. 18^{vo}, Not admitting of Complainers, who were cessd, to come to his Presence, alledged to be his constant Practice. 19^{mo}, Permitting his Servants to take Money for admitting People to him, and yet Access denied. 20^{no}, Increasing the Number of quartering Soldiers after Complaints. 21^{mo}, Exacting Money for removing of

1668.

Soldiers, after Cefs and Fines were paid. Every one of the foregoing Articles was made out by Information upon Oath, which yet doth not amount to a legal Proof; which in most of those Cases will be difficult, if not impossible, to obtain, in regard that no Witnesses can be had, that are not liable to Exception, unless by examining Officers, Soldiers, and Ser-vants, which would take up much Time and Labour.'

'Sir James Turner's Defences, as to such of the foregoing Articles as he acknowledged, are Commission and Instructions from the then Lord Commissioner, for quartering, to raise Fines, for fining those who forbore going to Church, or married or baptized by outed Ministers, or kept Conventicles, and that upon the Delations of credible Persons, and to pre-fer them to those of Ministers: But he does affirm, that all the Commissions and Instructi- ons were taken from him by the Rebels, when he was made Prisoner, and so hath nothing to shew for his Vindication. And for all the other Heads above written, he either denies Matter of Fact, ascribes the Transactions to others, or pleads Ignorance.'

'The Sums of Money received for Fines and Cefs, and Bonds taken, he acknowledges to have amounted to Thirty thousand Pounds Scots. The Sums charged upon him by the Country, besides Quartering, come to about Thirty eight thousand Pounds Scots; where- in is not reckoned what was exacted from any of those who rose in Rebellion, and some Parishes whence no Information was returned.'

'And as to his Surprisal, he says, 1^{mo}, He had but Sixty six Foot in those Parts under his Command. 2^{do}, That they were all dispersed through the Country about the Fines, so that there was not so many left with him as to keep Guard at his Lodgings, nay, not so much as one Soldier before the Gate. 3^{to}, That he had no Order to keep a Guard about him, or to fortify himself, altho' there be a strong House within the Town, called the Castle, to which he might have retired with some Thirteen Soldiers, who came in that Night before he was taken. 4^{to}, That he had Intelligence, there was a Rising in the Country; and that a Corpo- ral of his was wounded by a Shot, who told him, there were divers Persons got together, who had Intelligence from the North of a Rising there, with an Intention to march to the Citadel of Air, and to seize the Citadel, and Arms which had been taken from the Coun- try. 5^{to}, That about Midnight he wrote to George Maxwell of Munshes. 6^{to}, He sent Orders to more of his Soldiers to meet the next Morning, intending towards New Gallo- way where the Rising was reported to be. 7^{mo}, That he had risen about Six of the Clock that Morning, but, being indisposed, lay down, and when up in his Night-gown, about Eight of the Clock he was surrounded and taken.'

'This is all that is to be expected for his Majesty's Information concerning Sir James Tur- ner: As to what further concerns the Money he intromitted with, it may be looked after according as his Majesty shall appoint.'

'The Lords of Council having heard and considered the foresaid Report, do approve there- of, and ordain an Extract of the same to be transmitted to the Secretary, to be communi- cated to his Majesty.'

Observation
upon the Re-
port.

From this Report we have a pretty full View of this Matter; and when we consider, this Report comes only from the Stewartry of *Kirkcudbright*, and some Parishes in it, and takes in nothing of the Oppressions which concern the Persons who were actually in the Rising, it will appear how vast Sums were uplifted in the Shires of *Dumfries* and *Galloway*.

King's Return
to the Council,
and his Directi-
ons as to Sir
James.

March 10th, the Council have a Return from the King, wherein he tells them, He had considered the above Report, and thinks fit to declare his Pleasure, That Sir James Turner be no more an Officer in his Service. He orders the Council to call for him, and receive up his Commission, and to call Sir James, Sir William Ballenden, and others, to an Ac- count for the Money and Bonds uplifted by them for Church-fines, to the end, that what is unjustly taken, especially Bonds, be given back, and what remains may be employed in charitable Uses.

Sir James de-
livers up his
Commissions.

The same Day Sir James appears before the Council, and delivers up his Commission to be a Major, dated February 12th, 1664. and his other Commission to be a Lieutenant Colonel, of the Date July 28th, 1666.

He states his
Accounts with
a Committee
of Council.

And to give the Whole of this Account together; Upon the 7th of May, the Committee of Council, appointed to examine Sir James's Accounts of Money and Bonds uplifted for Church-fines, gave it as their Opinion, That seeing there would be Difficulty to prove the Charge, given in by the Country, of Thirty eight thousand Pounds or thereby, against Sir James, the Charge of Thirty thousand Pounds ingenuously confessed by him, be admitted without further Enquiry. And as to the First Article of his Discharge, a Thousand Pounds Sterling for quartering; they are of Opinion it should be allowed, since it was usual in such Cases. That the Second Article of his Discharge, Eight thousand one hundred and Fifty Pounds Scots of Bonds taken, and delivered in to Alexander Keith, be likewise allowed. That his Third Ar- ticle of an hundred and fifty Pounds Sterling, as his Charges, by his going and coming to *Edinburgh*, be allowed, considering his Losses when made Prisoner at *Dumfries*. His Fourth Article, of Forty Pounds Sterling given to some Ministers, likewise allowed; and some

some other smaller Articles, for Shortness, here omitted: And his last Article of Six thousand Merks taken from him when Prisoner, the Committee give it as their Opinion, being perswaded of Sir *James's* Ingenuity, that it be admitted. The Council approves, and discharges accordingly.

1668.

It will be easily perceived, the Council and their Committee do not go the length of *summing* up with this Gentleman. His Defences are much the same before the King's Council, with these he made to Colonel *Wallace's* Council of War. He urged his Orders from the Commissioner, and Letters from Bishop *Sharp* and other Bishops: And if he was to be believed in his own Cause, his Severities were not by far so great as his Instructions bore him to. However, to stop the Clamour of the Country, it was thought proper to remove him from his Posts, and many were of Opinion, his Commissions were so large, as he ought not to have received them.

Remarks upon the Whole.

I wish I could give as full an Account of the Enquiry made anent Sir *William Ballenden* or *Bannantyne's* Oppressions, and illegal Exactions: But I find only one very general Article anent him in the Council-registers, and I shall begin with it, and then give what I meet with concerning him in other Papers come to my Hands.

The State of Sir William Bannantyne's Oppression.

In prosecution of the King's Letter, dated *March* last, ordering a Trial to be made of his Carriage, he was imprisoned, and a Committee appointed to examine his Accounts; and, upon the 4th of *August*, the Council come to pass the following Act about him. 'The Lords of Council, considering the Complaints given in against Sir *William Ballenden*, and the Answers given thereunto, do fine the said Sir *William* in the Sum of Two hundred Pounds *Sterling*, allowing to him a Precept drawn by the Lords of the Treasury for One thousand three hundred Merks, which he answered: And in respect the said Sir *William* hath exhibited all the Bonds and Papers taken by him in *Galloway*, and given sufficient Caution to remove off the Kingdom betwixt and the First of *September* next, and not to return without special Order, under the Penalty of Five hundred Pounds *Sterling*, do assilie the said Sir *William* from all other Pains and Punishments that might have followed upon the said Complaint.'

Council's Act about him.

This Sentence was reckoned exceeding soft and favourable to Sir *William*; far greater Outrages had been laid in against him than against Sir *James Turner*. The Gentlemen of *Galloway* gave in Libels and very full Proofs of his horrid Extortions, Filthiness, Rapes and Cruelty. Some Parts of his Carriage have been noticed, and many more might be here added.

Remarks upon it.

He made great Fires, and laid down Men to rost before them, when they would not, or could not give him the Money he required, or the Informations he was seeking. It was fully proven, that, among other Barbarities, he was perfectly inhumane to a Gentleman in *Galloway*. He is not named in this Account now in mine Eye; but from what is above, I guess it to be *Gordon of Largmore*. The Gentleman had been at *Pentland*, and through his Wounds there, and Hardships before he got Home, he fell very ill, and was at the Point of Death, when Sir *William* orders him to be brought to him dead or alive. The Party brought with them a Cart, knowing the Gentleman could neither ride nor walk, and tell him, He must now go with them. He raised himself a little upon his Bed, and told them, He now defied Sir *William* and all his Persecutors, and forgave them, adding, That very shortly he would be in better Company; and then leaned down again, and in a very few Minutes died.

His horrid Cruelties.

These Things could scarce prevail with many of the Members of the Council, to imprison Sir *William*, until some of the Gentlemen offered to prove some treasonable Speeches against him, tending to incite them to a new Rising, and that he professed himself willing to joyn with them. The Secret of this we have already heard of; and it was the Project of the Party, who were for keeping up the standing Army, but durst not now be owned. Upon this he was imprisoned, and got this Part of the Libel shuffled by, by confessing some Expressions tending this way, as uttered by him with a Design to expiscate the Designs of the Whiggs: And shortly he is set at Liberty, and the former Fine imposed, and Act of Banishment passed against him.

He incites the Country to a new Rising.

Away he flees to Court, and there puts the best Face he could upon Matters, with the Help of his Friends, whose Interests he had served in *Scotland*: But his old Masters could not prevail with *Lawderdale* to remit the Fine. It is said, upon this he undertook some wicked Design upon that Nobleman's Life; but the particular Vouchers of this I have not seen. It is certain he was obliged to leave the King's Dominions. He went over to the Army now in the Low-countries, and served in the Siege of *Grave*, and was there killed. It is added, That as he was walking very negligently within the Reach of the Cannon of the Town, some called to him to take Care of himself, for he was too near. He answered, *Cannons kill none but fey Folk*. He had scarce said so, till a Cannon Ball came upon him, and carried out his Heart some Distance from his Body; which was sadly agreeable to a wicked Imprecation too ordinary with him.

He goes to Court, and is obliged to quit the King's Dominions, and is killed before *Grave*.

This melancholy End of this wicked Persecutor, brings to my Mind a pretty remarkable Judgment upon Two of the same Kidney, though far inferior to Sir *William* in Wickedness, or

Remarkable Judgment on David M'Bray

1668.

in Irongray, and
John Gordon.

or Quality. *David McBryar* an Heritor in the Parish of *Irongray*, and Member of *Middleton's* Parliament, who was to have witnessed some Points of alledged Treason, in his Minister *Mr. John Welsh* his Sermons, about the Time of *Middleton's* Parliament, and turned after that a violent Persecutor, was evidently frown'd upon in Providence as to his Business: His Substance was sensibly blasted, and in a few Years he fell into great Difficulties; so that being in Hazard to be laid up for Debt, he was obliged to skulk amongst his Tenants, and hide the best way he might. About this Time one *John Gordon* a North-country Merchant, just such another as *McBryar*, came South to agent the Business of a Curate in that Country, who had come from the North. *Gordon*, when at *Dumfries*, had borrowed *Mr. Chalmers*, Curate there, his Sword, and when travelling through *Irongray*, he met *Mr. McBryar* in the Fields, looking very melancholy and dejected. *Gordon* presently concludes him to be a Whigg, and requires him to go with him, as a suspected Person, to *Dumfries*. The other, after some shifting Answers, refused, fearing only the Prison for his Debts. This Shyness, without a Reason given, made him the more jealous by *Gordon*, who draws his Sword, and told him, He would force him to go with him. *McBryar*, either in resisting or running, is killed, being run through the Body, and died in the Spot. The other made no Secret of his having killed a Whigg, to the People about. When they saw the dead Body, they knew *Mr. McBryar*, and seize *Gordon*, and carry him into *Dumfries*, where presently, by Sentence, he is hang'd, for murdering a Man as honest as himself. This strange Incident made the Country People say, It was a cursed Thing to harass the Whiggs: And indeed a holy Providence appeared in it, making one Persecutor to cut off another.

Pursuit against
Provost *Cuning-*
ningham in *Air*,
for Oppression,
stopped by the
Archbishop of
Glasgow.

When the Council have *Sir James Turner* and *Sir William Bannantyne* before them, honest People began to hope they might be heard in their Complaints, against some others who had illegally oppressed them. Therefore some Persons in *Air*, particularly *Bailie John Fergusson*, and some others, gave in a Charge against *William Cuningham* Provost of that Town, containing many Acts of Riot, Injustice and Oppression, alledged to be committed by him. *Cuningham* makes his Interest with the Archbishop of *Glasgow*, and so comes into *Edinburgh* with Confidence enough, and not ill founded: For after his Accuser had been at the Charges of taking in Forty Witnesses and upwards, to prove his Libel, and was just about to table it, he is told by some of the Members of Council, That unless he agreed with the Provost, and dropt this Design, the Declaration would be put to him. His Throat not being wide enough to swallow this, he was obliged to withdraw, and hold himself quiet. Great were the Discontents that *Bannantyne* was so easily passed, and Enquiries into the Carriage of others thus were fraudulently stopped. However the Notice taken of these two, made Presbyterians take a little Heart, and Sermons were some more frequent than formerly. But I go forward to

S E C T. II.

Of the Procedure against Presbyterians this Year, the Bond of Peace, Severities against outed Ministers, Mr. Mitchel's first Attempt, and some other Matters.

State of things
with Presbyter-
ians this Year.

HAVING thus given some Account of the Notice taken of some of the Instruments of the Severities against Presbyterians the former Years, I come now to take a View how Matters went with themselves through this Year, and that as much in the Order of Time as I can now recover.

Bond of Peace
offered to the
Barony of
Glasgow.

I may begin with some further Account of the *Bond of Peace*, and the Circumstances of the Sufferers as to that. When it was imposed in the Close of the last Year, the Persons required in several Places, did not meet in order to the signing of it. I find particularly, *December 4th*, the Heritors, and Feuars of the Barony of *Glasgow*, did not convene; and the Council appoint the Archbishop of *Glasgow* and Marquis of *Montrose*, to see it done against the First of *January*. Upon the Backwardness of People to it, the Council write to the King, for his Orders what to do now upon the running out of the Time fixed in the Indemnity, and anent the *Bond of Peace*.

Upon the 16th of *January*, the King's Letter anent the *Indemnity* and *Bond*, comes before them; which I insert here.

King's Letter,
requiring Ac-
counts who
have signed
the Bond, and
who not; and
who have ac-
cepted the In-
demnity, &c.

Right Trusty, &c.

HAVING received full Information of your Care and Diligence for providing of Money, and disbanding the new Troops, as also for appointing the Bond to be signed for keeping the publick Peace; We do return you Our hearty Thanks: And whereas We are

are informed, That divers do neglect or refuse to sign those Bonds, in some of the Shires, We do require you to send Us a particular Account, who have signed the Bonds in the several Shires where they were appointed, and who have neglected or refused to sign; and if any have neglected or forsworn that necessary Service: As also, who of those that were accessory to the late Rebellion, have accepted Our gracious Pardon; and in what Places the same hath been slighted; together with your free Opinion what is further necessary to be done, in relation to Security for the Peace, and what Course is fittest to be taken with these of the late Rebels, who have slighted, and not accepted Our gracious Pardon: But above all, We most especially recommend to you to use all possible Means and Endeavours for preserving and settling the publick Peace under Our Authority, and with special Care to countenance and maintain Episcopal Government, which in all the Kingdom We will most inviolably protect and defend. You must by all Means restrain the Gatherings of the People to Conventicles, which are indeed *Rendevouzes of Rebellion*; and execute the Laws severely against the Ringleaders of such Faction and Schism; and return to Us your very free Advice, wherein you need Our more particular Commands for those Ends. We did lately recommend to you, the ordering of Our Troops and Companies to such Places as you should think most convenient, and We appointed who should command them, in Absence of Our Chancellor: And now considering how needful a General is to so few Troops, We do think it fit to intimate Our Pleasure, That Our Commission to Our General, in that Our Kingdom, and all other general Officers, be recalled; being resolved to appoint general Persons where We have an Army. And in the meantime you are to give Orders to the Commanders of Our Troops, as you shall find expedient for Our Service.'

1668.

It took some Time before the Council could return an Answer to all the Particulars in this Letter: So upon the 27th of February, I find they make the following Return to *Lawderdale*, which, as containing a very distinct Account of the State of the Country, anent the Indemnity and Bond of Peace, I insert it here.

Apud Edinburgum, 27^{mo} mensis Februarii, 1668.

IN Obedience to His Majesty's Commands, a Committee was appointed; and by their Order was given for bringing in an exact Account of these who have signed the Bonds for keeping the publick Peace, who have neglected the doing thereof, who of those in the late Rebellion, have accepted of His Majesty's gracious Pardon, and who have slighted the same. By their Report it appears, there are few or none of the considerable Heritors in the several Shires, who were appointed to sign the Bond, have not signed the same, except such who had formerly taken the *Declaration*, or whose constant Residence was not within the Shires, and did not apprehend themselves obliged thereunto.'

The Council's Return, 1668.

The Bond signed generally.

As to those accessory to the late Rebellion in the Shire of *Lanerk*, One hundred and forty seven have taken the Benefit of His Majesty's gracious Pardon, and signed the *Bond* for their future Deportment; and One hundred have not. In the Shire of *Air*, Fifty seven have taken the *Bond*, and Seventy two have not. In the Stewartry of *Kirkcudbright* and *Dumfries*, Fourteen have taken the *Bond*, and One hundred and twenty eight have not.'

Who have accepted the Indemnity, and who not.

The whole Number of those who have come in upon his Majesty's gracious Pardon, being Two hundred and eighteen, and of those who have not embraced it as yet, Three hundred, who, for the most Part, are very mean Persons, as Servants, Subtenants, and Craftsmen; and the remanent who were in the said Rebellion, were either killed in the Field, or publickly executed, or are since dead, or fled out of the Kingdom.'

Accepters, 218. Refusers, 300.

As to the further securing of the Peace and Quiet of the Kingdom, it is our humble Opinion, 1^{mo}, That His Majesty may be pleased to grant Warrant for issuing a Proclamation, discharging all such who have not subscribed the said *Bond* for keeping the publick Peace, to have or wear any Arms, Sword, Durk, or Whinger, or any other whatsoever; or to have or keep any Horses above the Value of Fifty Pounds *Scots*, after a certain Day to be affixed; and that a Power and Warrant might be given and granted to all Sheriffs, Stewarts, Bailies of Regalities, Magistrates of Burghs, Justices of Peace, and all Magistrates whatsoever, to search for, and seize upon all Arms in the Possession of such Persons, and to exact Ten Pounds *Scots*, *teties quoties*, of the Haver or Wearer of such Arms, the one Half to be given to the Discoverer, and the other Half to be disposed upon by the Judges, as they shall think fit. And further, That they be impowered to seize upon, and intromit with all Horses which shall be found in the Possession of those Persons, above the Value of Fifty Pounds *Scots*, paying the said Sum always to the Party: And that also, by the said Proclamation, it may be declared lawful for any Person whatsoever, who knows of any Horses in such Hands, above the said Value, to seize thereupon, bringing

Propos'd is for further securing the Peace.

Proclamation sought for, taking Arms from such who sign not the Bond.

1668.

bringing always along with him, a Magistrate of a Burgh of Landward, or any of the Officers or Messengers at Arms, or any Notar publick with Witnesses, and in their Presence make Payment of the Sum of Fifty Pounds *Scots*; and in case of Resistance, Complaint being made to any of the Magistrates foresaid, that they cause the Horse be delivered to the Person who seized the same, without Payment of any Price therefore, and otherwise punish him in whose Hands the Horse was found, in his Person, at their Discretion.

That Persons may yet be admitted to the Benefit of the Bond and Indemnity.

2^{do}, Because, through the Absence of those Persons who were appointed to take the Bonds from the Rebels, by reason of their Sickness, or their being at *Edinburgh* attending Law-suits in the Time of the Term, the Meetings for subscribing were not so timely, nor so punctually observed, and that many of the Rebels themselves were fled the Country, or lurking in obscure Places, and so did not know of the several Diets, before the Time was elapsed, and that divers have come in since, and others may; it is our Opinion, That all that have or do accept of the Pardon, and sign the *Bond* before the Intimation of his Majesty's further Pleasure to the Council, may be admitted thereunto, and that his Majesty may be pleased to signify his Pleasure accordingly.

A Proclamation proposed, with Names of the Rebels in it, and Power to Magistrates to seize them, and a Declaration that all Refractors be reputed Rebels.

3^{tio}, That his Majesty may give Warrant for a Proclamation, wherein the Names of all such of the Rebels, as shall not then have taken the *Bond*, may be insert; and that Magistrates, and others his Majesty's Judges, and Officers in Burghs and Landward, may be commanded, upon their Allegiance and Duty, to seize and apprehend them, and present their Persons to Justice; and that all Heritors, and others his Majesty's Subjects, may be discharged to harbour, reset, or keep any Correspondence with them: With Certification to such as shall fail herein, they shall be punished as Aiders and Abettors of Rebels, and accessory to the Rebellion. And if it shall be found, that any of the Rebels have, or shall have any Reset, Supply, or Entertainment within the Bounds of any of these Heritors, who have not taken the *Bond* for the Peace, that every such Heritor shall be pursued, and proceeded against, as guilty of the Rebellion.

No more can be done against Conventicles.

Against Conventicles there are Acts of Council, so many and so full, as nothing can be added thereunto; but the Council will be careful to see them put to due Execution; and, by their Act of the last of *January*, herewith sent, have taken Order for Removal of all outed Ministers, forth of the City of *Edinburgh*, and other prohibited Places, and restraining Conventicles therein.

At the Close, the Council recommend it to *Lawderdale* the Secretary, to lay all these Things before the King.

David Barclay sent to Montrose.

According to this Desire of the Council, they are permitted to receive Persons upon the *Bond of Peace*; and 'tis made very much a Rule of their Procedure. In *April*, I find *David Barclay* Prisoner in the Castle of *Edinburgh*, for some Concern, I suppose, in *Pentland*, upon his declining to sign the *Bond*, is sent to the Tolbooth of *Montrose*. In *February* this Year, the banished Ministers in *Holland*, sent over their Sentiments of the *Bond*, in warm Terms, as a great Defection, and a Burying of all covenanted Reformation-work; which wanted not its Influence to hinder some to take it.

Sentiments of banished Ministers upon the Bond.

A good many Prisoners for being at *Pentland*, sent to *America*.

Thomas Lennox, above condemned to die for *Pentland*, is liberated in *April*, upon signing it. *Andrew Robertson*, Prisoner on the same Score, is allowed to transport himself to *New England*. In *June*, I find *John Bryce* Mealmaker in *Cambusnethan* Parish, *William Fergusson* Weaver in *Lanerker*, *William Adam* Smith in *Williamstown*, Prisoners. When brought before the Council, they acknowledge their being at *Pentland*; and, upon their refusing the *Bond*, they are banished to *Virginia*: With Certification, if they return, the Pains of Death will be inflicted. And I find a short Work made by the Council, in a general Order, *July* 30th, That all who are in Prison for the Rebellion, and shall refuse the *Bond*, are to be sent to the Plantations; and thither not a few were sent this Year.

All the Prisoners who refuse the Bond, ordered to the Plantations.

Proclamation against Rebels, with their Names *May* 9. App. N. 32.

Letters directed against my Lord *Torphichen* and others, for harbouring Rebels.

Agreeably to the Proposal in the Council's Letters above, I find a Proclamation published, *May* 9th, ordering all Magistrates and Officers of the standing Forces, to seize and apprehend about a Hundred Persons, whose Names are annexed to the Proclamation, as having slighted the *Indemnity* offered. The Proclamation is added, App. N. 32.

It seems to be in pursuance of this and other Proclamations, That the Council, *June* 25th, Order out Letters against the Lord *Torphichen*, and other Heritors of *West-calders*, and others to be condescended on by my Lord *Haltoun*, (thus it runs in the Council-records) to answer for harbouring *John Gilchrist*, *James Minimo*, and *Thomas Finlay*, and not apprehending them, and offering them to Justice, for their Accession to the Rebellion, 1666. This Process was for some Time in Dependence, and brought no small Trouble to several Persons very innocent in this Matter.

The King leaves it to the Council, to do with all at *Pentland*, as they see best.

By a Letter, dated *July* 23^d, the King leaves the Council to do with those concerned in *Pentland*, as they see good. His Words are these. 'We now think fit to refer it to you, to take such Course with all in the Rebellion, 1666. who are not particularly forfeited, as you think fittest for the Peace of the Kingdom, either by banishing them to the Plantations,

tions, or admitting them to take the Benefit of Our Pardon, as you think fit.' But presses their ridding the Kingdom of Preachers at Conventicles; which I shall just now have Occasion to notice.

Accordingly, upon the 4th of *August*, *James Anderson*, *John Wright*, and *Robert Grier*, are banished to *Virginia*, for being in the Rebellion 1666. And in *November*, I find a good many concerned in *Pentland*, are, by the Council, admitted to take the Bond; and *Robert Chalmers* (who afterwards got a Remission, if it be not another of the same Name) *William Miller*, and *William Murdoch*, are banished; and *John Denholm* banished to *Tangier*, for resetting some of the former one Night in his House. And *William* and *James Welsh* in *Irongray*, whose Names are wrongously insert in the Proclamation, *May* 9th last, compearing before the Council, and declaring they were not at *Pentland*, are allowed to purge themselves, by signing the Bond of *Peace*, and dismissed. So much may serve for the Treatment, this Year, of those in the late Rising.

1668.

Persons banished for being at *Pentland*, and resetting such.

Let me now come forward to take some View of the Severities used against Conventicles, and the Keepers of them this Year. Field-conventicles were at this Time very rare; but Presbyterian Ministers adventured to preach to large Meetings in Houses and Barns, upon the repeated and importunate Calls of the People, who had fallen off from the Incumbents, because of their Share in the Severities and Oppressions of the former Years. As yet, unless in some Places, where Circumstances forced to the open Fields, it was rare to preach out of a House. I shall cast together here, what I find this Year done against Conventicles, and such as frequented them, leaving the Treatment of the Ministers to the next Article.

Severities used this Year, against Keepers of Conventicles.

May 7th, I find, the Council having called, and convened before them,--- *Miller of Wexford*, for being lately at a Conventicle in the Shire of *Air*, which he confessed, fine him in Three hundred Merks, to be paid presently; and they oblige him to give Bond, under Penalty of One thousand Pounds *Scots*, that neither he nor his Family, shall, in Time coming, be present at Conventicles. The Three hundred Merks are ordered to be given to *Henderson* a wounded Soldier.

Miller of Wexford fined for a Conventicle.

The same Day, the Council being informed of several Conventicles kept in several Places, appoint any of their Number to give out Warrants for seizing, apprehending, and committing to Prison, all outed Ministers, or others who shall keep Conventicles, or other unlawful Convocations and Meetings, or to give Warrant to a Messenger to cite them to such Diets of the Council, as they think fit.

Counsellors empowered to give Orders and Warrants against Conventicles.

To favour this Design of suppressing these Meetings for Divine Worship, by such as could not in Conscience joyn with the Curates, *May* 9th, Instructions are given to the Forces. 'The Earl of *Linlithgow*, Commander in-Chief for the Time, is allowed to change the Quarters of the Soldiers, as he finds meet. All the Officers and Soldiers are warranted to seize upon and apprehend all outed Ministers, who have kept Conventicles, or preached at them, to dissipate all Conventicles, and seize upon the Minister, and such of the principal Persons at the Meeting, as they can catch, and carry them to the next Prison, especially such as have Weapons. They are empowered to seize upon any they have a Warrant from a Privy Counsellor to apprehend, either as Rebels, or Conventicle-keepers.' In short, they are to observe the Orders given *November* 15th, 1667.

Instructions given by the Council to the Forces, about Conventicles, *May* 9.

Accordingly, upon the 4th of *June*, the Council approve the following Disposition of some of the Troops: A Company of Foot to ly at *Dumfries*; a Company of Foot, with Fifteen Horse, at *Strathewan* in *Clydsdale*; Forty Troopers at *Kilfryth*; Two Companies of Foot, and Fifteen Horse, at *Glasgow*; a Company of Foot at *Demellingtoun*, and another at *Cumnock* in the Shire of *Air*.

Disposition of the Forces to bear down Conventicles.

Besides this parcelling out of the Forces where they were most afraid of Conventicles, upon Informations of the keeping of them, Commissions are given out to examine who had been at them. So upon the same Day the Council grant Warrant to Two Gentlemen, to make Enquiry who were at the Conventicles in *Fife*, in the Town of *Austruther*, and at *Largo*: And upon this Trial, *July* 16th, Council-letters are directed out against Four Persons in *Largo* and the Neighbourhood, for being present at them.

Commissions given to Gentlemen to examine who have been at Conventicles.

At the Desire of the Prelates, who this Year are mightily keen against Conventicles, the King writes in the forecited Letter, dated *July* 23^d, after he hath remitted the Rebels to the Council's Pleasure, thus: 'But we do specially recommend it to your Care to rid the Kingdom of such seditious Preachers, or pretended Ministers as have kept Conventicles, or gathered People to the Fields, since *January* last; for we look on such as the greatest Disturbers of the Peace, and Perverters of the People.' That they were so represented to his Majesty I believe: But the King had not better Subjects in the Kingdom, and there was nothing but peaceable Carriage at such Meetings, and the Gospel of Peace purely and faithfully preached, and the King prayed for. Indeed the Orders given above, to dissipate those Meetings, obliged some to defend themselves when attacked, and the Gospel preached to them; but there were not many Scuffles this Way as yet.

Clause of the King's Letter *July* 23. against Conventicles.

Remarks on it

Another Method, peculiar to Towns, used at this Time against Conventicles, was, to oblige the Magistrates of Burghs, to give Bond to the Council to pay such a Sum if a Conventicle were

Magistrates of Burghs obliged to give Bond against Conventicles.

1668.

Bond of the
Magistrates of
Edinburgh,
App. N^o. 33.

were held within their Jurisdiction: And ordinarily they had their Relief off the Persons they should find out to have been at it. Accordingly the Magistrates of *Edinburgh*, July 29th, give Bond to the Council to this Effect; which I have insert, App. N^o. 33. and for some Time, I find yearly 'tis renewed by every Set of new Magistrates. Notwithstanding of all these Efforts, Conventicles grew on the Prelates Hands, in a Proportion to their and their Underlings being disliked for their Oppression and Severities; and the outed Ministers wanted not their Sufferings this Year.

Presbyterian
Ministers Suf-
fering Coun-
cil's Act, Jan. 31.
against them
at Edinburgh.

Which brings me to give some Taste of their Treatment. Upon the last of *January*, the Council by their Act ordain the Magistrates of *Edinburgh*, to execute the Act and Proclamation, dated *November* 1664. against the outed Ministers; and to take special Care that none be permitted to stay within their Liberties, but such as have a Licence from the Council, Archbishop of *St. Andrews*, or Bishop of *Edinburgh*; and requiring them to take special Notice, that there be no Conventicles kept in the City, or Liberties thereof. The Hardships of this Act have been noticed formerly.

Of Mr. Michael
Bruce.

But to come to particular Persons Sufferings, I may well begin with the Reverend Mr. *Michael Bruce*. This worthy, useful and affectionate Preacher, had been some Years ago forced out of *Ireland*, where his Charge and Relations were. Being a Person of great Boldness, and much Love to Souls, he adventured to preach to great Meetings in Houses, and sometimes in the Fields likewise. He ventured into several Places of the Nation, where few other Presbyterian Ministers had preached to any Numbers for some Years.

He is appre-
hended near
Stirling, and is
fore wounded.

About the 2^d or 3^d of *June*, Captain *G. Erskine* in *Stirling* Castle, having Orders from some Counsellors, apprehends Mr. *Bruce* in his own hired House, not far distant. When, to his great Surprise, he found the House beset with armed Men, according to his usual Courage and Briskness, he endeavoured to escape; but was fore wounded by the Soldiers, and taken, and brought Prisoner to the Castle of *Stirling*. No Care was taken of his Wounds, and he lost a vast deal of Blood. Notice of this Prize is sent into *Edinburgh*, and, *June* 4th, the Council have this Resolve about him. 'The Lords being informed, that Mr. *Michael Bruce*, pretended Minister, is apprehended, who, for these several Years bypast, has made it his Work to abuse People, and, in Contempt of the Laws, presumed to keep frequent Conventicles, preach, baptize, and administrate the Sacraments, without any lawful Warrant, and made Prisoner in *Stirling* Castle, they order him to be kept close Prisoner, and no Person have Access but Physicians and Surgeons.'

Council's Or-
der about him,
June 4.

Further, they appoint the Sheriff of *Stirling*, and one of the Justice-deputes, to examine him, how it came, when he was apprehended by Authority, he assaulted, and dangerously wounded ----- a Soldier of the Party, employed for that Effect, and report.

Brought into
Edinburgh, *June*
18. and a Libel
formed against
him

It was the 18th of *June* before Mr. *Bruce* was so far recovered, as he could be carried into *Edinburgh*; and, when put in close Prison there, the Council order, that no Body have Access to speak with him, except in Presence of a Privy Counsellor, or one of the Magistrates of *Edinburgh*. When he was examined in the Tolbooth, he was most candid and free in his Confession, refusing to answer nothing put to him. From this Confession the King's Advocate forms a Libel against him.

To which he
answers *July* 2.

As soon as he was able to come before the Council, upon *July* 2^d, he appears, and when his Libel is read, he owned his Preaching and Baptizing in Houses and the Fields, and defended his Practice, as being agreeable to the Powers he had received from another and higher Court.

Council's Sen-
tence against
him.

The Sentence the Council pass, is as follows. 'The Council find Mr. *Michael Bruce* guilty of Sedition, Faction, and Disturbance of the Peace of this Kingdom, and contravening the Acts of Parliament and Council; and therefore ordain the said Mr. *Michael Bruce* to be banished and sent away out of his Majesty's Dominions of *Scotland*, *England* and *Ireland*, and do discharge him to return upon Pain of Death.'

His Bond signed in the Council-registers is;

The Bond he
signs.

I Mr. *Michael Bruce* bind, oblige and enact my self in the Books of Privy Council, that, in Obedience to an Act and Sentence of Banishment pronounced and given against me this Day, I shall never return to any of his Majesty's Dominions in *Scotland*, *England* or *Ireland*, under Pain of Death to be inflicted without Mercy, in case I shall happen to contravene: Consenting thir Presents be registred in Books of Council; and constitute *Patrick Frazer* Advocate, my Procurator. In Witness whereof, I have subscribed those Presents, in Presence of the Lords of Council, at *Edinburgh*, *July* 2^d, 1668.'

M. BRUCE.

ROTHES Chanc. I. P. D.

When

When he is about to remove off the Kingdom, the 14th of July a Letter comes from the King to the Council, signifying he was pleased with their Procedure against Mr. Bruce, and ordered him to be sent Prisoner by Sea to London, with the first Conveniency: And, September 13th, he is ordered to be put into a Ship going to London. Whether this was owing to an Application from the Bishops of Ireland, who had a particular Spite against him, or to some other Cause, I know not.

1668.

By a Letter from the King he is sent Prisoner to London.

At London he is banished to Tangier.

But when he came up to London, he was immediately sent to the Gate-house. After he had remained some Time there, he was sentenced to go to Tangier in Africk. I have no distinct Account whether he underwent any Trial at London, or how his Sentence came to be altered. It appears odd enough to overturn a Sentence passed by the Council of Scotland, or to judge a Scot^sman, for Crimes committed in Scotland, at London, after the Affair had been judged at Home. I hear this good and pious Man with great Difficulty obtained a Connivance, and retired to Ireland.

At length he gets off to Ireland.

Mr. Alexander Smith sent to Orkney.

This Account hath run out already so far, that I must be brief on the Sufferings of some other of the outed Ministers this Year. Mr. Alexander Smith, we heard, was ordered to be brought from Zetland last Year; and being come to Burnt-island, upon the 9th of July, the Magistrates of Edinburgh are ordered by the Council, to receive him, and commit him close Prisoner in the Tolbooth. What his Examination and Deportment was there, I know not; but July 23^d, I see him ordered to be transported to Orkney, and Sheriff Blair in Orkney is appointed to receive him; and Mr. Smith required to confine himself to the Island of North-Ronaldshaw. Mr. Andrew Morton Minister at Carmonock was imprisoned about this Time; but I shall bring in all his Sufferings afterwards.

The Bishop of Murray having sent in an Information to the Council, against Mr. Thomas Hog Minister at Kiltairn, Mr. Thomas Urquhart Minister at ----- Mr. John McKilligen Minister at Alves, for preaching at their own Houses, and keeping Conventicles in Murray: The Council grant Commission, July 30th, to the Earl of Murray and Lord Duffus, to apprehend and incarcerate them in Forreß, where they continued some Time, till the Earl of Tweeddale procured an Order to liberate them, upon giving Bail to appear when called. Some of their Sufferings will come in afterwards at more length.

Mr. Thomas Hog, Mr. Thomas Urquhart, Mr. John McKilligen, imprisoned in Murray.

Mr. John Wilkie, sometime Minister at Twinam in the South, had come into Edinburgh for his Health, and was scarce able to remove out of it, through Age and Infirmary. Toward the End of July he is imprisoned, and from Prison first brought before a Committee of the Council, and next before the Council, July 29th. What passed at both I thought deserved a Room, in his own plain and homely Style, from an Original, signed by him, in my Hand, App. N^o. 34. as what will give the Reader a native View of the Methods used with these good Men, by the Managers, and their ingenuous Carriage. They confine him to the Town of Cowpar in Angus, to which he was not able to travel, and so continued in Prison some Time.

Mr. John Wilkie his Trial and Examination.

App. N^o. 34.

I find him September 13th petitioning the Council, that his Confinement may be altered to Moffat, and Ten Miles about, for his Health's Sake. They grant his Desire, and confine him as above, under the Penalty of Five hundred Merks: And, November 12th, when the Use of the Waters at Moffat are over, his Confinement is altered from that to Musselburgh.

He is confined to Moffat.

Upon Information given to the Council against Mr. Donald Cargil, I find, November 23^d, the following Act against him. 'Whereas Mr. Donald Cargil was confined benorth Tay, October 1st, 1662, and that under the Pain of Sedition; and yet he hath repaired to the City of Edinburgh, and other Places at his Pleasure, in high and proud Contempt of Authority; Ordains the said Mr. Donald Cargil, by open Proclamation at the Cross of Edinburgh and Forfar, to be cited to appear before the Council the 11th of January next, otherwise he shall be denounced simpliciter.' I have Reason to think this was an Information purely from Malice. He is not charged with Preaching, but only with coming to Edinburgh, and other Places, after a Confinement more than six Years ago, and many Acts of Grace and Indemnity. When he appears, next January, before the Council, and is heard in his own Vindication, he is dismissed, and only appointed to bide in his Confinement.

Council's Act against Mr. Donald Cargil.

Notwithstanding of these Hardships upon Presbyterian Ministers in Scotland, the King this Year allowed some Breathing to the Nonconformists in England. I am told he did Mr. Bates, Mr. Baxter, and some other Presbyterian Ministers there, the Honour of allowing them to wait upon him; and signified to them, that he knew of their Meetings, which were not according to Law, and designed to allow them more Liberty, provided they carried peaceably. It is said, he was pleased to add, That he had been too long a King of a Party, and now he resolved to be King of all his Subjects. Several Meeting-houses were about this Time built at London.

Some Favours shown this Year to the Nonconformists in England.

Yea, in June or July this Year, the Earl of Tweeddale called for some of the Presbyterian Ministers, who were under their Hidings, and made Proposals to them, anent some Favour and Indulgence he hoped might be procured for them in Scotland. The News were very welcome, and some Conversation and Proposals passed twixt them on this Subject.

Earl Tweeddale makes some Proposals, in June or July, to some Ministers, as to an Indulgence.

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Mr. James Mitchell's Attempt on the Archbishop stops it for some Time. It was made July 11th.

Character of him.

His Attempt upon the two Bishops.

His Escape.

Proclamation by the Council upon this.

The Council's Account of this Attempt in a Letter to the King.

A Search July 13th in the Town of Edinburgh.

The narrow Escape of Maxwell of Monerief.

But an unhappy Incident stopped all for some Time, the Attempt made by Mr. *James Mitchell* upon Two of the Bishops, *July 11th* this Year; which, as it was his personal Deed, without Concert or Approbation from Presbyterians, it opened the Door to a severe Treatment of some very worthy Persons not at all concerned in it. I shall give a Deduction of it from what I find in the Council-records, and other Papers of this Time; and some other Notices anent it will offer themselves when he is taken, and his Process comes to be accounted for Ten Years after this.

Mr. *James Mitchell* was a Preacher of the Gospel, and a Youth of much Zeal and Piety; but perhaps had not these Opportunities for Learning and Conversation, which would have been useful to him. I find Mr. *Trail*, Minister at *Edinburgh* in the Year 1661. recommending him to some Ministers in *Galloway*, as a good Youth, that had not much to subsist upon, and as fit for a School, or teaching Gentlemen's Children. He was at *Pentland*, and is excepted from the Indemnity, and in all the three Lists we have seen above.

From what Motives I say not, he takes on a Resolution to kill the Archbishop of *St. Andrews*: And, upon the 11th of *July*, he waits the Bishop coming down in the Afternoon to his Coach, at the Head of the *Blackfrier Wynd* in *Edinburgh*; and with him was Mr. *Honnyman* Bishop of *Orkney*. When the Archbishop had entered the Coach, and taken his Seat, Mr. *Mitchel* steps straight to the North-side of the Coach, and discharges a loaden Pistol in at the Door of the Coach. The Moment the Pistol is discharged, *Honnyman* sets his Foot in the Boot of the Coach, and when reaching up his Hand to step in, received the Shot, designed for Mr. *Sharp*, in the Wrist, and so the Primate escaped at this Time.

Upon this Mr. *Mitchel* crossed the Street with much Composure, till he comes to *Niddry's Wynd* Head, where a Man offers to stop him, and he presented a Pistol to him, upon which the other let him go. He stepped down the Wynd, and going up *Steven Law's* Clofs, went into a House, and changed his Clothes, and came straight confidently to the Street, as being the Place where indeed he would be least suspected. The Cry arose, A Man was killed; and some Rogues answered, It was but a Bishop, and all was calmed very soon. The two Bishops made all the Haste they could to the House where they had been.

Upon *Munday July 13th*, the Council met upon this Affair, and issue out a Proclamation, which is printed, *Anent the villanous Attempt upon the Bishops of St. Andrews and Orkney, upon the 11th Instant*. Five thousand Merks are offered to the Discoverer, and Pardon to Accessories. They write likewise a Letter to the King, acquainting him with this Matter, and their Account is as follows.

' *Saturday* last in the Evening, as the Archbishop of *St. Andrews* and the Bishop of *Orkney* were going abroad, the Archbishop being in his Coach, and the other stepping up, a wicked Fellow standing behind the Coach, did shoot the Bishop of *Orkney* beneath his Right Hand, broke his Left Arm, a little above the Wrist, with Five Balls, and immediately crossing the Street, went down a Lane, and escaped; there being no Person near at the Time, but those who were so taken up about the Bishop of *Orkney*, that they could not observe the Person, nor whither he went. That Night all possible Search was made in and about the Town, and this Day a Proclamation is issued out, sent herewith.

Further, that same Day the Magistrates of *Edinburgh* are ordered to search the Town and Suburbs for all Persons in the late Rebellion, or who cannot give an Account of themselves; and to shut all the Ports of the Town, except the Nether-bow, where one of the Bailies is to stand, and let out none but whom he knows; and an Hundred Soldiers are ordered to assist the Magistrates.

A very narrow Search was made for the Aggressor upon the Bishops, and it was a Wonder great Numbers were not seized. The Town being the Place of greatest Resort, and where People could lurk best, was at present full of Whiggs, and such who had been concerned in *Pentland*, and many of them escaped very narrowly.

One Instance I cannot but give of *Maxwel* of *Monerief*, excepted, as we have seen, out of the Indemnity, and a Gentleman of one of the best Estates of that Party not already forfeited. He had no Place in Town he could flee to, but came in to *Moffat* his Stabler's House, and begged his Landlord to hide him. *Moffat* told him very coldly, He had no Place to put him in, and very indifferently pointed to a large empty Meal-tub, standing in a publick Drinking-room, adding, If he pleased, he should cover him with it. No other present Shift offering, it was done; and, in a few Minutes, the Constable and his Men came in to search the House, and were soon satisfied, expecting no Prey there. They sat down in that very Room, with the Meal-barrel at the End of their Table, and called for some Ale. While sitting, they fell a talking of the Unsuccessfulness of their Search. One of them says, I am sure there are many Whiggs in Town: Another of them rapped violently on the Head of the Tub under which *Monerief* was, swearing, It may be there is one under that; and so it passed as a Jest, and they were permitted to do no more. Quickly they left the Room, and fall to their Work in other Houses, and the Gentleman came out, having tasted of the Bitterness of Death almost.

Mr.

Mr. *Mitchel* passes at this Time undiscovered, till some Years after, when we shall meet with him again. His Attempt was known to no Body but himself. People could not but observe the Righteousness of Providence in disabling Bishop *Honnyman's* Hand, which was no ways designed by Mr. *Mitchel*. It was well remembred, that Mr. *Andrew Honnyman*, in the Years 1660 and 1661. set up most zealously for Presbyterian Government; and being a Man of good Parts, was imployed by the Presbytery of St. *Andrews*, to draw up a Teltimonny for Presbyterian Government, when it was about to be overturned. The Draught was extremely liked by Mr. *Robert Douglas*, Mr. *George Hutchison*, and others, to whom it was communicated. He professed to be zealous against Prelacy, to a very great Height; and, in his Sermons, preached with a great deal of Warmth against the introducing of Bishops. I am told, in the Abundance of his Zeal, one Day, he had this Expression to his Hearers, *That if ever he spoke or acted contrary to what he now taught them, he should be content to be reckoned a Man of a prostitute Conscience*. He met with his Boddings, and indeed was accounted of according to his own Rule. Mr. *Sharp* debauched him with the Temptation of a Bishoprick; and he was the first, and almost the only Man of them, who drew his Pen in the Vindication of the present Constitution in the Church; and People could not but remark, that Person, who wrote against the Truth he once so vehemently espoused, had a Mark set upon him instead of his Debaucher, and without any Design in the Actor. It was loudly talked, that some Years after this, he met with yet harsher Treatment, from a more dreadful Quarter, when he died at his House in *Orkney*.

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Mr. *Mitchel* not discovered at this Time.

Remarks upon the top of *Orkney* his being wounded in his Hand.

But this unhappy Affair brought several Persons to a great deal of Trouble, and was most unjustly charged upon the Body of Presbyterians. It gave a Loose to the Cruelty of the Bishops, and the Advocate. It must be owned, they had a very considerable Provocation given to their Passions; and at this Rate no Body can be safe: But then, the Measures they took were hard, and mixed with a disingenuous Cunning, unworthy of Judges.

Many Persons brought to Trouble for this Attempt.

A few Days after this Attempt upon the Bishops, an Occasion of much Trouble to Three good People falls out; which was this. A Scuffle falls in between a Servant-woman of no good Fame, and her Mistress, Wife to *Robert Gray* Merchant in *Edinburgh*. The Servant, to be completely revenged upon her Mistress, quits her Service, and goes straight to Bishop *Sharp*, and assures him she can give Account of several Houses where the Whiggs used to haunt, and make some Discoveries anent the Person who made the late Attempt upon him. The Bishop made her very welcome, gave her Money in Abundance, and provided for her Security. It was said the Primate gave likewise very liberally to the Advocate Sir *John Nisbet*, that he might be hearty in the Pursuit; and 'tis certain Sir *John* shewed an extraordinary Eagerness in this Matter, to that Pitch, that his Friend Sir *Archibald Primrose* roundly told him, *He would not give over, till he brought the Fury of the enraged People on himself instead of the Bishops*.

Robert Gray is brought before a Committee of Council, on this Information, and strictly examined, Whether any Whiggs used in his House? Mr. *Gray* suspecting the Spring of their Information, and knowing there would be Proofs of it, acknowledged, That upon such a Day, his Cousin Major *Lermont*, one *Welsh*, and Mrs. *Duncan* a Minister's Widow, had dined with him. So much he conjectured his Servant had told them. He was further interrogated, Whether he knew of the Assassin of the Bishops? This he peremptorily denied. The Advocate urged him to swear upon his Declaration. This he flatly refused, as contrary to all Reason and Law, that a Person should swear in such a Case as this.

Robert Gray.

When the King's Advocate finds him positive, he steps forward to him; and, after some pretended Frankness and Familiarity in further dealing with him, he takes his Ring from off his Hand, telling him he had Use for it; and, within a little, sends it with a Messenger of his own to Mrs. *Gray*, ordering the Bearer to acquaint her, That her Husband had discovered all he knew as to the Whiggs, and the Ring was sent her as a Token, that she might do the same; and so she is brought before the Committee. Upon this the poor Woman discovers more than her Husband had done, and acquaints them with some Houses where the suffering People used to haunt; particularly, Mrs. *Kello*, a rich Widow, where Mr. *John Welsh* sometimes lodged and preached; the foresaid Mrs. *Duncan*, and *John Crawford* Messenger, who had Notice given him, and got off.

A Trick the King's Advocate puts upon him.

But his Wife, and the other Two, were presently seized, and put in Prison. When Mr. *Gray* got Notice how his Wife had been abused with his Ring, and what followed thereupon, he took it most heavily, sickned, and in a few Days died, leaving his Death upon this Way of treating him.

He died.

July 22^d, I find *Anna Ker*, Relict of Mr. *James Duncan*, before the Council. She is interrogated upon her Knowledge, Who were the Actors in the late Attempt upon the Two Bishops, and her harbouring and Converse with Rebels? Mrs. *Duncan* refused to answer upon Oath, declared she knew not the Assassines, and would not accuse her self. The Council give her Assurances, that whatever she declared thereanent, shall never be used against her, either in Judgment, or outwith the same; and they promise to indemnify her for any Accession she had to the said Attempt, or harbouring any of the Rebels, providing she declare

Mrs. *Duncan* her Trouble, threatened with the Torture of the Boots.

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declare ingenuously, and discover upon Oath what she knows. She continued fixed, that she would not give her Oath. The Lords caused bring in the Boots before her, and gave her to Five of the Clock to think upon it, assuring her, if she would not give her Oath in the Premises, she was to be tortured. In the Afternoon, Mrs. *Duncan* continued firm to her Purpose, and had certainly been put to Torture, had not *Roths* interposed, and told the Council, *It was not proper for Gentlewomen to wear Boots.*

Mrs. Kello.

Upon the 29th of July, Margaret Dury, Relict of Mr. James Kello Merchant in Edinburgh, is before the Council, and refusing to give Oath, as above, is fined in Five thousand Merks, and banished to the Plantations. Mrs. *Duncan* had nothing, and so escaped the Fine; but, the same Day, is likewise banished to the Plantations: And to Morrow, Janet Chalmers, Spouse to John Crawford Messenger, upon her Refusal, as above, is likewise banished with the other Two. They lay in Prison a long Time: Mrs. *Duncan*, with Two young Infants, continued there Five or Six Months: Mrs. *Kello*, having confessed Mr. *Welsh* had preached in her House, was fined, as above, and continued in Prison a long Time; and it was with no small Difficulty they were at length liberated, after Mrs. *Kello* had paid much of her Fine.

Cruelty exercised on Mr. James Gilon.

Another Act of Cruelty following upon this Attempt, was the Occasion of the Death of that good Man Mr. James Gilon Minister at Cavers, whose Blood is justly chargeable on the Authors of this harsh Treatment. Mr. *Gilon* being turned out of his Church at the Entry of Prelacy, had now for some time lurked at Edinburgh, and being tender, he had gone out to Curry, within a few Miles of the Town, for the Recovery of his Health. A Party of Soldiers went out, and, upon pretext of searching for the Aggressors upon the Bishops, seized him, and made him run almost all the Way before them, for Four Miles, to the West-port of Edinburgh, in the Middle of the Night. When thus driven, literally like a Sheep to the Slaughter, he was made to stand some Hours before the Port could be opened. To Morrow, when he was brought before the Council, he was known, and dismissed to his Chamber: But this barbarous Usage disordered him so much, that he sickned, and, being indisposed before, died within Forty eight Hours.

Council's Regulations about the Militia.

In July and August, the Council are much taken up about the Militia, who are modelled and raised through the whole Kingdom. This was alledged to be necessary, because there was no standing Army, albeit we were at this Time in Peace with all our Neighbours. Agreeably to the Scheme in the Acts of Parliament, Two and twenty thousand Horse and Foot were modelled in the several Shires: But so jealous were the Managers of the West-country, that they allowed no Foot to be armed in the Five Western Shires. This unnecessary Raising of the Militia, was a very heavy Tax upon many of the smaller Heritors. Such a Proportion of Land was burdened with the putting out of a Horse and a Man at the Muster, and the Laird or Lord, who did no more but send his Groom and his Horse the Day of Muster, escaped free: Yea, the smaller Heritors were taxed to maintain the Laird's Horse, as if he had been appropriated to the Service, and he paid not a Farthing.

New Orders to the Army upon a false Alarm.

What was the Occasion of the Alarm, I cannot tell; but, upon August 12th, I find what follows in the Council-registers. 'The Council understanding, That some of the late Rebels are drawing together, of Intention to disturb and embroil the Peace, grant Power to the Earl of Linlithgow to draw the Forces together, and dissipate them, and order all where he comes to assist him.' Whether this was a made Project to favour the Raising of Money for the Militia, or to pave the Way for more standing Troops, I cannot say; but I can find nothing like any Stir among the Presbyterians at this Time. However, Lieutenant Mungo Murray is ordered, September 3^d, to search, with Sixty Horse, in the Heads of Kyle and Nidsdale, and apprehend any of the Rebels rising in Arms. Another Party, under William Cockburn, is sent to search in the Glenkens in Galloway.

Robert Cannon of Mandrogate taken, probably willingly, and turns Informer.

Perhaps it was in one of the Searches about this Time, that Robert Cannon of Mandrogate younger, was taken, or probably put himself in the Road of being taken; for he turned Informer, and a bitter Persecutor. The Reader hath him in all the Exceptions from Pentland Indemnity; and the first Notice I find taken of him, is in a Letter from Lawderdale to the Council, dated October 8th, wherein he orders him to be examined anent the Rebellion 1666. and the Advocate accordingly converses with him: And, in November, the Council order Sir James Turner, Chalmers of Waterside, and Mandrogate elder, to come in to Edinburgh, to be Witnesses against him, and signify to the Secretary, they expect important Discoveries from his Trial. But afterwards, they write, They have got nothing of Importance from him. I believe he was gained to the Bishops Lure, and afterwards we shall find him acting a very ill Part in the South.

King's Letters to Council have almost always a Clause in Favour of the Clergy.

Riot committed at Calder.

This Summer and Harvest, I remark all the King's Letters to his Council, upon whatsoever Occasion, almost conclude with Recommendations of the Lords of the Clergy, to their Care, and the orthodox Ministers up and down the Kingdom, and carefully to enquire in to any Affronts and Violences offered to them. I know no Occasions for these, but Mr. Mitchell's Attempt, and the Accounts which come in before the Council, of a Riot committed upon Mr. James Brown Minister at Calder. The Circumstances and Nature of it I have

I have no Accounts of; only, *July 30th*, the Council order the Advocate to procefs ſome Perſons before the Juſtices, for the Attempt on the Miniſter of *Calder*.

There is little more conſiderable this Year, unleſs it be the continued ill Treatment of thoſe Weſt-country Gentlemen confined in the 1665. and by the High Commiſſion, which, as far as I have noticed, I ſhall give all together, and end this *Chapter* with it.

Upon *January 9th*, the Council change *Cunninghamhead's* Imprisonment, from the Caſtle of *Stirling* to that of *Edinburgh*, becauſe of his Buſineſs with Lawyers here. Upon the 3^d of *March*, he and the Laird of *Rowallan*, who, it ſeems, had the ſame Favour, are ordered to re-enter the Caſtle of *Stirling*. Upon the 4th of *Auguſt*, Sir *James Stuart* is ordered to be made cloſe Priſoner in *Dundee*; and Sir *John Chieſly* is ſent with a Guard to be made cloſe Priſoner in the Tolbooth of *St. Johnſtown*. The ſame Day the Council ſend their Orders to the Captain of the Caſtle of *Stirling*, to put *Cunninghamhead* and *Rowallan* in diſtinct Rooms, cloſe Priſoners: And Sir *George Maxwel* is ordered in Eight Days to enter himſelf Priſoner in the Tolbooth of *Kirkaldy*, under the Pains of Five hundred Pounds *Sterling*; and, upon the 5th of *Auguſt*, his Priſon is again altered to the Caſtle of *Stirling*.

And *John Porterfield* of *Douchal* younger, whom we ſhall again meet with, gives in a Petition, *July 2^d*, to the Council, ſignifying, 'That whereas he hath been under Confinement, by the Order of the Commiſſion for Church-affairs, theſe ſeveral Years paſt, at *Elgin* of *Murray*, and punctually kept his Confinement, and the Lords of Council have allowed him to come to *Edinburgh* about his Affairs; he humbly begs that his Conſtraint may be taken off, and his Bonds for keeping his Confinement, be given up by the Clerk.' The Lords grant his Petition, upon his finding Caution, under the Pain of Five hundred Pounds *Sterling*, to appear before the Council, within Four Days after he is called.

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Conſine Gentlemen not liberate.

Their Places of Imprisonment changed.

John Porterfield of Douchal.

C H A P. IV.

Of the State and Sufferings of Presbyterians, the Indulgence granted, 1669. and new Laws made againſt them, in the Year 1669.

AS for ſome Years bygone, the Interests of Prelacy have been upon the Decline; ſo ever ſince *Pentland*, the Interests of Presbytery have been gaining Ground in *Scotland*. This is not the firſt, and will not be the laſt Inſtance of the Truth of the primitive Chriſtian Obſervation and Experience, *That the Blood of the Saints is the Seed of the Church*: The Church's Winters of Perſecution, never want their ſucceeding Springs and Harveſt, in leſs or more. Accordingly, this Year, Presbyterians had a Sort of Reviving, and began to gather a little Strength. The military Diſcipline for their Conversion, was now at an End for ſome time; Mr. *Sharp's* Cloud at Court continued; the Conſtancy and Cheerfulneſs of the perſecuted Party was convincing; Conventicles increaſed, and the Curates Churches grew thinner.

Yet the Prelates continue to go as great a Length as they may againſt Presbyterians. The Perſecution for *Pentland* is not wholly over; the Confinement of ſeveral Gentlemen is protracted, and Conventicles are ſtrictly puniſhed: But the Fruitleſsneſs of theſe Perſecutions at length brings on an *Indulgence*; and to ſoften the Biſhops a little, new Laws are made in their Favours by the Parliament, which ſits in the End of this Year. Theſe Things will afford Matter for the following *Sections*.

The State and Condition of Presbytery and Prelacy this Year.

Contents of the Chapter.

1669.

S E C T. I.

Of the Circumstances of Presbyterians, and Procedure against Conventicles, preceding the Indulgence this Year.

The Bishops press the Execution of the Laws against Presbyterians.

WHEN the Bishops want the Army to hunt down the Presbyterians, they improve the Expressions in the King's Letters, of *encouraging the Lords of the Clergy and orthodox Ministers*; and daily importune the Council to harass and call before them such Presbyterian Ministers as preached at this Time, and to inflict the Pains of Sedition in the Terms of the Acts of Parliament and Council. Some were attacked in the North last Year, where there were but a few, and the more easily discovered and caught; and this Year the same Work is violently prosecuted in other Parts of the Kingdom, especially in the West, where Conventicles were sensibly growing.

The Magistrates of Edinburgh fined for a Conventicle there.

I shall then, in this *Section*, take a View of the Persecution of Presbyterians for Conventicle-keeping through this Year. *March 2^d*, I find an Act of Council fining the Town of *Edinburgh* for a Conventicle held there, in prosecution of the Project formerly spoken of, fallen upon to prevent Conventicles in Burghs. It is but short, and I insert it here. 'The Lords of his Majesty's Privy Council being informed, That on *Sunday* the last of *February*, there was a Conventicle kept within the City of *Edinburgh*, in the House of ----- Relief of the deceased ----- *Paton*; and Mr. *David Hume*, late Minister of *Coldingham*, took upon him to preach: And whereas, *July 29th*, 1668. the Magistrates of *Edinburgh* gave Bond to pay Fifty Pounds *Sterling* for ilk Conventicle that should happen within their City, to the Treasury, having Relief off the guilty Persons; The Council decern Sir *Andrew Ramsay*, and the rest of the Magistrates to pay the said Sum, and grant them Power to make open Doors, and apprehend Persons guilty, for their own Relief.' This is *ad terrorem*, and to fright other Towns and the Country.

Soldiers sent to the West and Inverness, to hear down Conventicles.

The Town of *Edinburgh* is under the Eye of the Managers; and, to carry on the same Work, the Soldiers are parcelled out to other Places. The same Day some are sent to quarter at *Glasgow*, and some smaller Parties to *Newmills*, *Mauchlin*, and *Kilmarnock*, in the Shire of *Air*, and a Party is ordered to the Town of *Inverness*, to keep the Presbyterians there and in *Murray*, in Aw.

Committee of Council to consider what may further be done against Conventicles.

But because Conventicles sometimes were dismissed before they could be reached, and the Parents of Children who were baptized at them, were more easily informed against by the Curates in each Parish, and came soon to be known, a new Act of Council is contrived, to be a Foundation of their Persecution. A Committee of Council, the Archbishops of *St. Andrews* and *Glasgow*, Duke *Hamilton*, Earls of *Dumfries*, *Annandale*, *Tweddale*, and *Kincardin*, Lords *Drumlanerk*, and *Cochran*, the President, Register, Advocate, and Justice-clerk, with the Laird of *Lee*, meet *February 18th*, to consider the Acts of Parliament and Council against Conventicles, Withdrawers from their Parish-kirks, clandestine Marriages and Baptisms, and to consider what may be done for restraining them.

Act of Council, *March 4th*, against irregular Baptisms.

This Committee issues in an Act of Council, *March 4th*, the Tenor whereof follows. 'The Privy Council considering what a Scandal it is to the Protestant Religion, and how much to the Increase of Popery, Schism, and Profaneness, that Persons should withdraw from Ordinances and Sacraments, and baptize their Children by Persons not authorized by the Church; do therefore prohibit and discharge all Persons whatsoever, to baptize their Children by any other, but such as are their own Parish-ministers, or such Ministers as are established by the present Government of the Church; and declare, that the Father of any Child otherwise baptized, shall incur the Pains and Penalties following: Every Heritor a Fourth Part of his yearly valued Rent; each Tenant a Hundred Pounds *Scots*, and Six Weeks Imprisonment; each Cotter Twenty Pounds, and Six Weeks Imprisonment; and recommend it to the Sheriffs, Bailies of Regalities, and other Judges, to put this Act in Execution.'

Remarks upon it.

Where the Scandal upon the Protestant Religion lies, in Childrens being baptized by Persons not authorized by a Prelatical Church, does not appear to me. That Popery is increased and strengthened, by narrowing the Church to such as will subject to diocesan Bishops, is very evident from the Nature of the Thing, and our constant Experience in *Scotland*. Popery hath still been upon the Increase, and Profaneness too, under Prelacy and Persecution: And the Presbyterians have had always Ground to charge the Espousers of Prelacy as Separatists, and Makers of a Schism from our Reformation from Popery by Presbyters, and our first Establishment according to the Scriptural Institution. How far 'tis a Profanation of the Holy Sacrament of Baptism, under such Penalties to ty down its Administration to the Officers of a Church declared to depend upon the King's Will and Pleasure, and its Government to be ambulatory and alterable, as he sees fit, I shall leave to others to consider. As it is plainly

contrary

contrary to the Christian Liberty of the Subject, thus in their religious Rights to be bound up to the Will of the Sovereign; so to me this seems to be an irreligious Prostitution of the holy Sacrament, as an Occasion of Persecution of tender Consciences, and what too much agrees with the knitting of the other Sacrament of the Supper, to civil and military Offices, for which all the Reformed Churches are so much reproached by the Papists, though Two of them are only chargeable with this: Yea, the restricting of the Administration of Baptism to a particular Set of Ministers, in order to be a Pretext and Cloke for harassing and violenting the Consciences of such who could not joyn with them, seems to contain something yet worse, if possible; at least this Practice casts no small Stain upon its Authors, who, generally speaking, were all baptized by Presbyterians.

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This Act is transmitted with Letters from the Council, to the Sheriffs of *Lanerk, Renfrew, Air*, and the Steward of *Kirkcudbright*, ordering them to publish it at the Market-crosses and Parish-churches in these Shires, together with the forementioned Acts of Council, *December 1662. and October 1666.* And the Commissioners of the Militia are to inform themselves of all Conventicles and disorderly Baptisms, since *November* last, and call before them all Ministers and Hearers; and as they find them guilty, to take Bonds from them to appear before the Council: And such as do not compear, or refuse to find Caution, they are required, by a Party of the Militia, to seize upon their Persons; and this Party is to be maintained by the Delinquents, at Eighteen Shillings *Scots* per Day for each Horseman, and Three Shillings *Sterling* for the Officer: And all Evidences and Witnesses against them are to be sent with them into *Edinburgh*.

The Act transmitted to the Sheriffs, &c. in the West, and the Commissioners of the Militia to see to its Execution.

Joynly with this, I find, the Council send Instructions to the Sheriffs and their Deputes in the Western Shires, as to their Procedure against Nonconformists; and they deserve a Room here. *March 8th*, the Instructions underwritten for the Sheriff-deputes of *Air* and *Lanerk*, *Bailie of Cuninghame*, and Steward-depute of *Kirkcudbright*, were agreed to by the Council.

Instructions to the Sheriff-deputes of *Lanerk, &c.*

Those who are to be convened before you, conform to these Instructions, are to be cited in the ordinary Way, and upon the ordinary Time and Number of Days usual before the Sheriff-court; and it is to be adverted, that they be cited personally to give their Oaths upon the Libel, with Certification *pro confesso*. See, that if they have no other Probation by Witnesses, and if the Witnesses be not ready and able to prove the Libel, it be proven by their Oaths.

If the Defenders appear not, they are to be holden as confest, and Decreet given against them.

If they compear, and the Libel cannot be proven without Delay by Witnesses, they are to declare upon the Libel, and according to their Declaration the Judge is to decern.

If they be not ready or willing to pay the Sums decerned, Precepts are to be directed against them in the ordinary Way; and the same being executed, they are to be sent to *Edinburgh*, with the Executions, that Letters of Horning may be raised thereupon; and they are to be charged and denounced with all Expedition.

They are to be careful that no Money be taken from any Person for Forbearance, and not to proceed against them: And if the Procurator Fiscal, or Officers, or Messengers, who are to be employed, or any others shall be found to take from any Person, upon any such Account, they will be noticed, and proceeded against, and censured as Malversant, and unworthy of Trust; and they are to advert and inform if any Person be guilty of such Malversation.

The Process is to be as summar and short as can be, and the Dispute and Defences (if any be) are to be heard and discussed *verbo*, without receiving Defences in Write; and the Clerk is only to minute the Defences, if any be propounded.

If any Persons cited, as said is, shall be content to find Caution, and oblige themselves to frequent and keep the Churches, and publick Ordinances, in the future, as also that they shall not be present at Conventicles, in the Shire, Baronies, or Stewartry foresaid; you are to accept of their said Obligement and Caution, and pass from the Pursuit against them.

The same Day, the Council order some more of the Soldiers to the West-country, doubting, perhaps, the Zeal of the Militia there, for persecuting of their Neighbours. And *James Row* Merchant in *Edinburgh*, is fined by the Council in a Hundred Pounds *Scots*, for being at the above Conventicle in *Mr. Paton's*. *George Mosman* Merchant there, is fined in Two hundred Merks, and *John Row* Agent there, in a Hundred Pounds for the same Conventicle; and certified, that if they be found at another, they shall be banished. Mean while they are imprisoned till they pay their Fines.

More Soldiers sent West. *James Row*, *George Mosman*, *John Row* in *Edinburgh*, fined for a Conventicle.

Joynly with these Acts and Orders, another Expedient is fallen upon to bear down Conventicles, and a great deal was promised from it. Collectors of the Fines the Law had appointed for Nonconformity, were named about this Time, in the Places where Conventicles most abounded. *Mr. Nathanael Fyfe*, a poor Advocate, who wanted Employment, and was a Relation of one of the Bishops, had *Kyle* and *Carrieth* for his District. *Cuninghame* was given to the Sheriff of *Niddale*, Brother to the Earl of *Dumfries*, who was said to be a great Oppressor

Collectors of the Fines appointed by Law for Nonconformity, nominated *Mr. Nath. Fyfe*, Sheriff of *Niddale*.

1669.

James Dunlop of
Houshill.Earl of Nid-
dale.This Project
not very suc-
cessful.The Lord Coch-
ran put upon
Severities a-
gainst Presby-
terian Mini-
sters, by the
Archbishop of
Glasgow.Ministers
within writ-
ten cited be-
fore a Com-
mittee of
Noblemen and
Gentlemen at
Air in March.Cockburn's Rude-
ness to them.They appear
at Air, and are
cited before
the Council at
Edinburgh next
Week.Committee of
Council ap-
pointed to ex-
amine them.
April 6th.Interrogatories
put to them,
with their
Answers.

professor of the Poor, and not a whit the more unfit for this Work in Hand. James Dunlop of Houshill, a Nephew of my Lord Cochran's, had Renfrew Shire, where, I am informed, he was abundantly easy, being very far from a persecuting Temper: Yet I find, in May, he hath the Thanks of the Council given him for his Readiness to serve the Government. Duke Hamilton was allowed to appoint whom he pleased for Lanerk Shire. The Earl of Nidsdale, a Papist, got Dumfries and Galloway, and to be sure he took Care not to be too severe upon Jesuits, and trafficking Priests. In May I find the Council write to him, to take Care he employed none under him who were not Protestants, and regret the Growth of Popery. 'Tis not good however to give the Wolf the Wedder to keep.

These Publicans and Tax-gatherers, to encourage them to their Work, had Five hundred Merks a Piece from the Council; their Reign was but short, unto the First of June. They wanted a numerous Army to back them, and military Execution *brevi manu* is not yet allowed; they must prosecute Offenders before the Sheriff, in the ordinary Course of Law; and some of the Sheriffs reckoning these Collectors were come in upon their Field, made the Process so tedious, that they got not much. This was one of the easiest Assessments the West-country had laid upon them.

The Archbishop of Glasgow put the Lord Cochran to exert himself in a very particular Way against the Presbyterian Ministers in his Diocese: And his suffering the Bishop to prevail with him to go the Lengths he went, he having been upon the Party who set up for Moderation, opened People's Mouths to say many Things which need not a Room here; That the worthy Persons he was now harassing, were never so far engaged with the Usurper, as he and others in the Government had been; That all the Evils in that Time, even sitting in Parliaments called by Cromwel, voting the Tender and Extirpation of the Race of Stuarts, were overlooked: But Presbytery, and the almost only loyal and firm Subjects of that Time, Presbyterian Ministers, could not be forgiven.

My Lord, as a Counsellor, gives Warrant to Major Cockburn, an Officer of the Guards, to cite before a Committee of Noblemen and Gentlemen, concerned, I suppose, in the Militia, at Air, in the End of March, several Ministers, whom the Bishops alledged, had acted contrary to Law, and preached and baptized irregularly. Their Names, at least those of them, as we shall hear, who appeared before the Council, are, 'Mrs. William Fullarton late Minister at St. Quivox, John Spaldin at Dregghorn, Alexander Blair at Galsoun, Hugh Archbald at Evandale, James Alexander at Kilmacomb, Andrew Dalrymple at Auchinleck, John Hutchison at Maybole, James Vetch at Mauchlin, Hugh Campbel at Riccartoun, John Gemble at Symington, and John Wallace at Larges.'

Great was the Rigour Cockburn used in forcing them to compear at Air. When he came to some of their Houses with his Men, he was not satisfied with the ordinary Way of legal Citation, nor with their Promises to obey, but compelled them to give Bond for compearing, and mean while would not produce his Warrant for Citation, and perhaps could not for this Part of his Treatment. The Families of others of them he treated most rudely, turning them out of Doors, and obliging them to flit and remove from their Houses, without any Reason given, within Twenty four Hours, to their great Detriment and Loss. And one of the Accounts, from which this Narration is taken, says, The Council were so sensible of this, that Mr. Vetch and Mr. Blair were allowed Three hundred Merks each for their Losses.

All the Ministers appeared before the Meeting at Air, and answered the Interrogatories put to them, with that Meekness and Candor, that most Part of the Members inclined to dismiss them without any further Trouble: But this did not answer the Archbishop's Design, which was to be rid of these worthy Men; and therefore the Lord Cochran prevailed to get them cited to appear before the Council next Week at Edinburgh.

They obeyed, and came thither on Saturday April 3^d, and my Lord Cochran came upon Monday to prosecute them, and it was said, when he went to the Chancellor, he got small Thanks for his Zeal in this Matter, and was blamed for surprizing the Council with this Process of the Ministers. However, from their Books I find, April 6th, 'the Earl of Kincardin, Lord Cochran, and the President, are appointed as a Committee to examine some Ministers from the West, come to Town according to their Bonds given anent keeping Conventicles; and to report.'

Before this Committee the Ministers appeared, and were interrogated separately, Whether they had preached since they were laid aside by Authority? This they all frankly acknowledged. Next, they were questioned, Whether they had preached in the Fields? This none of them had done: And further, Whether they had admitted any more to their Exercise but their own Families? This they all confessed. Then they were all called in together, and asked, What they resolved to do in Time to come? They answered, They purposed to demean themselves peaceably and soberly, as they had hitherto done, and as became Ministers of the Gospel, and to give no just Ground of Offence. The Committee required them to subscribe their Answers; which they did, and were dismissed at this Time, and ordered to appear before the Council upon April the 8th.

A Time of Trouble and Suffering is ordinarily a Time of Jealousy and Scruples; and so this was. Those Ministers were the first since *Pentland*, who in a Body had been questioned for Preaching. It was now beginning to be too common, though afterwards this Temper ran higher, to censure Ministers in their Appearances, carry as they would. And some were pleased to blame them, as too faint in owning their Warrant to preach the Gospel: Therefore, and because their Expression before the Committee, of *demeaning themselves peaceably and without Offence*, was debated as to its Import, they saw good in the Interval, before their appearing at the Council-bar, to agree upon the Heads of a Discourse to the Lords, wherein one, in the Name of the rest, should express their Sentiments about their Ministry, and the Necessity of exercising it even at this Juncture; and it was laid upon Mr. *William Fullarton* to deliver the Mind of the rest.

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They agree on a Discourse to be delivered to the Council by Mr. Fullarton, in Name of all present.

Upon the 8th of *April* they were called in before the Council. The Lords, upon their signed Confessions, agreed upon the following Act concerning them. 'The Lords of Council, by Examination of the Confessions of Mr. *William Fullarton* late Minister at St. *Quivox*, &c. *ut supra*, find that they have contravened the Acts of Parliament and Council anent Conventicles, and Withdrawers from Worship, and have incurred the Penalties therein contained; yet the Council, on divers Considerations, being willing to use all Means to reclaim them from such unruly and undutiful Carriage, and to reduce them to a due Conformity to the Laws of the Kingdom, have thought fit to defer pronouncing Sentence against them, till further Consideration; and declare, That if any of the Persons above mentioned, shall hereafter keep Conventicles, or withdraw from Worship, the Council will not only punish them for their bygone Transgressions, but also take Course to remove them from those Places of the Country where now they reside, and punish them conform to Law.' When they were come in, the Chancellor told them the Council had considered their Confession before some of their Number, and the Clerk was to signify the Council's Pleasure to them, who read what is above.

April 8th, they appear before the Council, their Act about them.

Mr. *William Fullarton* then begged the Liberty to speak; which being allowed, he delivered himself to this Purpose, as had been concerted.

Mr. William Fullarton has Discourse to the Council.

My Lord Chancellor,

WE have already ingenuously confessed and professed what hath been our Carriage, in reference to those Things laid to our Charge, and have declared under our Hands, that as in all our Actings, we have carried with due Respect to Authority, as it became the Ministers of the Gospel, so we resolve to continue: And it is no small Addition to our Sufferings, that we should be misrepresented, or looked upon by any, as *justling with Authority*. Yet considering that it hath been in all the Ages of the Church, the Case of the Lord's faithful Servants, from which our Lord himself was not exemed, to be slandered, as *no Friends to Cesar*, we need not think it strange; for our Witness is in Heaven, and our Record is above, that as we desire to give unto GOD the Things that are GOD's, so also unto *Cesar* the Things that are *Cesar's*, there being by Divine Authority an Indispensibility betwixt fearing of GOD, and honouring the King, and none void of the First, can rightly perform the Second. Therefore we judge, the Fearers of GOD are the only loyal People in the World; only our Loyalty is with Subordination to our Lord *Jesus Christ*, who is King of Kings, and Lord of Lords, by whom Kings reign, and Princes decree Justice; and under him to the King's Majesty, and inferior Magistrates, and in this Line of Subordination we shall deny nothing to the King, that shall be demanded, but shall be as ready cheerfully to grant, as any shall be to require it of us. And withal, our Loyalty is not founded upon extrinick Grounds, or Self-principles or Motives, but allenarly upon the Basis of Conscience, and so not regulate by the Revolutions of Time, but remains still the same. Hence it was, That when the Royal Family was in a low Condition, we lay in the Dust, and poured out our Supplications to GOD in behalf of the King's Majesty, that he might be preserved from Sin and Snares, upheld, comforted, and restored to his Throne and Government; and we looked upon the effectuating thereof as the Return of our Prayers, for which we judged our selves obliged to bless the Lord, and promised to our selves, and expected a Reviving from our Bondage, and a Share of that Calm and Quietness, that was thereby to redound to a poor distracted Kingdom. That 'tis otherwise with us we shall adore Sovereignty, who has so carved out our Lot, although the Storm should never blow off our Faces while we are in Time, whereunto with Submission and Patience we ought to stoop.

And now seeing we have received our Ministry from *Jesus Christ*, and must one Day give an Account to our Master how we have performed the same, we dare have no Hand in the least to unminister our selves; yea, the Word is like Fire in our Bosoms seeking for a Vent. And seeing, under the Force of a Command from Authority, we have hitherto ceased from the publick Exercise of our Ministry, and are wearied with Forbearing; therefore 'tis our humble Supplication to your Lordship, that you would deal with the

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King's Majesty in our behalf, that at least the Indulgence granted to others of our Way within his Dominions, may be extended to us also. Next, That since we are troubled by one Mr. *Nathanael Fyfe*, entrusted with the Execution of the Laws against such who do not keep the Church, who is proceeding against us upon that Account, and being now convened before your Lordship for the same Cause upon the Matter, that he may be inhibited to meddle with us. Further, it is our humble earnest Supplication, that your Lordship would compassionate the poor afflicted People of our Country, who are groaning and fainting under sad Pressures, and the Way the said Mr. *Fyfe* is taking with them, as it is sad, so it is an Addition to our Affliction; and although they cannot comply with the present Ecclesiastical Government, yet they are truly loyal to Authority. Therefore we request you would do something or other for their Ease and Relief.

And your Lordships laying out your selves with reference to those Things, as it will prove acceptable Service to GOD, and will be no Matter of Resentment to you when you enter Eternity, and stand before *Christ's* Tribunal, but on the contrary will be Matter of your Peace and Joy; so also it will be for a Name of Praise and Renown to you and yours, while you shall be called *Repairers of Breaches*: Yea, this will be a most effectual Means to secure the Peace of the Country, which we apprehend ye mainly study, and will endear the King's Majesty to his loyal People, and engage all of us to pray, That the Lord would establish the Throne in Righteousness, and that the King's Majesty and Posterity may sit thereupon while Sun and Moon endure; and that your Lordship may be blessed in the Administration of the Government entrusted unto you; and we shall be more and more obliged to remain your Lordship's most humble Servants in our Master *Jesus Christ*.

The Chancellor's Conference with the Ministers, after the Council had dismissed them.

The Council-house was very throng, and Mr. *Fullarton* had a very attentive Audience all the while he spoke; and the Ministers were dismissed, with a Charge to live regularly at their Peril. While they are yet in the outer Chamber, going away, the Chancellor was pleased to come and discourse with some of them. He acquainted them, as to the First Branch of their Desire, the Council could not take it upon them to limit the King: And as to Mr. *Fyfe*, they should be no more troubled with him, the Council having already written Letters to that effect: But as to the Third, He wondered how they could call the People of their Country loyal, when some, within these few Days, brought in by Major *Cockburn* from *Finwick*, adhered to their being at *Pentland*, and their taking the *Covenant* at *Lanerk*. Mr. *Fullarton* answered, 'As to any Persons who do any thing tending to Rebellion, or in prejudice of Authority, as it is exercised in the Line of Subordination to our Lord *Jesus Christ*, we disown them.' Mr. *Fullarton* designed this as a waving of this Matter, as I suppose: If he was of Opinion, that the Rising at *Pentland* contained any thing contrary to Authority, as subordinate to *Christ*, he was alone, and no Presbyterians I know of, thought so.

Conventicles grow the more they are born down.

Thus the Ministers got safe Home, and preached in their own Houses, as they had done; and the Archbishop is disappointed in his harsh Designs upon them: And my Lord *Cochran* is said to have expressed himself pretty openly in a Pet, *The Ministers shall turn all upside down, before I meddle with them again*. Indeed this Year, Conventicles were like the Palm-tree, the more Weights were hung upon them, the more they grew; and there were few Presbyterian Ministers in the West and South, but were preaching in their Houses, and some in Barns, and some few in the Fields.

Although the Ministers were thus dismissed, it may be from some Views the leading Persons had of an approaching Indulgence, yet, the very same Day, a Proclamation against Conventicles in the West, is emitted, discharging them, under heavy Fines upon Heritors; and I give it from the Registers.

Proclamation, April 8, against Conventicles, fining Heritors in whose Ground they are, in 900 Merks.

THE Lords of His Majesty's Privy Council, considering how far the keeping of Conventicles is contrary to Law, and disturbs the Peace of the Kingdom; and that notwithstanding Conventicles are kept and frequented in the Shires of Lanerk, Rensfrew, Air, and Stewartry of Kirkcudbright, they prohibit and discharge them, and discharge all Heritors whatsoever, in these Shires, to suffer or permit any Conventicles, or private Meetings, on pretence of religious Worship, to be kept in Houses, or Lands pertaining to them: Certifying, if they contravene, each Heritor in whose Bounds or Lands a Conventicle shall be kept, shall be fined in the Sum of Fifty Pounds Sterling *toties quoties*; and ordain these Presents to be printed, and published in the Places above.

Clause about Tenants, said to be added in the printed Copy.

I have not seen the printed Copy, but by several Accounts before me of this Period, I find, that when the Proclamation was published, it contained a Clause, ordaining Tenants to be fined in a Hundred Pounds *toties quoties*, for Conventicles in their Houses or Ground, but this not being in the Copy in the Council-books, I can say no more of it.

The

The unreasonable Imposition in this Proclamation, is very plain: No Exceptions are made, though the Heritor were never so much a Conformist; though he live not upon the Place, though he had no Hand in, nor gave any Allowance to the Meeting, yet he is made liable to this exorbitant Fine. No question it was designed to put Noblemen and Gentlemen to look after their Tenants, and take Care none should be in their Lands who would invite or countenance any of the outed Ministers: But in its very Nature it appears most arbitrary and unjust; a Punishment in many Cases where there was no Fault, and a Requisition of what was really impossible for Heritors to perform. Neither are they, by the Act, allowed, as the Magistrates of Burghs, so much as a Repetition of their Fine, from their supposed guilty Tenants. Frequently when Things are stretched too far, they break, to the Hurt of the Stretcher; so this unrighteous Act broke it self, and indeed made the *Indulgence* more pressed for by, and desirable to Persons of Rank. Thus violent Men are taken in the Pit which they digged for others, and the Wicked snared in the Work of their own Hands. Happy was it for the Heritors in the West, there was no *Turner, Bannantyne, General Dalziel,* nor standing Army, now to execute this Act.

1669.

Remarks upon it.

Thus it discouraged not People much to haunt Conventicles, and Presbyterian Ministers went on to preach to a People who needed spiritual Food very much, and received the Word with all Readiness of Mind. However, in *May* and *June* this Year, several Ministers were brought before the Council, till the *Indulgence* began to appear: I give but one instance or Two.

Presbyterian Ministers sited before the Council, in May and June.

Mr. *Matthew McKail* Minister at *Bothwell*, Father, I suppose, to Mr. *Hugh*, who was executed after *Pentland*, a true *Nathanael*, and a very plain Dealer, preached about this Time within a few Miles of *Paisly*, to a considerable Meeting in the Fields, upwards of a Thousand. His Text was, *Isai. 32. 5.* From this he described the *Churl* so, as many of his Hearers applied it to one in that Country of some Rank. If the Picture was scriptural, and indeed the Preacher was very much Master of the Bible, and so natural as to represent the guilty, he was not to be blamed for his Hearers Application. Great Noise was made of that Sermon, but I do not hear Mr. *McKail* was troubled for it.

Mr. Matthew McKail.

Mr. *Gilbert Hamilton* was cited, but, either through Mistake or Moyer, was not called. Mr. *James Curry*, Minister at *Shotts*, did not compear. Mr. *Andrew Morton*, Minister at *Carmonnock*, appeared, and objected against the Legality of his Summons. New Summons was ordered to be given him in due Form, and he escaped at this Time.

Mr. Gilbert Hamilton, Mr. James Curry, Mr. Andrew Morton.

June 3^d, I find the Council give Commission to the Archbishop and Provost of *Glasgow*, to try who were at a Conventicle lately kept in that City, what Quality they were of, who were present, and how they stand affected to the Government, and report. The Occasion of this was, Mr. *James Hamilton* Minister at *Blantyre*, then living at *Glasgow*, had been informed against for Preaching in his own House. Upon Examination, he is seized by the Magistrates, and sent in under a Guard to *Edinburgh*, where he was presented to the Chancellor, who, after some Conversation with him, saw good to commit him to Prison.

Commission, the Bishop and Provost of Glasgow, to enquire into Conventicles kept there by Mr. Jam. Hamilton.

This worthy Man used very great Freedom when called before a Committee of Council appointed to examine him, and was no way damped. Being asked, If he had preached in his own House at *Glasgow*? He acknowledged he had. And being further interrogated, How many his Hearers used to be? He answered, That these Years bygone, when poor Ministers of *Christ* were forced from their Flocks, and, with Difficulty enough, were able to subsist themselves and Families, they had no Money to hire Palaces and Castles to live in, and their Lordships might easily guess any House he was able to take, could not contain great Numbers of Hearers, neither could he keep People from coming to his House, having no Halberds to keep his Doors, nor Guards to make Use of. Some of the Members of the Committee upbraided him with reflecting upon the Archbishop of *Glasgow*, in what he now spoke; and endeavoured to impress him with the Bishop's Lenity and Favour, in permitting him to live so long at *Glasgow*. Mr. *Hamilton* answered, It was very easy to speak of Lenity and Favour, but he was assured he had not so much Liberty and Favour at *Glasgow*, as *Paul* enjoyed under a violent persecuting Heathen at *Rome*, where he remained Two Years in his own hired House, and preached the Gospel, and no Man was forbid to come to him; but the honest People of *Glasgow*, and himself, had been frequently threatned with great Violence, if they did not forbear.

Mr. Hamilton is sent Prisoner to Edinburgh. His Examination before a Committee of Council.

Finding they were not like to gain any Ground on him by their *Queries*, they desired to know if he was willing, for the Time to come, to give Bond to preach no more this way. His Return was, That he had his Commission from *Christ* to preach the Gospel, and he would not take any Restrictions upon himself, whatever Force others might bring him under. The Chancellor was pleased to ask him, Where his Commission was? He replied, *Matth. 28. 19. Go, teach and baptize.* The Chancellor replied, That is the *Apostles* Commission; do you set up for an Apostle? No, my Lord, said he, nor any extraordinary Person either; but that Place contains the Commission of ordinary Ministers of the Gospel, as well as extraordinary Ambassadors, such as were the *Apostles*.

He refuses to engage to preach no more.

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The Committee's Report to the Council, with their Sentence upon Mr. Hamilton.

June 24th, the Council sit and receive their Committee's Report, 'That Mr. James Hamilton Prisoner in the Tolbooth of *Edinburgh*, acknowledged, That he had several Times preached and exercised Divine Worship in his own House at *Glasgow*, to his own Family, and others beside his own Family were present; and that as he invited none, so he debarred none; and being asked by them, If he would give Assurance in Time coming to keep no Conventicles, and to preach and exercise Worship nowhere but in his own House, and only to his own Family, and such as should be occasionally present in his Family on some other Account, he refused. And being called in before the Council, he adhered to what is above. The Council order him to be kept in Prison till he give Caution in the Terms above.'

Their Act requiring all Ministers to engage not to keep Conventicles:

Which hindered Ministers to compare; and this brought Sentences of Intercommuning, and their being put to the Horn.

Mr. Hamilton continued in Prison till his Health was impaired.

Proclamation, August 3, against Conventicles.

And further statute and ordain, 'That all Ministers who shall hereafter be apprehended, or brought before the Council, on account of Conventicles, either by themselves or others for them, shall give Surety for their peaceable Deportment, and that they shall keep no Conventicles, as said is; and in case of Refusal, ordain them to be kept in Prison, till they give Surety, as said is, and be otherwise censured, as the Council thinks fit.'

Thus, upon Mr. Hamilton's Refusal, they form a general Rule, whereby to proceed against all Presbyterian Ministers; and this Severity afterwards hindered Ministers to appear before them, as hitherto they had done upon the first Call: But when they must choose now either to come under a voluntary Tie, to restrict themselves in the Ministry received from Christ, or undergo a perpetual Imprisonment, they choosed rather to keep out of Harm's Way, as long as they could. This, within some time, brought on the *Denouncing* and *Intercommuning* of Ministers. When they were cited to appear before the Council, and, for the Reasons above, durst not obey, Caption was directed against them, and they were put to the Horn.

Mr. Hamilton was remanded to Prison, and lay there a long Time, till his Brother Sir Robert Hamilton of *Silverton-hill* made Interest for him, and got him out, after his Health was considerably impaired by his Imprisonment, and not till he had given Bond of a Thousand Merks, to compare when called. The Persecution reached several of the Inhabitants of the Town of *Glasgow*, his Hearers; some of them were brought before the Council, and obliged to give Bond to keep no more of his Meetings.

All those Prosecutions of Ministers and others for Conventicles, land in a new Proclamation against them, of the Date August 3^d, which being short I insert here.

CHARLES, &c. Forasmuch as from Our tender Care and great zeal for preserving the Peace and Quiet of the Church and Kingdom, by Our former Proclamations We have discharged all private Meetings and Conventicles, under pretence of religious Worship and Exercise; yet, in divers Places of this Kingdom, divers outed Ministers and others, take on them to preach and exercise the Functions of the Ministry, in Meetings of Our Subjects, not warranted by Law, to the high Contempt of Our Authority and Government, to the Disquiet of the Peace of this Church and Kingdom: Therefore, We, with Advice of the Lords of Our Privy Council (but Derogation in any Sort from Our said former Proclamations, or Pains therein contained) do command all Heritors timeously to delate any who, within their Bounds, shall take upon them to preach, or carry on Worship, in such unwarrantable Meetings and Assemblies, and make their Names known to the Stewards, Lords, Bailies of Regalities, Sheriffs and their Deputies, to Magistrates of Burghs, Justices of Peace, and Officers and Commissioners of the Militia, within whose Bounds and Jurisdictions they may be apprehended: And do hereby authorize and command the Sheriffs, and others foresaid, that, after Intimation made to them, that the Persons foresaid are within their respective Bounds, they make exact Search and Enquiry after them; and if they be found, that they apprehend, and incarcerate their Persons, and acquaint the Lords of Privy Council of their Imprisonment; and require the Magistrates of Burghs to receive and detain them Prisoners, till further Order; and that this they do, as they will be answerable, under the highest Pains. Likeas, That all Our Subjects be hereby advertised, that We are resolved in the future, to put Our Laws and Acts, Statutes and Proclamations, vigorously in Execution against Withdrawers from publick Worship in their own Congregations; and ordain these Presents to be Printed and Published.

The Indulgence stops the Prosecutions for Conventicles in the West. In other Places Trouble on that Score continues.

Hamilton of

This is what I have met with as to Conventicles this Year, before the *Indulgence*: Upon the granting of which, in the West, for some time, Conventicles were not much noticed; in other Places, where few or none were indulged, they continued. I find, upon the last of *September*, William Southram, who had been Prisoner in the *Canongate* Tolbooth some Months, for being at a Conventicle, is liberated, upon finding Caution under Five hundred Merks, to compare when called: And, *December 9th*, the Lords of Council being informed of a Conventicle in *Fife*, kept at ----- where ----- did take upon him to preach, and exercise all the Functions of the Ministry; at which Conventicle were present ----- Hamilton of Kinkell, John

John Balcanquhal Brother to the Laird of *Balcanquhal*, and *John Geddie* Steward-clerk of *Fife*. 1669.
Letters are directed against them, to compear against this Day Eight Days, under Pain of
Rebellion. I find no more anent them for some time.

*Kinkell, John
Balcanquhal and
John Geddie.*

There are some other Steps of Severity in this Period, before the *Indulgence*, I shall cast in, with some other Matters, in the last *Section*, that the Thread of the Account of Things of the same Nature, may be as little broken as can be. And now I come to give some Account of the *Indulgence*, begun to be granted in *July* this Year.

S E C T. II.

Of the First Indulgence granted to Presbyterians, July 1669.

THE full Accounts of this and the following *Indulgences* granted to Presbyterians, shall be very much left to such who write a complete *Ecclesiastick History* of this Time. Perhaps too much is in Print already anent the *Indulgence*. I am sure too much was said and writ upon this Head. The greatest Heats were indeed some Time after this, as may be noticed.

Full Accounts of this Indulgence left to others.

Indulgences must not be reckoned Part of our Sufferings in this Church; yet being the Occasion of Differences among good People, and a Respite from Suffering to several very worthy Men, and really an Aggravation of the Severities exercised against others who shared not of this Benefit, when allowed to some; my Account of Presbyterians under the Cross, would be lame, without somewhat about them in the Order of Time when they were granted.

Some Account of it necessary here.

By this Time every Body, save the Clergy, were sensible of the Necessity of some Liberty to Dissenters from the present Church-establishment in *Scotland*; since by no Means they could be brought over the Belly of their Light, and known Principles and Covenants, to subject unto Prelates and their Underlings. Multitudes through the Nation were calling aloud for this, the Courtiers began to promise it, and in private to put it into some Shape.

The Necessity of it seen by many.

The Earl of *Tweddale*, at this Time in no small Favour with the King, and close Friendship with *Lawderdale*, who was jealous by the Bishops to retain some Regard to his old Friends the Presbyterians, till his second Marriage altered him very much: My Lord *Tweddale*, I say, had frequent Conferences with some Presbyterian Ministers, concerning some Liberty designed for them; particularly with Mr. *John Stirling*, who was his own Parish-minister, Mr. *Robert Douglas*, and some others.

The Earl of *Tweddale's* Conferences with Presbyterian Ministers upon it.

He prevailed with them to send up a Letter to Court, to be a Handle to their Friends at *London* to work upon in their Favours. A Copy of it I have not met with, but am informed, it contained very full Expressions of their Affection to the King, their firm Loyalty, and a Disclamation of some Positions now alledged to be treasonable, charged upon some Presbyterians.

They write up to *London*. Contents of their Letter.

Tweddale goes up to Court, either with this, or a little after it, and found his Work the easier there, that the Presbyterians in *England* were at present connived at in their Meetings, and in *Ireland* likewise, as appears from a Part of a Letter, *April* this Year, from a Minister there to one in *Scotland*, a Month or Two before this, which I take Liberty to insert, because we yet want a full Account of the State of Presbyterians there in this Period.

He goes up to Court.

After his regretting the Persecution in *Scotland* for Conventicles, he adds, 'But 'tis Matter of rejoicing, that the Lord's Work seems to be reviving here, (*Ireland*) *Christ* hath a Church here, that appears with the fairest Face, and the cleanest Garments, and has proven most faithful with God of any of the Three, and really hath much of the Light of his Countenance. The Sun seems to be fairly risen on this Land; whether it may be soon overclouded I cannot say, but Presbyterians Liberty is in many Places little less than when they had Law for them. They are settling their Ministers with Encouragement, and building publick Houses for their Meetings, and providing Vacancies with Ministers. About a Month ago, I had Occasion to be at *Dublin*, where the Sacrament of the Lord's Supper was administrate publickly on the Lord's Day, at the ordinary Time, and some Hundreds standing without, the Doors and Windows of a throng Meeting-house being cast open; a publick Fast on the *Thursday*, Two Sermons on *Saturday*, and as many on *Munday*. To all this I was a Witness, and more than a Witness. The Harvest is great, the Burden-bearers are few, and the few are not idle.' But this only by the Way.

Part of a Letter upon the Liberty Presbyterians in *Ireland* had at this Time.

1669.

The Earl returns with the

When a Spirit of Persecution is at some Stand in *England* and *Ireland*, some Favour was the more easily granted here; and, *July 15th*, a Letter is presented by the Earl of *Tweeddale* to the Council from the King, which I here insert from their Records.

CHARLES R.

King's Letter to the Council, dated *June 7*, containing the Indulgence.

Right Trusty, and right well Beloved Cousins 'and Counsellors, &c. Whereas by the Act of Council and Proclamation at *Glasgow*, in the Year 1662. a considerable Number of Ministers were at once turned out, and so debarred from preaching of the Gospel, and Exercise of the Ministry; We are graciously pleased to authorize you and Our Privy Council, to appoint so many of the outed Ministers, as have lived peaceably and orderly in the Places where they have resided, to return and preach, and exercise other Functions of their Ministry in the Parish-churches where they formerly resided and served, (provided they be vacant) and to allow Patrons to present to other vacant Churches, such others of them as you shall approve of; and that such Ministers as shall take Collation from the Bishop of the Diocese, and keep Presbyteries and Synods, may be warranted to lift their Stipends as other Ministers of the Kingdom. But for such as are not, or shall not be collated by the Bishop, that they have no Warrant to meddle with the local Stipend, but only to possess the Manse and Glebe; and that you appoint a Collector for those and all other vacant Stipends, who shall issue the same, and pay a yearly Maintenance to the said not collated Ministers, as you shall see fit to appoint.

That all who are restored and allowed to exercise the Ministry, be, in Our Name, and by Our Authority, enjoined to constitute and keep Kirk-sessions, and to keep Presbyteries and Synods, as was done by all Ministers before the Year 1638. and that such of them as shall not obey Our Command in keeping Presbyteries, be confined within the Bounds of the Parishes where they preach, ay and while they give Assurance to keep Presbyteries for the future.

That all who are allowed to preach, be strictly enjoined not to admit any of their neighbour or any other Parishes unto their Communion, nor baptize their Children, nor marry any of them, without the Allowance of the Minister of the Parish to which they belong, unless it be vacant for the Time. And if it be found, upon Complaint made by any Presbtery unto you Our Privy Council, that the People of the neighbouring or other Parishes resort to their Preachings, and desert their own Parish-churches, that according to the Degree of the Offence or Disorder, you silence the Minister who countenances the same, for shorter or longer Time; and upon a Second Complaint verified, that you silence again for a longer Time or altogether turn out, as you see Cause; and upon Complaint made and verified, of any seditious Discourse or Expressions in the Pulpit, or elsewhere, uttered by any of these Ministers, you are immediately to turn them out, and further punish them according to Law, and the Degree of the Offence.

That such of the outed Ministers who have behaved peaceably and orderly, and are not re-entred, or presented as aforesaid, have allowed to them Four hundred Merks *Scots* yearly, out of the vacant Churches, for their Maintenance, till they be provided of Churches; and that even such who shall give Assurance to live so for the future, be allowed the same yearly Maintenance.

And seeing by these Orders We have taken away all Pretences for Conventicles, and provided for the Wants of such as are, and will be peaceable; if any shall hereafter be found to preach without Authority, or keep Conventicles, Our express Pleasure is, that you proceed with all Severity, against the Preachers and Hearers, as seditious Persons, and Contemners of Our Authority. So leaving the Management of those Orders to your Prudence, and recommending them to your Care, We bid you Farewel. By his Majesty's Command.

Given at Our Court at *Whitehall*, *June 7th*, 1669.

LAWDERDALE.

Remarks upon it.

The Four hundred Merks in the Letter not given to the outed Ministers.

A great deal hath been said *pro* and *con* upon this Letter in Print; and I shall upon this Subject keep to Matter of Fact, and add nothing to revive the old Burnings, scarce yet extinguished. But it seems necessary to remark, that the Reader may not think all the Clauses of this Letter equally executed, that, as far as I can find, the Matter of the Four hundred Merks yearly the King here allows for the Maintenance of outed Ministers, was never made forthcoming to many of them, neither have the Accounts of any not indulged, who shared in the vacant Stipends, come to my Hand. Whether this was from the failing of the Fund, or their continuing to preach to their own Families, when there was not Access to hear the indulged, or from their want of Interest among the Managers, or that this Clause was only designed as a Blind to make the rest go the better down, the Judgment of peaceable and orderly Behaviour being still in the Managers Hand, or that it was prevented, as too much Favour, by the Bishops and their Friends, tho' once intended at Court, I know not.

I only

I only add further, that upon the 8th of July, 'The Council finding, by Act of Parliament all the vacant Stipends since the 1664. were to be uplifted for the Increase of the Stock of Universities, and a Collector appointed; a Committee is ordered to examine how that Affair stands.' This seems to have been a Fetch of the Bishops, when they knew the *Indulgence* was a coming, to prevent at least, one Part of the King's Will; and an Act of Parliament, allocating the vacant Stipends to Universities, would be a good Handle, at least to prevent the Four hundred Merks to the *Nonindulged*.

When the King's Letter was read in Council, it appeared extremely dissatisfying to the Prelates and their Party; and the Chancellor is reported to have said pretty openly, He would prevent its being of any Use to the Phanaticks in *Fife*. This Opposition to any Favour to Presbyterians, delayed the granting it for some Days, and there was a Committee named, to whom the King's Letter was referred.

The Act of Reference is, 'The Lords of his Majesty's Privy Council appoint the Lords Archbishops of *St. Andrews* and *Glasgow*, the Lord Duke of *Hamilton*, the Earls of *Argyle*, *Tweeddale*, *Kincardin*, and *Dundonald*. (i. e. The Lord *Cochran*, whose Patent for Earl of *Dundonald* is read in Council, June 3^d this Year) the Lord President, Register, Advocate, and Lord of *Lee*, or any Five of them, to consider the forsaide Letter, and of the fittest Way how the King's Pleasure herein may be made effectual, and to report, and recommend it to the Chancellor to be present at the Meetings of the said Committee.'

In this Interval, the Lords of the Clergy, and some of their *orthodox* Ministers, had a Meeting to fall upon Means to hinder the *Indulgence*, which they apprehended would be ruining to their Interest. No practicable Measures could be proposed to prevent it altogether, since the King had made known his Pleasure: But Bishop *Sharp*, to comfort his Brethren, promised to do his utmost to make it a Bone of Contention to the Presbyterians. Indeed he wanted not Abundance of *serpentine Subtilty*; and when his Attempts to break it altogether failed, he set himself with all Vigour to have it so clogged from Time to Time, as to break Ministers and People of the Presbyterian Judgment among themselves.

The Committee named to ripen this Matter, had before them the fixing upon the Ministers to be indulged, and the Draughts of the Council's Acts thereanent; and when these are ready, and the Ministers advertised, with whom they were to begin, this was laid before the Council, and approved. I shall give the Acts and Ministers Names, as I find them standing in the Council-books, and add any Thing I find further noticeable from other Papers.

'July 27th, the Lords of his Majesty's Privy Council, in pursuance of his Majesty's Letter, dated June 7th, do nominate and appoint the following Persons to preach, and exercise the other Functions of the Ministry at the following vacant Kirks underwritten.'

- Mrs. ' *Ralph Rogers*, late Minister at *Glasgow*, at *Kilwinning*.
 ' *George Hutchison*, late Minister at *Edinburgh*, at *Irvine*.
 ' *William Violant*, late Minister at *Ferrie*, at *Cambusnethan*.
 ' *Robert Miller*, late Minister at *Ochiltree*, at the same Kirk.
 ' *Robert Park*, late Minister at *Stranraer*, at the same Kirk.
 ' *William Maitland*, late Minister at *Whithorn*, at *Beith*.
 ' *John Oliphant*, late Minister at *Stonehouse*, at the same Kirk.
 ' *John Bell*, late Minister at *Ardrossan*, at the same Kirk.
 ' *John Cant*, late Minister at *Kells*, at the same Kirk.
 ' *John McMichan*, late Minister at *Dalry*, at the same Kirk.'

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Act of Council, July 8. about vacant Stipends.

When the Letter is read in Council, the Prelates are dissatisfied.

The Consideration of the Letter referred to a Committee.

Meeting of the Bishops Clergy to stop the Indulgence.

The Committee prepare Lists of Ministers to be indulged, and the Form of the Act of Council, Council's Nomination and Appointment, July 27.

Of these Ministers to vacant Kirks specified.

THE Lords of his Majesty's Privy Council, in pursuance of his Majesty's Pleasure in the said Letter of June 7th, in his Majesty's Name and Authority, command and ordain all such outed Ministers, who are or shall be appointed to exercise the Ministry, that they constitute and keep Kirk-sessions, and keep Presbyteries and Synods, as was done by all the Ministers before the Year 1638. And the Council declare, that such of them who do not keep Presbyteries, shall be confined within the Bounds of the Parishes where they preach, ay and while they give Assurance to keep the Presbyteries. The Council does strictly command and enjoin all who shall be allowed, as said is, not to admit any of their neighbour or other Parishes unto their Communions, nor baptize their Children, nor marry any of them, without the Allowance of the Minister of the Parish to which they belong, unless the Parish be vacant for the Time, nor to countenance the People of the neighbouring or other Parishes, in resorting to their Preachings, or deserting their own Parish-churches: And that hereunto these give due Obedience, as they shall be answerable. And ordain these Presents to be intimated to every Person who shall, by the Authority foresaid, be allowed the Exercise of the Ministry.

Council's Act upon their Nomination.

Thus the Matter of the *Indulgence*, as coming from the Council, stands; and I shall give an Account of all the rest of the Persons indulged together, if once I had considered the Circumstances of the first Ten, when they receive their Allowance from the Council.

1669

All the Accounts I have seen, make it the 3^d of *August* this Year, when the abovenamed Ministers, and with them Mrs. *John Scot*, *William Hamilton*, and others in the following List of this Day's Date, appeared before the Council: But I find nothing in the Books of Council of this, neither the Copy of Acts of *Indulgence* given them upon this Day, inserted from other Accounts, which I find no Ground to question.

The Ministers come to *Edinburgh*, Aug. 3^o lay it on Mr. *George Hutchison* to deliver their Mind to the Council at their receiving the *Indulgence*.

When they come before the Council, the Chancellor has a Discourse to them, and the Clerk delivers them their Acts of *Indulgence*.

Tenor of the Acts when they were indulged to another Place than formerly they had been at.

Tenor of the Acts indulging them to their own Kirks.

Mr. *George Hutchison's* Speech to the Council.

The Ministers, when come to *Edinburgh*, after Consultation among themselves, and as many of their Brethren as they could have Access to, agreed to make a Declaration to the Council, against what had the Appearance of Evil in their *Indulgence*, and laid it upon Mr. *George Hutchison* to deliver their Mind.

When they came in before the Council, the Chancellor signified to them the King's Goodness in allowing them the Exercise of their Ministry, and desired them to manage well, and told them, The Clerk would read and give them their Acts of *Indulgence*. These were of Two Shapes; the one was unto such as were indulged unto other Kirks than they had been formerly settled at. The Tenor of Mr. *Rogers* Act, the First in the List of this Kind, ran thus.

'The Lords of his Majesty's Privy Council, in pursuance of his Majesty's Commands signified the 7th of *June* last, do appoint Mr. *Ralph Rogers*, late Minister at *Glasgow*, to preach and exercise the other Functions of the Ministry at the Kirk of *Kilwinning*.'

This Act was signed by all the Members of the Council in Town, save the Two Archbishops. The other Form was to such of the Ministers, as were appointed to their own Churches now vacant: And the Tenor of Mr. *Miller's*, the First in the List of this Sort, follows.

'Forasmearle as' the Kirk of *Ochiltree* is Vacant, the Lords of his Majesty's 'Privy Council, in pursuance of his Majesty's Command signified by his Letter of the 7th of *June* last, and in regard of the Consent of the Patron, do appoint Mr. *Robert Miller*, late Minister there, to teach, and exercise the other Functions of the Ministry at the said Kirk of *Ochiltree*.

This Kind was signed as above; and both Sorts were delivered, after Reading by the Clerk, to the Hands of all the Ministers present, respectively: And after all had got them, the Clerk was ordered to read the Act above set down, dated *July 27th*, containing what was called their *Injunctions*, which was read to them all.

After which, Mr. *George Hutchison* craved Leave from the Council to speak; and being allowed, delivered himself thus.

My Lords,

'I Am desired, in the Name of my Brethren here present, to acknowledge in all Humility and Thankfulness his Majesty's Royal Favour, in granting us Liberty, and the publick Exercise of our Ministry, after so long a Restraint from the same; and to return hearty Thanks to your Lordships, for the Care and Pains taken therein, and that your Lordships have been pleased to make us, the unworthiest of many of our Brethren, so early Partakers of the same.'

'We having received our Ministry from *Jesus Christ*, with full Prescriptions from him for regulating us therein, must in the Discharge thereof be countable to him: And as there can be nothing more desirable or refreshing to us upon Earth, than to have free Liberty of the Exercise of our Ministry, under the Protection of lawful Authority the excellent Ordinance of GOD, and to us most dear and precious; so we purpose and resolve to be have our selves in the Discharge of the Ministry, with that Wisdom and Prudence which becomes faithful Ministers of *Jesus Christ*, and to demean our selves towards lawful Authority, notwithstanding of our known Judgments in Church-affairs, as well becomes loyal Subjects, and that from a Principle of Conscience.'

'And now, My Lords, our Prayer to GOD is, That the LORD may bless his Majesty in his Person and Government, and your Lordships in your publick Administrations; and especially, in pursuance of his Majesty's Mind testified in his Letter, wherein his singular Moderation eminently appears, that others of our Brethren may in due Time be made Sharers of the Liberty, that through his Majesty's Favour we now enjoy.'

Mr. *Hutchison's* Discourse displeases, and no more of the Ministers are brought before the Council.

So hard a Matter is it to please Sides and Parties, that in a difficult divided Time, such who essay to take the middle Way, oftentimes displease both. Mr. *Hutchison's* Discourse was by some thought too soft and general, and not a sufficient Testimony against the plain *Erastianism* that appeared in the King and Council's Procedure; and upon the other Hand it fretted and galled some of the Counsellors, as being too plain. When the Design was going on to indulge some more Ministers, it was resolved by some of those who were next to appear before the Council, to deal yet more plainly with them, as to their Mission and Instructions being allenarly from *Jesus Christ*. This took Air, and the Counsellors who were offended at the former Speech, moved one Day in Council, That such as should be indulged, should

should no more be brought before the Council, but have their Acts of Favour sent them. 1669.
I shall now give the Names of such who were indulged at other Council-days this Year, all together, with their Dates. They had the same Acts sent to them, and the same Injunctions intimated to them as above. Besides the first Ten indulged July 27th, there were indulged and allowed.

- August 3^d.
Mrs. John Scot, late Minister at Oxnam, there. August 3.
William Hamilton, late Minister at Glasford, at Evandale.
Robert Mitchel, late Minister at Luss, there.
John Gemble, late Minister at Symington, there.
Patrick Campbel, late Minister at Inverary, there.
Robert Duncanson, late Minister at Lochanside, at Kildochbrenan.
Andrew Cameron, late Minister at Kilsinnan, at Loch-head in Kintyre.
September 2^d.
Mrs. Robert Douglas, late Minister at Edinburgh, at Pancaitland. September 2.
Matthew Ramsay, late Minister at Kilpatrick, at Paisly.
Alexander Hamilton, late Minister at Dalmeny, there.
Andrew Dalrymple, late Minister at Auchinleck, at Dalgen.
James Fletcher, late Minister at Newthorn, there.
Andrew McLean, late Minister at Craignies, at Kilchattan.
Donald Morison, late Minister at Kilmaglass, at Arduamurchan.
September 30th.
Mrs. John Stirling, late Minister at Edinburgh, at Hownam. September 30.
Robert Mowat, late Minister at Temple, at Heriot.
James Hamilton, late Minister at Eglisham, there.
Robert Hunter, late Minister at Corstorphin, at Dinning.
John Forrest, late Minister at Tulliallan, at Tillicultry.
December 9th.
Mrs. James Veitch, late Minister at Mauchlin, there. December 9.
Alexander Blair, late Minister at Galsoun, there.
John Primrose, late Minister at Queensferry, there.
David Brown, late Minister at Craigie, there.
John Crawford, late Minister at - - - - - at Lammington.
December 16th.
Mr. John Baird, late Minister at Innerwick, at Paisly. December 16.
January 1st, 1670.
Mr. William Tullidaff, late Minister at Dunboig, at Kilbirny. Jan. 1, 1670.
January 27th.
Mr. Alexander Wedderburn, late Minister at - - - - - at Kilmarnock. Jan. 27, 1670.
March 3^d.
Mrs. John Lawder, late Minister at Dalziel, there. March 3.
George Ramsay, late Minister at - - - - - at Kilmawers.
John Spaldin, late Minister at - - - - - at Dreghorn.
Thomas Black, late Minister at - - - - - at Newtyle.
Andrew McLean, late Minister at - - - - - at Killaro and Kilquhanan.
Andrew Duncanson, late Minister at - - - - - at Kilchattan in Lorn.

These are such as I have met with, who had the Favour of this first Indulgence, Two and forty in all. I shall only add the Council's Acts anent Mr. Robert Douglas, and Mr. John Baird, as being a little distinct from the rest. That for Mr. Douglas runs, September 2^d, 'Forasmuch as the Kirk of Pancaitland is vacant, by the Death of Mr. Alexander Verner late Minister there, and a Process depending anent the Patronage of that Kirk, and the Kirk will vaik if Remeed be not provided: The Lords of Council have thought fit, in pursuance of the King's Letter, for this Time, and during this Vacancy, to appoint Mr. Robert Douglas, late Minister at Edinburgh, to preach, and exercise the Functions of the Ministry thereat, but Prejudice of the Patronage, when declared by the Judges ordinary.'
The Act anent Mr. John Baird, is dated December 16th, and runs, 'The Lords of his Majesty's Privy Council considering, That Mr. Matthew Ramsay, who is appointed to preach, and exercise the Function of the Ministry at Paisly, is not able of himself, by reason of Infirmary of Body, do, in regard of the Patron's Consent, and that of Mr. Matthew Ramsay, appoint Mr. John Baird, late Minister at Innerwick, to preach and exercise other Functions of the Ministry at Paisly.'
No more offers to me this Year anent the Indulgence, unless it be an Act of Council, December 29th, which, I imagine, has some Reference to this. Its Tenor is, 'The Council being dissatisfied with the Transaction between the Parishioners of Stewartoun, and their Minister
Council's Act about Mr. R. Douglas.
Concerning Mr. Jo. Baird.
Council's Act about the Parish of Stewartoun.

1669.

Minister Mr. *Alexander Ogilvy*, whereby he hath agreed to desert the said Kirk, declare they will not allow the Cure at the said Kirk to be served in any Time hereafter, but by Persons of loyal and orthodox Principles.

It would seem, that upon the granting *Indulgences* to so many Parishes, others who were overlooked, offered the Curates a Piece of Money to leave them; and some of them were willing enough to do it, and to try their Fortune elsewhere: And by this Act the Council endeavour to prevent these Transactions.

This reckoned
by some the
best Shape of
the Indulgence.

Its Effects on
both Hands.

Thus I have given a plain Narration of Matter of Fact, as to this first *Indulgence*, from the publick Papers I have met with. This was the first, and, as many thought, the best Shape in which this publick Favour to Presbyterians stood.

The Bishops feared it, and opposed it very much; and when no better could be, they endeavoured to make it the Apple of Dissention among Presbyterian Ministers and People. Upon the other Hand, it is beyond Denial, the Lord, in his holy Providence, had much Good to bring out of it, to the famishing Souls of Thousands; and eventually, through the sinful Passions, venting themselves upon all Hands, undoubtedly much Evil followed upon it.

Things grava-
minous in it.

As it was very satisfying unto many, in the first Reports of it, so they were much disappointed when it appeared upon so narrow a Bottom, and clogg'd so much with Restrictions. They lamented that it flowed from the Exercise of *Regal Supremacy*, which none of the Takers professed any way to allow of. The Want of the Call of the People, or their Consent, when the Patron's was expressed, was gravaminous; and yet nothing is more certain than that the People most willingly received the Ministers when they came. The Ministers were required to do Evil, but they did it not, and were made a Kind of Prisoners in their own Congregations, and their Neighbours discharged to partake of their Ministry; yet the Prohibition was not obeyed.

Different
Sentiments as
to it.

Very knowing, judicious, and solid Christians and Ministers differed in their Sentiments of this *Indulgence*. Upon the one Hand it was looked upon as the opening a Door to a larger and clearer Liberty unto the Presbyterians in *Scotland*; and indeed Grounds were not wanting at this Juncture, for entertaining Views of this Sort: But in the Event it proved otherwise. Its first Appearance was fairest, and afterwards it turned darker. Further, it was said to be a mere Removal of the unjust Restraint put upon Ministers by the Council's Act at *Glasgow*, and a nullifying of the Prelates Sentences of Deposition, pronounced against such who were not reached by that Act; neither of which the Ministers had ever submitted to, but in so far as they were forced by Violence.

Upon the other Hand it was reasoned, That the Laws now in Being, having cassed and rescinded the Act for the *Reformation*-privileges of this Church 1592. and those since the 1638. and taken away the intrinsic Power of the Church, and its due Constitution; the Council's Actings, in Consequence of this Rescission, could not but be highly *Erastian*, in transporting Ministers, fixing Relations to other Congregations, and restricting and limiting them in the Exercise of their Function.

It was urged, That the *Indulgence* would never have been assented to in Council, had not its Advocates made it out, that it would weaken, if not ruine Presbyterians, by breaking that close Correspondence and Harmony they had hitherto maintained among themselves, by their being precluded from new Ordinations, which was what the Bishops feared above all Things; and by their being bound up from visiting the Country, and watering the People up and down, who were dissatisfied with Prelacy.

Lastly, It was feared that this Licence to a few, would be accompanied with Severity to the rest of the Ministers, and a Persecution of that Body of Presbyterians up and down, who could not have Access to the Ministry of the *Indulged*; and might now come to be deprived altogether of the Gospel. Within a little indeed the Presbyterian Ministers were banished from *Edinburgh*, and Conventicles punished with greater Rigour; yet 'tis sure they increased under this *Indulgence*.

What was ge-
nerally agreed
to.

Notwithstanding of those different Sentiments, in a Matter which indeed could only be fully judged of by its Fruits and Consequents complexly taken; yet it seemed agreed to, almost by every Body, That, in this troubled State of the Church, Ministers might warrantably accept of this Liberty to preach in their own Congregations, from which they had been violently forced, or in other Places, until a Door was opened in Providence, to return to their own Charges; provided a due Testimony were given against the Manner of granting this Favour, which all reckoned gravaminous.

All Ministers
named accept,
and none refuse
to hear them
at first.

Accordingly, the whole Ministers pitched upon were willing to accept; and, by the Consent of their Brethren, the whole Presbyterians through *Scotland* cheerfully submitted to their Ministry, as they had Access. Matters continued thus, as far as I can learn, till some of the banished Ministers in *Holland*, perhaps at first upon Misinformations, or at least incomplete Accounts from *Scotland*, some time after this, wrote over some Letters, and sent Home some Reasons against joyning with the *Indulged*. This began a Flame, which, by Degrees, rose to a very great Height.

It must be owned, the LORD eminently countenanced the Labours and Ministry of the *Indulged*; and they could not but acknowledge they had as great and sensible Assistance in the Work of the Gospel, as ever they had formerly known; and their Success among their Hearers was not small: So, whatever Scruples came, in Process of Time, to be raised among some of the People; yet the Bulk of Presbyterians kept by them, and Persons of Rank went on to use their utmost Interest with the Council to have more and more indulged; till, about Half a Year after, the Council shut the Door, and would allow no more. The Difficulties they met with, and further Pressures laid upon them very quickly, will come to be noticed in their own Place, next Year.

1669.

Indulged Ministers eminently countenanced with Success.

S E C T. III.

Of the Proceedings of the Parliament, which sat down October 19th, 1669. in as far as they relate to the Church.

I Come forward to the Actings of the Parliament, which succeeded the *Indulgence*, and passed such Laws as were to the Prelates some way a Balance to it; and shall give some Account of them all together, and then gather up several Particulars throughout this Year, I have hitherto passed, of design to put them together in the last Session.

A Parliament after the Indulgence.

The great Design of this Session of Parliament, was, to give some Beginning to a Project now on Foot, in order to an Union with *England*. This Matter being mostly Civil, I leave it very much to such who write the History of this Reign. It was thought by the most discerning Persons, that this projected Union was designed for advancing arbitrary Government, and the encroaching upon the Liberties of the House of Commons in *England*, who at this Time made a Stand against Court-measures. The Lovers of Liberty did then apprehend, That Two distinct Parliaments were less liable by far to be brought into arbitrary Measures, than one united Parliament. Accordingly, next Year, after the Scots Parliament had given into the King's Measures, and empowered him to nominate Commissioners for *Scotland*, the Commons in *England* turned peremptorily against it, and could not be brought into what they reckoned everfive of their own Constitution.

The Design of it to forward an Union with *England*, which came to nothing, and why.

A Proclamation was issued out, *July 15th*, for calling a new Parliament; and Care was taken to dispose the Elections so as the King and the Bishops might be exactly served, and any arbitrary and illegal Steps taken by the Council, approved. I find the King's Advocate, *September 2^d*, is ordered by the Council, to pursue before the Parliament, a Process of Forfeiture against those guilty of Rebellion, 1666. who are excepted forth of his Majesty's Indemnity, and are not already forfeited, or had not received his Majesty's Remission. And, *October 11th*, *Lawderdale's* Commission to represent his Majesty in this Parliament, is read, and recorded in the Council-registers.

Elections to be taken Care of; *Lawderdale's* Commission to represent the King, read *October 11*.

October 19th, this Session of Parliament was opened with reading the King's Letter, which relates only almost to the designed Union. The Commissioner, who is entrusted with this great Affair, in a Speech, which is in Print, recommends this Matter most earnestly; and, to engage the Bishops and their Party in Parliament, whom he had grated a little in the Business of the *Indulgence*, to fall in the more heartily, 'He insists at great Length upon the King's fixed Resolution, unalterably to maintain Episcopacy; he commends it highly, and assures them the King will not allow of Conventicles, especially since he had granted an *Indulgence*, and presseth the bearing down of them: And, at the Conclusion of his Speech, effectually to carry the Prelates to his Side, he again repeats all the Assurances formerly given in their Favour.'

Begins *October 19*. King's Letter, and Commissioner's Speech.

The Parliament, in their Return, which is likewise printed, take Notice of the King's Letter in every Branch of it, and express Abundance of Loyalty; but do not notice the Commissioner's Harangue against the Bishops. All the Members sign the Declaration, which obliged them to maintain Episcopacy. Generally they had taken it before, for there was no great Alteration of Members from the last Parliament. I restrict my self to their Actings, with relation to the Church and Presbyterians; and there are only a few Acts which look this Way.

Parliament's Return to the King.

Their First Act this Session is, that remarkable and high-flying one, asserting his Majesty's Supremacy in all Cases Ecclesiastical, and over all Persons; which I have insert, App. N^o. 35.

Their Act asserting the King's Supremacy. App. N^o. 35.

1669.

What hath been observed in the former Book, upon the Oath of *Allegiance*, as it was termed, the *Declaration*, and the Acts of Parliament 1662 and 1663. will save me the Trouble of many Things which might come in here; yet so odd and extraordinary an Act natively offers not a few Remarks.

Remarks upon it.

Acts of Parliament to which the Indulgence seem'd contrary.

Such who violently opposed the *Indulgence*, tell us, This Act was framed to save the Council from the Treason they were guilty of, by granting it contrary to standing Laws and Acts of Parliament. Indeed several Acts of Parliament do seem to run cross to it: The Act of *Restitution*, 1662. says, 'That all Church-power is to be regulated and authorized in the Exercise thereof, by the Archbishops and Bishops, who are to put Order to all Ecclesiastical Matters and Causes, and to be accountable to his Majesty for their Administration.' And by the 4th Act of that same Session of Parliament, it is expressly ordained and statuted, 'That none hereafter be permitted to preach in Publick, within any Diocese, without the Licence of the Ordinary.' And, Act 1st Sess. 3^d. 1663. the King seems to bind up himself in this Matter, and promises, 'Not to endure, nor give Way or Connivance to any Variation from the established Church-government.' And the same Act recommends it to the Council, 'To punish all Preachers without the Bishop's Licence, &c. as seditious Persons.' From these it would appear, that the King and Privy Council had taken upon them to cast those Acts of Parliament: And, as was now ordinary, the Voters in Council needed a new Act of Parliament to save them from Guilt in this respect. The Two Archbishops indeed pleaded the *Indulgence* was contrary to Law, and would never be present, or vote in any thing relative thereto.

The real Spring of this Act.

But I do not think the Lords of Council were in any great Apprehensions of their Hazard this Way. The King's Will was declared by the Parliament to be their Law. The Bishops were in their Management of Church-affairs entirely subjected unto the King, their Power was entirely derived from the Supremacy, and all with respect to the Church had been very fairly, tho' most iniquously, put into the King's Hand; and the Counsellors, by the present unhappy Constitution, seem safe enough, since the King was made absolute, and Parliaments and their Acts were but Pieces of Form, especially as to Ecclesiastical Matters. The real Spring of this Act anent the Supremacy, seems to have been the little Sputter made by the Archbishop of *Glasgow*, and his diocesan Synod, this Year, against the Exercise of the Supremacy, when it struck against them; of which some Account shall be given in the following Section.

Observations on the Narrative of it.

To return to the Act it self, the Narrative containing the Reason of making this Act now, is, *The Good and Peace of the Church and State, which required a clear Assertion of his Majesty's Power, in relation to Matters and Persons Ecclesiastical*. How far the Procedure at *Glasgow* needed such an Assertion, I shall not say: But how the Good and Peace of any right constitute Church, can be advanced by the utter Removal of all Church-power, I cannot see. It was well known however, our Managers opened so plainly against all Power Ecclesiastick, this positive Discovery of the Mind of the Imposers, did very much put an End to the former Debates about the Oath of *Allegiance*, as it was called; and is so plain a Sense put upon it, that it does not appear how any after this, who had not abandoned our Reformation, yea, the owning of all Spiritual Power in the Church, as a Christian Society, could fall in with it.

On the assertory Part of it.

What follows in the assertory Part of the Act, *supreme Authority and Supremacy over all Persons and Causes Ecclesiastical*, is as full as Words can make it, and hath been already considered. What is comprehended in the *external Government and Policy of the Church*, I do not well know; but all included in that, is now to be disposed according to the *Royal Wisdom*: And if the World, to which the Things of God are Foolishness, think proper to take away all external Government and Policy, certainly the King is here impowered to do so. If he shall see good to remove the Lords the Bishops, I know not how they can well complain, since they have consented to it. If a Parity in the Government of the Church be found best, the King hath a Door set open to him: But the Prelates, no doubt, were perswaded of better Things concerning the King. Yea, if Royal Wisdom should see good, as some of the King's Predecessors had done, to write Letters unto the holy Father the Pope, if he should be owned as the universal Bishop and Centre of Unity to the Western Churches, if his Authority and Jurisdiction should again be introduced; all is but what the Law permits to be done; none of the Clergy who went into these Measures must complain, and probably few of them would.

Though so vast a Power was found proper to be lodged in the Hands of so religious a Prince as King *CHARLES II.* yet, who knew who was to be after him, a wise Man or a Fool? It appeared then very hard to all real Protestants, that such a Trust was put likewise in the Hands of his Successors; especially when the apparent Successor was a Papist, and his Principles obliged him, and this Act allowed him to put this Church, as to its Government and Policy, in the Hands of the Pope. I own, if that which follows were true, that this Disposal of the Government and Policy, is an inherent Right in the Crown, it must natively devolve with the Crown to the Successors: But I hope, none who read the Bible with any Reflection, will allow this to inherc in any Crown, but his on whose Head are many Crowns.

That the King and his Successors may settle, enact, and emit such Constitutions anent Church-government, Persons employed in it, Ecclesiastick Meetings, and Matters to be proposed and determined

determined therein, as they in their Royal Wisdom shall think fit, is such a Thrust at the very Being of a Church, as an organized Body with a Head, and a modelled spiritual Society, that I doubt if ever a greater was given under colour of Law. A Set of Gentlemen of the Principles of the *Tale of a Tub*, the *Rights of the Christian Church*, the *Essay on free Thinking*, and others who are a *new Increase of Sinner's*, unknown to former Times, might be excused, had they sat in our Parliament: But for *Scotsmen*, many of whom had taken the *Covenants*, and known better Things, to enact such a Law, is somewhat more than surprising. The Sovereign may act, not only in the Government and Discipline of the Church, which by this Law are mere Cyphers, but in all Matters which come before Church-judicatories, and make Constitutions, as he pleaseth, without any Consent either of Church or Parliament. I see nothing to hinder the King, acting according to this Power, from establishing a new Religion, and palming a new *Confession of Faith* upon Scotland. This is a Grant paramount to the Claims of the Pope, or a general Council either. Indeed nothing of Church-power that I can see, is kept back from the Sovereign here.

1669.

Next, such Acts and Constitutions of the *Royal Pope*, being recorded in the Books of Council, and published, be what they will, are to be implicitly obeyed by all Subjects, without asking Questions: And by virtue of this Power, the King and Parliament rescind all former Acts of Parliament, that is much; but, which is more, all Ecclesiastical Acts, which may be found inconsistent with this *Erastian* Power in the Sovereign. It is well this Law is a *non habente potestatem*, and more than any Court on Earth can do, and materially a casting and abrogating the Scriptural Rule.

I shall only further notice, That this Act was not only gravaminous to all Presbyterians, but many of the Prelatists themselves were dissatisfied with it. Mr. Collier speaks of it as strong and comprehensive Language; and Bishop Kennet says, *It was the dispensing Power at the greatest Height, and while Indulgence was Part of the Politick of England, all Hopes of it were removed in Scotland.* It would seem the Author knew not, that another *Indulgence* was given in the Year 1672. However, the present Set of Bishops in Scotland, as far as I know, what from one View, what from another, went into it; yet as many of their Clergy as had a Regard to Protestant Principles, or owned any Spiritual Power in the Church, and were unwilling to give up all the Rights of the *Christian Constitution* to the Civil Magistrate, disliked it. However, it passed, and was a very good Mean to advance the present Scheme of absolute Government in the State. Slavish Principles very soon introduce Tyranny in Practice; and *Erastianism*, as well as Popery, is a very good Handle for introducing arbitrary Government; and a Papacy in the State, natively leads to Tyranny.

This Act dissatisfying to some Prelatists

This was the First and most remarkable Act of this Session, and I find it very natively followed by the Second Act, *anent the Militia*, wherein the Power of arming the Subjects, and raising them in Arms, is likewise placed among the *inherent Rights of the Crown*: Although by many former Laws Weapon-shewing, and the fencible Men in every Shire, their being armed for their own Defence, is declared to be the Privilege of *Scotsmen*. Thus in the first Room our religious and Reformation-rights, and next our Lives and Civil Liberties, are laid at the King's Feet, to be trampled upon.

Remarks on 2. Act about the Militia.

Their Fifth Act is for the *Security of the Persons of the Clergy*, whom the Law now calls *orthodox*. This upon the Matter hath been already considered, upon the Council's Proclamation above, to the same Effect. I find it comes to the Parliament, from the Privy Council. Upon the 20th of November their Records run, 'An Act to be brought into the Parliament, ratifying two Acts in Favours of the orthodox Clergy, being read in Council, the Lords approve thereof, and ordain the same to be transmitted to the Lords of the Articles.' This Method of transmitting of Acts of Parliament from the Privy Council, was both needful to the Managers, and of a considerable Use to them; but I leave it to be examined by Lawyers. No more Observes on the Act it self are necessary: Every reflecting Person must see the Necessity of all just Measures for the Safety of a Gospel-minister in his Parish; and the Clergyman's suitable Carriage to his Station, and the Rules of it, will be one of the best Guards about him. But this Act, when I read it, appeared calculated to serve a Party, and containing several unreasonable Clauses. It seems hard, that if wicked People shall attack a Minister's House or Person, and his Parishioners, if they do not apprehend and bring to a Trial the Persons guilty, be made liable to make up the Minister's Damage, with the Interest of it; when it may be, it was plainly impossible for them to apprehend the Rioter; and probably they knew nothing about the Attempt, and were never called to assist their Minister when insulted. However, as those Attacks were designed at first for Pretences to keep up a Standing Army, so afterwards they became a good Handle for extorting large Sums of Money from Presbyterian Heritors in Parishes, perfectly innocent of these Riots; and a good Occasion for some of the poorer Sort of the Curates, to get a swinging Sum from their Parishioners. No more was to be done, but casting themselves in the Road of a Rabble, and endeavour to get some small Thing to be taken out of their Houses, and then, to be sure, they had it made up with Interest, Cent per Cent Profit.

On the 5. Act for the Security of the Persons of the Clergy. 'Tis transmitted from the Council to the Parliament.

1669.

However unreasonable this Act appears to be as to the particular Congregations where the orthodox Clergy were, and whatever Misimprovement some of them made of it, I would not be understood by these Remarks, to vindicate any irregular Attempts made upon their Persons. It hath been observed, that few or no Presbyterians were engaged in those Attempts, as far at least as my Information bears; but if any were, I leave them to answer for themselves. Upon the Whole it will appear, that nothing by some was thought too high at this Time, for the orthodox and established Clergy, and nothing too severe for Presbyterian Ministers, and the suffering People who adhered to them.

Remarks upon
Act 11. con-
cerning the
Forfeiture of
Persons in the
Rebellion, 1666.
App. N^o. 36.

The 11th Act of this Session, *December 15th, 1669. Concerning the Forfeiture of Persons in the late Rebellion*, deserves a Room in this Collection; and so the Reader will find it, App. N^o. 36. It is a Ratification of what the Council and Justiciary had done formerly, as we have heard. From the reading of this Act, the Reader will easily perceive, its Design is to cover and cloke former illegal and arbitrary Actings, when done. The People concerned were conscious to themselves they had gone contrary to Practick and Reason, in forfeiting Gentlemen in Absence, and that they had assumed a Parliamentary Power, in forfeiting the King's Vassals in the Methods they took: Therefore, *ex post facto*, they must have this new Law to save their Bacon. It is further plain, That in this Act there is a Parliamentary Forfeiture passed upon those Persons in Absence, and, as far as I can understand, never cited before the Parliament, that what the Gentlemen had to say against so extraordinary a Step, might be heard. In the last Room it may be observed, that a Parliamentary Right and Power is here made over to the Lords of the Justiciary for the Time to come; *to wit*, the Forfeiting of all Persons of all Conditions and Ranks in case of Rebellion, or Rising in Arms upon any Pretence whatsoever. I need not show how hard this is, to subject the Lives and Estates of Noblemen, Gentlemen and others, to the Caprice, Humour, and Party-spite of Two or Three Men; and all in the Absence of the Parties.

The Parliam-
ent rise Dec.
23.

The rest of the Acts of this Session relate to Civil Matters, in as far as I have noticed, and so I meddle not with them. The Parliament rose upon the 23^d of *December* this Year. I come now to cast together several other Things relative to Presbyterians during this Year, which I have passed in the former *Sessions*.

S E C T. IV.

Of the continued Sufferings of some Persons who had been at Pentland, the imprisoned Gentlemen, and some other Things this Year 1669.

Remarkables
this Year omit-
ted in the for-
mer *Sessions*.

MY Accounts of the Sufferings upon the Score of Conventicles, of the Indulgence and Procedure of the Parliament this Year, have run to so great a Length, that I shall dispatch what further offers, as to the State and Sufferings of Presbyterians, very quickly.

A few Lists of
Papists brought
into the Coun-
cil.

The Council's Letter to the Archbishops last Year was noticed, anent the sending in Lists of Papists. I find, *February 4th* this Year, they bring in some Lists, and lay them before the Council: But it seems their Heart was not so much in that necessary Work, as in hunting down Presbyterians; for the Council record it, that many Lists are wanting, and refer the whole Affair to a Committee, whose Report I do not meet with this Year; and in prosecution of an Act made last Year against Quakers, upon the 24th of *June*, the Laird of *Swinton* is sent Prisoner to *Stirling Castle*. How long he continued there, I know not.

Cunningham of
Bedlane sent o-
ver Prisoner
from Ireland.

Hardships are continued upon such who had been concerned in *Pentland*. Ireland had been a Retreat to some of them; but all Pains was taken to discover them in their Hidings there; and so *John Cunningham* of *Bedlane* came to be apprehended there. Notice was soon given to our Managers, and he sent over to *Scotland*. *February 4th*, 'The Council being informed, that *John Cunningham* sometime of *Bedlane*, who was in the late Rebellion, is apprehended by the Lord Lieutenant of *Ireland*, appoint the Magistrates of *Air* to receive him as Prisoner, when sent over.' The same Orders are sent to *Irvine* and *Greenock*, if he shall be brought into any of these Ports, and *Bedlane* is ordered to be forwarded to *Dumbarton Castle*. In *April*, I find he comes over; and, after some little Time in *Glasgow Tolbooth*, he is sent to *Stirling Castle*: Here he continued a long Time, and in *Dumbarton Castle*, as we may hear upon the after Years.

Upon

Upon the 10th of June, the Council pass a Sentence of Banishment upon *Robert Gibson*, *Robert Paton*, *Robert Harper*, and *William Cuthbertson*. They were brought in by Major *Lockburn*, from the Parish of *Finwick*, and the Country about, and confessed their being at *Pentland*, and were ordered to be transported to the Plantations. I hear many others, whose Names are not come to my Hand, were served the same Way.

Cannon of Mardrogat, of whom before, when 'tis found his Discoveries are not so important as they expected, and yet they find him willing to serve their Purposes, upon the 7th of January he hath the Liberty of a free Prisoner granted him: And, upon September 2^d, he gets his Remission from the King, and afterward proved worthy of it, and not unuseful to the Persecutors. *Robert Chalmers*, of whom likewise in the former Years, gives in a Petition to the Council, April 6th, and they recommend him to *Lawderdale* for a Remission; and upon the 5th of July it is granted.

The West-country Gentlemen before mentioned, are this Year a little more favourably dealt with, but still continued in their Confinement. *Sir George Maxwell*, February 25th, is allowed to stay some Time at *Edinburgh* about his necessary Affairs; and, upon March 4th, the Council prolong his Liberty to continue there till May; and, upon May 5th, it is continued till June: And *Cunninghamhead*, upon the 25th of February, is allowed by the Lords to go to his House at *Kirriemuir*, until the 15th of March, and that to search for some Writs which nearly concern his Affairs. This is all I find about them, till the End of this Year, these worthy Gentlemen were put to no small Trouble and Charges, in petitioning for these little Favours now and then granted; and I take them to have been still in Prison at *Stirling*, except at these Times forementioned.

Another Gentleman I have not met with before, brought under Confinement from mere Jealousie and Suspicion, without any Thing laid to his Charge, which has come to my Knowledge, is Colonel *Robert Barclay*. July 29th, the Council, upon his Petition, allow him to reside at his own House at *Urry*, and confine him within Three Miles about it, until January next: And in August 1670. I find the Council take off his Restraint. This is all I have anent him.

This Year likewise, the Council now and then are doing some Acts of Justice to Gentlemen, and others, who had been oppressed by *Sir William Bannantyne*. Upon the 8th of July, I find, upon a Petition, *Gilbert M'Adam* of *Waterhead*, is ordered to receive up from the Clerk one Bond of Six hundred Merks, and another of Seven hundred Merks, extorted by Violence from him by *Sir William*: And upon the 29th of July, *Wallace* of *Carnel*, in the Shire of *Air*, gets up a Bond of his, extorted by the same Man. Many other of *Sir William's* Oppressions escaped the Council, and cannot now be recovered.

When the Indulgence was resolved upon, and about the Time of the granting of it, some Lenity was shewed to some Presbyterian Ministers, who had been long confined, and had no Occasion to keep Conventicles, save in their Rooms in the Prison, whither some came and joyned with them in Worship. Thus *Mr. Thomas Wylie*, of whom before, after he had been, since the 1663. or 1664. confined to *Dundee*, and in October 1667. had been permitted to come besouth *Tay*, with an express Prohibition to come within Four Miles of *Edinburgh*, is, May this Year, allowed to come to *Edinburgh* about necessary Affairs; and, June 4th, his Liberty is continued without a Day, upon his giving Bond to appear before the Council, when called. This Way several of the Ministers and others got out their long Confinements.

August 3^d, the Privy Council being informed of the soder and good Carriage of *Mr. Robert Duncan*, late Minister at *Dumfries*, under his Confinement, and that he hath been under Restraint for several Years, take off the Restraint, and declare him free to go about his lawful Affairs. And, September 1st, *Mr. Donald Cargill* gives in a Petition to the Council, begging that his Confinement beyond *Tay*, may be taken off, and he allowed to come to *Edinburgh* about Law Affairs. The Council allow it to be taken off, providing he enact himself not to reside within the Town of *Glasgow*, upon any Occasion whatsoever, nor in the Town of *Edinburgh* and Suburbs thereof, without Warrant from the Lords of Session and Exchequer.

I cannot leave the History of this Year, without taking Notice of some Actings of the Archbishop of *Glasgow*, and his diocesan Meeting there, at this Time, about the King's Supremacy, which made a very great Noise, and issued in the Dimission of the Archbishop, and a Council-proceeding against Two of the Members of the Synod. Most Part of this Account I shall draw from the Records of the Council.

The greatest Part, by far, of the indulged Ministers, were in the Bounds of the Diocese of *Glasgow*; and the Liberty granted to Presbyterian Ministers, did exceedingly gall the Bishop and his Underlings. Accordingly, when they meet in their Synod, in September this Year, the Bishop and they agree upon a Paper, entituled *A Remonstrance*. I have not seen it; but by Papers writ about this Time, it is said to contain a heavy Complaint against the Indulgence, and the Council's placing Persons, lying under Ecclesiastick Censures, into the Ministry at their old Charges, or elsewhere, when neither the Bishop or Synod had ever given the least Shadow of Relaxation from those Censures.

1669.

Four Persons who had been at *Pentland*, sent to the Plantations.

Remissions granted to *Cannon of Mardrogat*, *Robert Chalmers*.

The imprisoned West-country Gentlemen have some Favours shewed them.

Colonel *Barclay's* Confinement taken off.

Favours done to *M'Adam* of *Waterhead*;

William Wallace:

To some Ministers.

Mr. Thomas Wylie,

Mr. Robert Duncan,

Mr. Donald Cargill.

Procedure of the Bishop and Synod of *Glasgow* on the Supremacy.

Their Remonstrance, September this Year.

1669.

Remarks upon
it.

This Paper likewise bore pretty hard upon the King's Supremacy in Ecclesiastick Matters; and no great Regard was shewn in it, either to the Acts of Parliament made about this, or the Oaths the Members of the Synod were under to maintain and support it. The Prelates and *passive Obedience* Gentlemen, when the Sovereign goes their Way, have nothing but the Praises of the Prerogative, and unlimited Power of the Prince in their Mouth; but when they are crossed, and touched in their own tender Points, they can kick and fling against a Court, as well as others. As long as the King's Supremacy was exerted for the Inbringing, Support, and Maintenance of the Bishops, none are so fond of it as they; and 'tis preached up as an inherent Right of the Crown, and what not. Let the Tables be turned but a little, and a few Presbyterian Ministers indulged, and some Restraint laid upon their persecuting Spirit, *Nature rebels against Principle*, and the passive Prelates alter their Note. How happy a Thing is it, when all Matters and Persons are kept within their just and reasonable Limits and Boundaries!

The Council's
Act about it,
September last,
requiring its
Production.

Such a Paper as this could not but very soon make a Noise, being so plain an Attack upon the Managers; and so I find, upon the last of *September*, the Council have this Affair before them. I shall intert their own Words. 'The Lords of Privy Council being informed, That, in the late Synod holden at *Glasgow*, some Papers were agitated, debated, and passed, under the Name of *Petition, Remonstrance, or Grievances*, which may tend, in the Consequences thereof, to the Prejudice of his Majesty's Authority, and of the Peace of his Government; They do therefore recommend to, and require the Lord Archbishop of *Glasgow*, forthwith to call for the foresaid Papers, in whose Hands soever they be, and to present them before the Council, at their Meeting *October 14th* next. As also, that he require Mr. *James Ramsay* Dean of *Glasgow* (the Deans of *Hamilton*, where he now was, were Deans of *Glasgow* likewise, as I am told) and Mr. *Arthur Ross* Parson of *Glasgow*, who were the Persons who formed and drew these Papers, and were nominated for presenting and prosecuting the same, to compear before the Council the same Day: And further, require the Archbishop to produce before the Council, the Day foresaid, the Clerk of the Synod, and the publick Records thereof, with all the Minutes, Votes and Acts passed therein; and that he take a special Care that no Copies be given of these Papers, nor no further Proceeding therein, nor Prosecution thereof, until the Lords of his Majesty's Privy Council, having seen and considered the same, give further Orders thereanent.' I find the Archbishop is in this *Sederunt* of Council, and 'tis the last Time I find him there for several Years.

'Tis produced,
October 14th, and
a Committee
ordered to
consider it.Council's Act
condemning it,
October 16th.

Upon *October 14th*, the Commissioner *Lawderdale* produceth before the Council, a Paper sent by the Archbishop of *Glasgow*; and, after reading, 'tis remitted to the Consideration of the following Committee, *Duke Hamilton, Earls of Tweddale and Kincardin*, the Register, Advocate, and the Chancellor who is Supernumerary.

Their Report is made, *October 16th*; and the Council form the following Act, *condemning a Paper passed in the Synod of Glasgow*.

INASMUCH as the Lords of his Majesty's Privy Council being informed, That in the late Meeting of the Archbishop, and a Part of the Synod of *Glasgow*, there was a Paper agitated and passed, in Name of the Archbishop and Synod, tending, in the Consequences thereof, to the Prejudice of his Majesty's Authority, and the Peace of his Government, did ordain the same to be produced before them: Which being accordingly now done, and owned by the Archbishop, Dean, and Parson of *Glasgow*, to be the true Paper; and the Council having considered the same, and having also considered the Depositions of the said Dean and Parson of *Glasgow*, who were employed in the drawing thereof, do find and declare the same to be, in it self, a Paper of a dangerous Nature and Consequence, tending toward the depraving of his Majesty's Laws, and misconstruing of the Proceedings of his Majesty and his Council, and in the Manner of conveying thereof, to be most illegal and unwarrantable; and do therefore ordain the same to be suppressed, and no Copies thereof to be kept by any; and discharge all his Majesty's Lieges, of what Quality or Function soever, from owning or countenancing the said Paper, or any other Paper or Purposes of that Nature hereafter, under the Pains contained in the Acts of Parliament made thereanent; and desire his Majesty's Commissioner, humbly to offer his Majesty an Account of their Proceedings in this Matter, together with the Paper it self, to the end his Majesty may declare his further Pleasure: And ordain the Clerks of Council to deliver up to his Majesty's Commissioner, the principal Paper passed in the Synod of *Glasgow*, with the Depositions of the Dean and Parson of *Glasgow* thereanent, and an Extract of this Act of Council to be transmitted to the King.

Letter from the
King in Dec.
laying aside the
Archbishop's

When this Matter was considered by the King, a Letter came down about *December*, laying aside Archbishop *Burnet* from acting any more as Archbishop of *Glasgow*. He must submit to the Royal Supremacy, the Author of his Being, as a Bishop. His own Vote, That the

the Management of the external Government and Policy of the Church, and the ordering of all Church-affairs belonged to the Crown, bound him down to this Piece of passive Obedience. 1669.

Accordingly, January 6th, 1670. the Commissioner represents in Council, That the Archbishop of *Glasgow* had demitted his Office and Dignity in his Majesty's Hands, and desired his Name might be put out of the Rolls of Council, as being no more a Member of it. The Archbishop demits

Mr. *James Ramsay* Dean of *Hamilton*, and Mr. *Arthur Ross* Parson of *Glasgow*, the Bishop's great Tools in the *Remonstrance*, were examined very narrowly by the Council; and, as we have heard, declared all they knew, upon Oath; and, after having owned their Fault, and got a Reprimand from the Council, the King pardons them, and they are remanded back to their Charges: But the Archbishop is made a Sacrifice to the *Royal Supremacy*, and falls, for a while, a Kind of joyn't Confessor with suffering Presbyterians. The Dean of Hamilton and Parson of Glasgow reprimanded and pardoned.

- - - - - *Nec lex est justior illa, &c.*

And, for some Years, Mr. *Robert Leightoun*, Bishop of *Dumblain*, had the Archbishoprick of *Glasgow* in *commendam*, till *Burnet* was restored again; which, as was then believed, was by gross *Simony*. And that I may call the Whole of this together, the Archbishop's Restoration was said to be thus. The Bishop's Daughter was married to the Heir of the Estate of *Elphinstoun*, and had a very large Annuity secured upon the Estate; her Husband died very quickly from her: The Gentleman who fell next to the Lordship of *Elphinstoun*, came in Suit of my Lord *Haltoun's* Daughter. My Lord knew very well how to bestow his Children, and was unwilling to engage in an Estate so considerably burdened with the Bishop's Daughter's Jointure. At length this Expedient is fallen on; The young Lady is prevailed upon to give a Discharge, and make a Renunciation of her Jointure upon *Elphinstoun's* Estate, and my Lord *Haltoun* found Means to get the Archbishop her Father restored to his Office and Benefice. This made some say, That the Bishop's Money, who gave his Daughter an Equivalent, was taken, and that of *Simon Magus* was not. Mr. Leightoun Bishop of Dumblain gets Glasgow in commendam. The Archbishop restored, and how.

From this Account we may notice, how much a Stranger to this Affair Mr. *Collier* is, in the Narrative he gives of it, Vol. II. p. 895. Justly enough he observes, That the Act assertory of the King's Supremacy, is penn'd in strong comprehensive Language: But what follows does not agree with the Facts already laid down. 'By virtue of this Act, *Burnet*, Archbishop of *Glasgow*, was dispossessed of his See, and Dr. *Leightoun* put in his Place. This Remove was made by the High Commissioner *Lawderdale*. However, the Court being sensible that this was pushing the *Regale* to an unusual Extent, gave *Leightoun* only the Title of *Com-mendator* of *Glasgow*, till Archbishop *Burnet* was prevailed with to sign a Resignation: But this being looked upon as an involuntary Cession, the *Scottish* Bishops were shocked at it. The Archbishop of *Canterbury* likewise, and the rest of the *English* Prelates, thought the common Interest of their Order affected, and that the Episcopal Authority was struck at in the *Glasgow* Precedent. In short, they solicited so heartily in the Cause, and represented the Business in so persuasive a Manner to the King, that his Majesty revoked his Proceedings, and Archbishop *Burnet* was restored.' Mr. Collier's Account of this Affair, with Remarks.

This considerable Change in the Diocese of *Glasgow*, made some Alteration in the Treatment of Presbyterians in the West, as I shall next Year have Occasion to observe: And particularly, it seems to have opened a Door for the setting at Liberty the West-country Gentlemen, who had been so long under Confinement. *Burnet* had been a most violent Pusher of the Persecution; and, it was generally believed, that it was through his Influence, and from some base Design he had in View, that several of them were incarcerated in the 1665. This is certain, that he had been at Court; and, as soon as he came Home, Warrants were issued out for apprehending *Cuninghamehead*, *Rowallan*, and *Nether-pollock*, and the others before named. The Gentlemen were living peaceably at Home, expecting no such Treatment, and a Reason was never given them, why they were imprisoned; and, by all the Informations they could have, the Archbishop was the Spring of all their Trouble. Upon Mr. Leightoun's coming in, the West-country Gentlemen dealt favourably with.

The Three just now named, we have heard, were continued under Confinement, when others got out upon the *Bond of Peace*, 1668: And, towards the End of this Year, as far as I can guess, they gave in the following Supplication unto *Lawderdale*, who was Commissioner and Secretary.

1669.

To the Right Honourable the Commissioner his Grace,

Their Suppli-
cation.

The humble Supplication of Sir William Cuningham of Cuninghamhead, Sir William Mure of Rowallan, and Sir George Maxwel of Nether-pollock,

Sheweth,

‘**T**HAT whereas, being detained more than these Four Years Prisoners, to our heavy Prejudice in our Persons, Families and Affairs; and seeing we are, through the Grace of God, still resolved to continue in all faithful Duty and Loyalty to our Dread Sovereign, and due Respect to the Peace and Welfare of the Kingdom; May it therefore please your Grace, in Consideration of the Premises, to order our Releasement; whereby your Grace shall not more evidence his Majesty’s Goodness, and your own Affection to his Majesty’s Service, than oblige, to all thankful Acknowledgment’

Your Grace’s most humble
Supplicants and Servants,

Cuninghamhead.

Rowallan.

Nether-pollock.

Observes upon
it.

The Reader will observe with me, the Caution and Faithfulness of those honourable and excellent Confessors for the Truth, and Presbytery. Like good Subjects as they were, and still had been, they engage to continue in all faithful Duty and Loyalty to the King, and due Respect to the Peace of the Kingdom: And yet, as became covenanted Presbyterians, they prudently keep themselves free of any Promises to subject to, or approve the Supremacy and Constitution of the Church.

Sir James Stuart,
and Sir John Chieffy
liberate.

Upon this Supplication, *Lawderdale*, as Commissioner and great Manager, orders their Liberation from *Stirling Castle*, where, I think, all the Three were. I suppose it was much about this Time, that the other two worthy Gentlemen, Sir *James Stuart*, and Sir *John Chieffy*, were liberate, since I find no more Account of them in the Council-registers after this Year; but I have no particular Accounts of the Circumstances of their Liberation.

An Attempt
made upon Mr.
John Row Curate
of *Balmaclellan*, with the
Council’s Assent.

Nothing more remarkable offers this Year, unless it be Two Attempts made upon Curates by some Persons in the End of the Year; some Hints of which I find in the Council-books. Upon *October 20th*, the Privy Council being informed of a horrid Insolence, committed upon the Person of Mr. *John Row* Minister at *Balmaclellan* in *Galloway*, do ordain all accessory to it, to be cited in to *Edinburgh*, to compare before the Council; and likewise the Parrishioners of *Balmaclellan*, to hear and see themselves fined, and otherwise censured, according to the Acts of Council in *March* and *June*, 1667. Mr. *Row*’s Complaint bears, That Three Persons, upon the 30th of *September*, came into his House in Womens Clothes, about Nine of the Clock at Night, and took him out of his Bed, and beat him, and broke up Trunks, Presses, &c. and took away what they pleased. All this is libelled, and Mr. *Thomas Warner*, *James Grier* of *Milmark* his Father in Law, *Gordon* of *Holm*, *Gordon* of *Gordonstoun*, *John Carsan*, and *James Chalmers*, Heritors there, are charged as Actors, Committers, at least Contrivers and Assisters, at least, have since supplied or reset them. The Diet being short, and the Distance great, they came not up to the First Day, and were all found guilty upon their Non-compearance, and the Heritors and Liferenters of *Balmaclellan* are decerned to pay Mr. *Row* One thousand two hundred Pounds *Scots*, by the Council, *November 26th*. As soon as these Persons, and the other Heritors from that Parish could, they came to *Edinburgh*, and appeared before the Council, and offered to stand their Trial: But nothing could be proven against any of them, neither, as far as I can learn, were any of the Parish concerned in that Riot. However, the Gentlemen were ordered to pay their Shares of the Fine imposed. This Man *Row* was indeed a very ill Instrument in the Severities in that Country, and in a little Time discovered what he really was, by apostatizing unto Popery.

Another upon
Mr. John Lyon
Curate at Orr.

Another Instance of this Nature I find in a Petition from Mr. *John Lyon* Curate at *Orr*, in that same Country, *November 26th*. He complains, That upon the - - - Day of *November*, Three Persons came in Disguise to his House, dragged his Wife out at the Door, and searched for himself, but missed him, and spoiled his House. The Presbytery attests the Account: And the Council decern the Parish to pay Six hundred Pounds to him, and order out Letters against one *John Smith*, alledged to be concerned in this Attempt.

C H A P.

C H A P. V.

1670.

Of the State and Sufferings of Presbyterians in the Year 1670.

DURING this Year, the Presbyterians in the West had some breathing Time, partly by the *Indulgence*, and in Part from the laying aside of Archbishop *Burnet*: Yet the *Indulgence* was Piece by Piece curtailed, and rendred as uneasy as might well be, and Conventicles were born down very much, and several outed Ministers brought to no small Difficulties. The Parliament which sat in *July*, made new and gravaminous Laws; and this Year is closed up with a cunning and ensnaring Proposal from Bishop *Leightoun*, now enjoying the Bishoprick of *Glasgow* in *commendam*, for an Accommodation and Comprehension. Those Things may be Materials for the following Sections.

Summary of this Chapter.

S E C T. I.

Of the Condition of the indulged, the Persecution for Conventicles, the Hardships put upon several Ministers and Gentlemen, this Year 1670.

WHEN the *Indulgence* could not be prevented altogether last Year, the Bishops and their Party, now endeavour to make it as uneasy to Presbyterian Ministers and People, as they can. As soon as the Council had resolved upon the granting that Favour, the Prelates laid out themselves to their utmost, to prevent its taking Effect in the Places where it was designed.

The Bishops endeavour to mar the *Indulgence*.

Vacancies in the South and West were planted with all possible Expedition, that so Presbyterian Ministers might not have Access to them; and they made no great Matter who was put in upon the People, provided a Presbyterian Minister was held out. The Curates, when once planted, were by all Methods kept in, though never so ignorant, vicious, or profane. This I take to be one Occasion of the Insults of some angry People, upon some few of the Incumbents, the End of the last, and this Year, which have and shall be noticed as I go through. Bishop *Leightoun* indeed made some little Efforts to try some of the Curates under his Inspection, but we shall find it was in a very superficial Manner. It was only a very few Parishes, providentially vacant, the indulged had Access to, and several Effays were made to get them outed even from these, and regular Ministers, as they were term'd, settled in them.

Vacancies are planted in all Haste, and with insufficient Persons.

Yea, even in some of the Places to which the Council named Presbyterian Ministers, Methods were fallen upon to get in Curates, before they came to them. One Instance of this I cannot omit in the Case of the Reverend Mr. *John Park*, indulged to the Burgh of *Stranrawer*, which made a very great Noise, and was decided most partially, the Close of the last Year or the Beginning of this. This worthy Person was a Man of great Solidity, very sufficient Learning, and is the Author of the Treatise upon *Patronages*, so well known in this Church. The Book was published, and, as I am informed, considerably enlarged by his Son Mr. *Robert Park*, Clerk to the General Assembly after the Revolution, and Town-clerk of *Glasgow*, a young Gentleman of eminent Piety, and great Sufficiency in the Civil and Canon Law, who was basely murdered in the Clerk's Chamber at *Glasgow*, a little after the Revolution.

And some Parishes planted, to which Presbyterian Ministers were indulged. The Case of Mr. *John Park*, indulged to *Stranrawer*.

To prevent Mr. *Park*'s Return to *Stranrawer*, the Bishop of *Galloway* admits one *Nasmyth* at that Kirk, Three Days after Mr. *Park* was indulged by the Council. The Town and Parish would give no Countenance to Mr. *Nasmyth*'s Admission, but, as one Man, adhered to their former Minister. The Bishop causes summon all Parties in to *Edinburgh*, that the Council might determine the Competition. There Favour was expected, and got.

Mr. *Nasmyth* planted in *Stranrawer* by the Bishop, contrary to the Inclination of all concerned.

1670.

Council's Procedure upon this Settlement.

When Mr. *Park* appears before the Council, instead of the Question of Precedency between Mr. *Nasmitb's* Admission and his Act of *Indulgence*, which was the Point upon which he was cited; Mr. *Nasmitb* libels Mr. *Park* for causing lock the Church Doors against him, after his Admission by the Bishop; the Falsity of which was made appear by many of the People of *Stranrauer*, cited in for their Adherence to Mr. *Park*. Further, he accused Mr. *Park* of engaging several Gentlemen about to leave their Churches, and come and hear him; and of seditious Doctrine. The Witnesses adduced proved nothing, and Mr. *Park* entirely vindicated himself; notwithstanding very mean and base Methods used to circumvene the Witnesses upon Oath, with captious and involved Questions, such as, *Did not you hear Mr. Park pray? Lord pluck up every Plant which our Father in Heaven hath not planted, meaning the Bishops.* Yet all would not do, and the Committee to whom the Consideration of the Libel was remitted, brought in the Libel not proven.

At length the Council come to the Competition, and when it was alledged for Mr. *Nasmitb*, That his Presentation was prior to Mr. *Park's*, and answered by Mr. *Park*, That it was a *non habente potestatem*, the King being Patron, and the Bishop having most illegally taken upon him to present; and although Mr. *Park's* Act was evidently prior to Mr. *Nasmitb's* Admission, yet such was the Justice of these Times, that the Council, without ever so much as hearing Mr. *Park* upon that Head, determine the Preference to Mr. *Nasmitb*.

To return to the Ministers who got Access when they were settled in their Charges, they soon came to understand their Case, and straitning Circumstances, to be worse than they expected. Indeed I find, the Council, upon the First of *January* this Year, order the Payment of their Stipends: And their Act runs, 'The Council being resolved, that the Ministers allowed to preach shall have the Stipend for the Year and Crop 1669. order it to be paid: And as to the *Ann* due to some of the Relicts and Ministers, they ordain Eight hundred Merks to be paid by the Collector, and Four hundred, if only Half a Year was served for.'

But then Hardships in Abundance were put upon them in the Exercise of their Ministry. The Prelates complained to the Council, That the indulged Ministers lectured and expounded a Portion of Scripture to the People before Forenoon's Sermon; which, as it had been most iniquously laid aside by the Prelatick Preachers since the Restoration, so they alledged it was a hurtful Innovation, and what the indulged had no Warrant from Authority for. They further complained, that such Persons were not allowed by them to sit in their Sessions, who had joyned in Discipline with the conformist Ministers. What Ground there was for the last Complaint, I have not learned; it is not improbable they would choose Persons, as firm to Presbyterian Principles as they could, to be Members of their Sessions.

It is very true, the Indulged, generally speaking, did lecture, unless, it may be, in the Winter Season, when the Day was so short, that a Lecture and Two Sermons could not be kept up, without casting the People at Distance very late. And I am informed, that the Ministers met together after getting the *Indulgence*, and agreed to keep up *Lecturing*, and begin where they left, in explaining the Scripture, when forced from their Churches. They knew, that the laying aside *Lecturing*, was one of the Badges of Conformity, since the 1662. and were much perswaded, that this Manner of expounding of Scripture was very useful and instructive to their People, and had been the constant Practice of this Church, and is recommended in the *Directory* compiled at *Westminster*, and approved by our General Assemblies. Those they took to be sufficient Grounds to continue in this Practice.

However, the Council discharge it by their Act, *January 13th*, as follows. 'The Council understanding, that several of the Ministers allowed by their special Warrant to preach, do use, before they begin their Sermon, to lecture upon some Part of the Scripture; and considering that this Form was never used in this Church before the late Troubles, and is not warranted by Authority, do discharge the same, with Certification, that if they continue to use it, they shall be discharged the Exercise of their Ministry within this Kingdom: And order Extracts of this to be sent to each Minister.'

That the indulged Ministers were not warranted by Authority for lecturing, is a mere Fetch of the Bishops. They are plainly warranted to exercise all the Functions of the Ministry, as well as to preach; and though the Prelates and their Underlings had laid aside this Practice, yet that made it not the less a very proper Work of the Ministry. How far the Matter of Fact is true, which the Bishops make the Council to say in their Act, That *Lecturing* was not used before the 1638. in this Church, I do not know: But this I have remarked, that many of the Sermons of our Reformers and Ministers, after the Reformation, were upon the Matter Lectures, and generally a good many Verses were gone through, and apposite and practical Notes raised from them, and these but very briefly applied. In short, no solid Objection can be formed against this Practice, nor any Thing of Weight brought; unless we turn Papists, and alledge that 'tis dangerous to have People understand the Scriptures, and that Ignorance is the Mother of Devotion.

We shall hear upon the following Section, that a Committee of Council came West in April this Year; and, among other Parts of their Work, are impowered to try the Carriage of the indulged Ministers in their Congregations. What relates to the Examination of the Indulged, I shall

Council's Act about the Stipends of the indulged Ministers.

Complaints against the indulged Ministers for Lecturing.

Reasons why they kept up the Use of Lecturing.

Council's Act discharging it, January 13.

Remarks on it.

Committee of Council come West in April.

shall bring in here, and leave other Things they did, to their own Room. This Committee 1670.
 is mostly urged by the Bishops, to be a Check upon the allowed Ministers, and to persecute
 Nonconformity.

Upon the Accounts of this Committee, the Brethren who had accepted the *Indulgence*,
 with a good many others who had not this Favour, met together to consider, what was fit to
 be done upon this new Emergent. They foresaw they would be challenged for *Lecturing*,
 which was prescribed by the approved *Directory*, and which is more agreeable unto Scripture
 Institution. They were now in *casu confessionis*, and it was the general Opinion of the Meeting,
 they should keep it up.

However, I am informed there had been different Practices among them, as to this publick
 exercise. Some were settled in the Winter Time, and had forborn it, and others were said to
 have had some Notice of Trouble designed against them upon this Score. Others altered their
 former Way, and, instead of one Chapter, or a Part of a large one, read Two or more Chap-
 ters, as what was nearest the Prescription in the *Directory*; and were blamed by some for ta-
 king this Juncture to alter their Method. Others read a whole Chapter, and pitched upon
 some Verse of it for their Text, and, in opening the Text, explained the Context; and some
 lectured in place of the Afternoon's Sermon.

Those different Practices neither satisfied the Committee of Council, when enquired into,
 nor were all their Hearers pleased with them. Their Management now was extremely disli-
 cult, and the Lives of these excellent Persons were made some way bitter to them, through
 Hardships upon all Hands. Mr. *John Livingstone*, in his Letter this Year to his Flock at
Ancrum, censures them for their falling into those different Ways, and yet puts a high Enco-
 mium upon the Ministers themselves.

When the Committee came to *Glasgow*, in *April*, the indulged Ministers in that Neighbour-
 hood were called before them, and interrogated one by one, Whether they had baptized or
 married any out of their own Congregations without Testimonials; and especially, Whether
 they had lectured since the Council's Act discharging it. According to their different Practices
 they answered, and generally they told, That they read and explained a Chapter or Two, but
 kept within half an Hour. When they were asked, What they resolved to do in Time coming,
 by the President Duke *Hamilton*, one of them said, That they would do as they had done for-
 merly, which he hoped their Lordships would not be offended at. All of them subscribed
 their Answers, and were dismissed.

Next Week the Committee went to *Air*, and the indulged Ministers in that Shire appeared
 before them. There Matters passed much the same way as at *Glasgow*. As to *Lecturing*,
 they gave a naked Representation of their Practice; and as to the Time to come, they an-
 swered, They would continue in reading and explaining Scripture, as far as Time would per-
 mit; and signed their Answers. It was generally expected, that when the Report was made
 to the Council, all their Licences would be taken from them; but the Lord had more Work
 to do by them, and moderate Measures prevailed. This is what I have observed this Year
 anent the Indulged.

I come now to take a View of the Procedure of the Managers against Conventicles, and
 the Sufferings of considerable Numbers of good People upon this Score. *Lawderdale*, in ur-
 ging the *Indulgence*, alledged, it would be the most effectual Way to bear down Conventicles;
 and accordingly it was given to such Ministers as were reckoned the wisest, and of greatest
 Reputation, and in such Parishes where the People, and especially the Heritors and Gentry,
 were most inclined to the Presbyterian Establishment. Mean while new Proclamations, and
 severe Executions of the former, against Conventicles, were urged and effectuated this Year.
 Afterwards we shall meet with the Acts of Parliament in this Matter: I come here to consider
 the Procedure of Council.

January 13th, the Commissioner orders the Instructions to the Forces, *November 1667*.
 noticed above, to be sent again to the Soldiers, with this additional Clause, added by the
 Council, to the Officers. 'Upon Notice of any numerous Conventicle kept since *November*
 '1st last past, or to be kept hereafter, you shall do your utmost Endeavour to seize the Mini-
 'ster, and send him into *Edinburgh* with a Party, and the Names of such as can bear Wit-
 'ness in the Thing. You are also to seize the most considerable Heritors and Tenants pre-
 'sent, and require Bond and Caution to appear before the Council at a certain Day; and if
 'they refuse to give Surety, send them in with a Party, with a List of Persons who can wit-
 'ness against them.' This Instruction made the Soldiers very severe, and, with what follow-
 ed, both forced Ministers and People to the Fields, where they had better Access to disperse
 than in a House, and put some to bring Arms with them, to defend themselves and their
 Ministers.

Those Instructions are followed with a printed Proclamation against Conventicles, agreed
 upon in Council, which I have insert, *App. N^o. 37*. The Reader will observe, that it runs a
 little more severe than the former Papers of this Nature.
 I shall not make large Remarks upon it. The Army are hounded out upon Presbyterians
 by the Instructions just now spoken of, and the whole Magistrates through the Country joyned
 with

Presbyterian
Ministers meet
upon the No-
tice they have
of it, to consi-
der what
Course to take.

Different Pra-
ctices, among
them in Lectu-
ring.

Which made
their Circum-
stances more
difficult.

Committee's
Procedure with
the indulged
Ministers at
Glasgow.

and at *Air*

Procedure this
Year against
Conventicles.

Instructions to
the Soldiers as
to Conven-
ticles.

Proclamation
against Con-
venticles, Fe-
bruary 3.
App. N^o. 37.
Remarks upon
it.

1670.

with them in this Persecution. The Country is oppressed, and the Soldiers encouraged, by the large Sums paid them when engaged in this Work; and, as was observed, this Violence obliged Ministers and People to take the Fields, and defend themselves the best way they could.

The Council being informed, *February 10th*, That Two numerous Conventicles were kept lately in and about *Kirkentilloch*, a few Miles East from *Glasgow*, send Orders to the Earl of *Linlithgow*, who gave the Information, to seize the Persons of Mr. *James Hamilton*, and Mr. --- *Mitchel*, who preached, and send them into *Edinburgh*; but I do not find they were at this Time caught.

In the Beginning of *March*, the Council call for the Magistrates of *Edinburgh*, and give them up their Bond last Year anent Conventicles, and require them to give another in the same Terms for this Year. They very willingly give it. And in prosecution of this Obligation against Conventicles, *April 7th*, the same Magistrates are ordered to search for and seize the Persons of all the outed Ministers within the Town, excepting such as have Warrant from the Privy Council, and to imprison them. And such as have Warrant are to enact themselves under Bond and Caution, not to keep Conventicles during their Stay there; and if they refuse, immediately to imprison them.

The Council's Committee sent to the West-country in *April* this Year, as we shall find by their Instructions, are appointed to enquire into Conventicles, and punish them. I have but very few Accounts of their Procedure; only at *Glasgow* the Curates gave in Lists of considerable Numbers in their respective Parishes, who were guilty of Nonconformity, and alledged keeping of Conventicles; and some were fined upon these Scores, but Particulars I have not been able to recover.

Elizabeth Cunningham, Lady *Hilderston*, I find, *May 12th*, is fined by the Council in Four hundred Merks, for one Conventicle kept in her House; and several Persons were brought to Trouble for that same Meeting. *Nicol Gardiner* Merchant in *Edinburgh*, is fined in Two hundred Pounds, for baptizing a Child of his there; and, which was far more uneasy to him, and hard in it self, he is ordained to ly in close Prison until he discover who was the Minister. And further, *James Clarkson*, *Archibald Henry*, *William Leick*, Merchants in *Edinburgh*, and *David Jamie* Taylor there, are fined in One hundred Poundseach, for being at the said House-conventicle. Had the Managers got as much for every House-conventicle, they would have soon gathered in all the Money in *Scotland*. And over and above all these, I find the Council, this same *Sederunt*, fine the Magistrates of *Edinburgh*, according to their Bond, in Fifty Pounds *Sterling*, and allow them Reparation from such of the Inhabitants as they shall find guilty.

I shall have Occasion, ere I end this *Section*, to notice some Harassings for Two or Three remarkable Field-conventicles in *June* and *July* this Year; so here I only notice *Robert Burns* in *Glasgow*, fined by the Council, *July 29th*, for the abovementioned Conventicle at *Kirkentilloch*, in a Hundred Merks. I observe for some Time most Part of the Fines are appointed by the Council to be given to the Widows and Children of Ministers who suffered for their Loyalty before the Restoration; who these were, hath been noticed, Ministers deposed for Error, Scandal, Insufficiency, and Malignancy.

Upon the 11th of *August*, the Council come to lay down Methods for suppressing Conventicles, and examining the Ministers who shall, in Time to come, appear before them upon that Score, which I give here from the Registers.

Apud Edinburgum, August 11th, 1670.

Sederunt, The Lord Commissioner his Grace, Chancellor, St. *Andrews*, Privy Seal, *Lennox*, *Hamilton*, *Mortoun*, *Caithness*, *Murray*, *Athole*, *Linlithgow*, *Dumfermling*, *Roxburgh*, *Kellie*, *Dumfries*, *Weems*, *Airly*, *Annandale*, *Tweddale*, *Kincardin*, *Dundonald*, *Drumlanrig*, *Yester*, *Belhaven*, *Duffus*, *Belenden*, President of Session, Register, Advocate, Justice-clerk, *Lee*, *Haltoun*, *Niddry*, Sir *Andrew Ramsay*.

THE Lords of the Committee appointed for considering of the fittest Ways and Means for suppressing of Conventicles, having brought in several Proposals to the Council thereanent, to be offered to the *Articles*; as also anent the assaulting of Ministers Persons and Houses, and disorderly baptizing of Children; the same being considered, agreed to, and voted, were appointed to be transmitted to the Lords of the *Articles*.
The Committee having offered it as their Opinion, that the Interrogatories underwritten should be put to such Ministers as should be called before the Council, the same being agreed to, were ordered to be recorded.

I Do

Conventicles
at Kirkentilloch.

Procedure against Presbyterian Ministers in the Town of Edinburgh.

Several fined at Glasgow for Nonconformity, upon Information from the Curates.

Lady Hilderston, Nicol Gardiner, and others at Edinburgh fined for Conventicles.

Robert Burns in Glasgow fined.

The Way how the Fines are disposed.

Council's Orders about Conventicles, August 11.

I. Do you ordinarily resort to the Ordinances in the Parish-church where you live, and are you resolved to do so in Time coming? 1670.

II. Have you kept any Conventicles since *Michaelmas* last, either in Houses or the Fields; and are you resolved to forbear for the future, and to live according to Law, as to that Point?

III. Such Ministers as have lived orderly, or will promise to live orderly in Time coming, are to be dismissed without putting any judicial Declaration to them; the Clerk being to mark what they promise thereanent.

IV. The Declaration following is to be put to such as have lived orderly, and yet will not agree so to do for the future. "I *A. B.* promise that I shall ordinarily frequent the Ordinances in the Parish-church where my Residence shall be for the Time, and that I shall not preach, nor assist either in Houses or in the Fields at any Conventicles."

V. Such as have not lived orderly, nor will engage to live orderly, and to forbear to be present at, or keep Conventicles in the future, the following Declaration is to be put to them. "I *A. B.* oblige my self, I shall not, upon any colour or pretext whatsoever, rise in Arms against the King's Majesty, or any having his Authority or Commission, nor shall assist nor countenance any who shall so rise in Arms."

VI. Such as are cited, and do not compear, are to be declared Fugitives.

VII. Those who refuse the first Declaration, are to be confined; and those who do not give the Second, are to be put in Prison, and thereafter banished.

What Use was made of these Proposals will best appear from the severe Acts of Parliament made this Year, which I leave to a *Session* by themselves. By this Time the Reader hath some View of the Trouble a good many were brought unto for Conventicles during this Year, and we shall meet with some Things yet harsher, if once I had considered the Harassings of some of the outed Ministers, and Presbyterian Gentlemen.

Among the Ministers, the Order of Time leads me to begin with the Reverend Mr. *Andrew Mortoun*, Minister of the Gospel at *Carmonnock*, in the Shire of *Lanerk*. He had been outed from his Parish with the rest of his Brethren, and, living oft-times at *Glasgow*, now and then he did preach and keep Conventicles among his Parishioners. Upon Information by Mr. *Robert Boyd* Curate there, he was, by an Order from the Commissioner, apprehended, and brought into *Edinburgh*; and, *January 14th*, I find the Council order 'The Magistrates of *Edinburgh* to receive the Person of Mr. *Andrew Mortoun* Prisoner, and keep him close from all Company.'

Ministers Sufferings this Year. Mr. *Andrew Mortoun*.

There he is brought before the Earl of *Kincardin*, and the King's Advocate, and asked, If he had preached at *Carmonnock* since he was silenced? He acknowledged he had. His Examinators blamed him very hard for Contempt of the Law, and breaking a settled Congregation. He replied, That he contemned not the Laws, but reckoned there was a great Necessity of preaching the Gospel, when Ignorance and Profanity abounded, and many Souls were perishing for Lack of Knowledge; and added, He had not broken the Congregation, for they had withdrawn from the present Incumbent, before he preached among them. They further questioned him, How many had heard him? He answered, He could not tell: They then asked, Who had heard him, and in whose House he had preached? To this his Return was, It was hard to make him inform against others; and he hoped and intreated their Lordships would forbear him in this, since he so ingenuously confessed in what concerned himself: They made him sign his Answers.

His Examination before a Committee of Council.

When those were laid before the Council, he was called in, and they were read to him, and the Chancellor pronounced his Sentence, 'That he was to be continued close Prisoner in *Edinburgh*, until he should be transported to *Stirling* Castle, there to remain during the Council's Pleasure. Accordingly, *January 27th*, I find him sent by the Council's Order to *Stirling*, and there he continued Prisoner until the 3^d of *November*, when, by reason of bodily Indisposition, contracted by this Confinement, he was liberate, and confined to his own House at *Glasgow*, during Pleasure. And he enacted himself to compear when he should be called; and, during his Abode at *Glasgow*, he preached almost every Day to such of the Citizens as came to hear him, except the *Wednesday*, which he reserved for the People of his own Congregation, who, being within Four Miles, came in in good Numbers that Day, and he preached to them.

The Council's Sentence, and his Confinement to *Stirling*.

Much about the same Time, Mr. *Hugh Archbald* Minister at *Strathewan*, and Mr. *John Rae* Minister at *Symington* in *Biggar* Presbytery, were apprehended, for preaching and baptizing in Houses, and sent in to *Edinburgh*; and, after some Examination, were sent to *Stirling* likewise. I find, *March 3^d*, Mr. *John Rae* is ordered by the Council to be carried from the Tolbooth of the *Canongate*, to *Stirling* Castle. I have no more about them.

Mr. *Hugh Archbald* and Mr. *John Rae* their Confinement.

Mr. *George Johnston*, Minister at *Newbottle*, is seized in *April* at *Edinburgh*: And the Council's Actanent him is, 'The Lords of Privy Council being informed of frequent Conventicles kept in *Edinburgh*, and the Magistrates having, in Obedience to an Ordinance of Council, presented Mr. *George Johnston*, late Minister at *Newbottle*, before them, and he having refused to engage himself not to keep Conventicles, banish him from *Edinburgh*,

Mr. *George Johnston*'s Confinement.

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and confine him to the Parish of *Borthwick*, during the Council's Pleasure; and order him to enact himself to keep his Confinement: Which he does.

The Town of *Edinburgh* had been a great Shelter to the outed Ministers; and, we have heard, that the Council, about this Time, had ordered the Magistrates to turn them all out. A List of them had been given in by the Bishop, and by the Council put into the Provost's Hands. When he sent the Town-officers to seize them, none was found but Mr. *George Johnstoun*, whom, though a very near Relation of his own, he presented before the Council. When Mr. *Johnstoun* was examined, he owned his Preaching upon Week-days, and the Lord's Day after Four o' Clock, when publick Worship was over; and when he would not engage, as above, he is banished the Town, and confined to *Borthwick*.

The Provost sent Orders to the Houses of the rest of the Presbyterian Ministers in Town, to remove their Families presently out of Town, and never to return to it, without giving him Account, and signifying the Places where they lodged, upon the highest Pains: And further, ordered Soldiers presently to go and quarter in their Houses, till they removed. Thus their Families were frightened and insulted, and some of them in Danger of their Life. They were forced to seek a new Shelter, and many of them did not know well where to go; but the LORD wonderfully provided for them.

Upon November 24th, I find, the Council allow Mr. *George Johnstoun* to come in to *Edinburgh*, for Six Weeks, about some necessary Business he had to do; And, before he leaves the Town, his Confinement to *Borthwick* is taken off; but he is discharged from coming to the *Edinburgh* without Permission, or living in the *Canongate*, or any of the Liberties of the Town.

Other Ministers were dealt by yet more hardly. August 11th, I find a Decree of the King's Advocate, against Mr. *James Hamilton* late Minister at *Blantyre*, Mr. *James Mitchel*, Mr. *James Porter*, Mr. *John Dickson* late Minister at *Rutherglen*, and Mr. *John Blackader* late Minister at *Traquair*. They are libelled before the Council, for making it their Work to hold Conventicles in Houses and the Fields; and being, after Citation, called, and not compearing, for the Reasons already pointed at, they are all of them, in Absence, denounced and put to the Horn. This severe Treatment of them and many others, put them under a Necessity to wander up and down the Country, and preach in the Fields as they had Access.

About the 15th of August, Mr. *Robert Landais*, after the Revolution Minister of the Gospel at *Blantyre*, and for some time in *Glasgow*, at this Time, I think, but a Preacher, was apprehended, and made Prisoner at *Edinburgh* for Six Weeks. All they had to lay to his Charge, was, That once, about a Year ago, he had exercised in a private Family. Upon the 29th of September the Council order his Liberation.

Mr. *Hugh Peebles*, of whom before, was brought before the Council, August 28th. Nothing could be proven against him: But when interrogated, If he would engage in Time coming to keep no Conventicles, nor to preach or exercise in any Family but his own; he refused to come under any such Ties. The Council confine him to *Dumbarton*, and a Mile round it.

Some Presbyterian Gentlemen wanted not their Share of Suffering at this Time. February 3^d, I find, the Laird of *Kersland*, who had been taken some time ago, after his Forfeiture, is sent from *Edinburgh* to *Dumbarton* Prison: And this Summer, the Laird of *Meldrum*, an Officer of the Guards, whom we shall frequently afterward meet with, apprehended several good People in the Parish of *Lochwinnoch*, *Kilbarchan*, and *Kilmacomb*, in the Shire of *Renfrew*, and put them to very great Trouble, for hearing the outed Ministers.

The Laird of *Johnstoun* in *Renfrew* Shire, for having Mr. *John Stirling*, who had been his Parish Minister at *Kilbarchan*, in his House, and hearing him preach once to his Family, was apprehended, and brought before the Chancellor, where it was like to stand hard with him. With Difficulty his Friends got him liberated, upon his giving a Bond of Five thousand Merks, to compear when called. The Reverend Mr. *John Stirling* very narrowly escaped from his own House, and was diligently searched for by the Soldiers, but got off happily.

Several others of the outed Ministers were troubled this Year; but all the Particulars would run this Account to a very great Length, and the abovementioned Instances may suffice. Nevertheless, the Word of the LORD was not bound, and Presbyterian Ministers could not, even under all those Difficulties, forbear to pity the crying Necessities of the People, who had not Access to the Churches of the *Indulged*, and were daily growing in their Aversion to the established Clergy, the longer they were among them.

And it was owned, even by some who were not Friends to Presbyterian Ministers, That in their Sermons in Houses and Fields, they were remarkably countenanced of the LORD, and blessed with many Seals of their Ministry, in the Conversion of many, and edifying those who were brought in.

There was a Letter handed about at this Time, from a Minister to his Brother, encouraging him to this Work. It was supposed to have been writ by the Reverend Mr. *John Cairns*; and being very sweet, and suitable to those Times, I have insert it, App. N^o. 38. The

Severity used
against other
Presbyterian
Ministers at
Edinburgh.

Mr. *George
Johnstoun* dis-
charged *Edin-
burgh*.

Mrs. *James Ham-
ilton*, *James
Mitchel*, *James
Porter*, *John
Dickson*, *John
Blackader*, upon
Noncompear-
ance, denoun-
ced.

Mr. *Robert
Landais* impris-
oned.

Mr. *Hugh
Peebles* confined.

Sufferings of
Presbyterian
Gentlemen and
others.

Laird of
Johnstoun.

Presbyterian
Ministers con-
tinue to preach.

With remark-
able Success.

Letter handed
about at this
Time, about
Presbyterian
Ministers
Preaching. App.
N^o. 38.

The Multitudes of People hungry after the sincere Milk of the Word, were so great, that in many Places, Houses would not contain them, and in others they wanted Places to meet in; and when in Houses, were by far more in Hazard to be surprized with the Soldiers, than when in the Fields. Upon these Accounts Field-meetings turn'd more frequent this Summer; especially, in Places where there were none of the indulged Ministers. Thus I find, *October* this Year, Mr. *John Blackader* preaching at *Balcanquhall*, Mr. *John Dickson* at *Glenvail*, and Mr. *David Hume* at - - - -, all in the Shire of *Kinross*.

Field-conventicles were most violently opposed, and the Soldiers failed not to answer their instructions abovenarrated. Three Meetings of this Sort were no small Occasion of Persecution this Year, and I shall end this Section with some Account of them.

That which made the greatest Noise, was the Conventicle at *Beeth-hill*, in the Parish of *Dumfermling* in *Fife*: It was kept by Mr. *John Blackader* and Mr. *John Dickson*, about the Middle of *June*, and a very considerable Number of People were there. When they were at publick Worship upon the Lord's Day, a Lieutenant of the Militia in that Place, came up on Horseback to the People, and made a great deal of Noise and Disturbance, and spared not dreadful Threatnings to fright, and, if possible, to scatter the People. One of the Meeting steps to him, after he had intreated him to remove peaceably, and taking the Lieutenant's Horse by the Bridle, pulled out a Pistol, and told him, He would shoot him dead, if he was not silent: And whether the Lieutenant would or not, he was compelled to sit peaceably upon his Horse, until publick Worship was over; and then he was left at his full Liberty to go where he pleased.

Accounts of this horrid Insult, as it was called, came very soon to *Edinburgh*; and Bishop *Sharp* knew well how to improve such an Incident, to heighten the Fury of the Managers against Presbyterians and Conventicles: And indeed the Council did exert themselves with the greatest offervency in this Matter. *June 23^d*, I find they give Warrant to Mr. *Henry Murray*, to inform himself anent the Conventicle kept in the Parish of *Dumfermling* lately. What Report he made I see not.

But upon the 30th of *June*, I find, *Robert Walwood* of *Touch* confessed before the Council, he had been present at the Conventicle on *Beeth-hill*, and is fined in Five hundred Merks, and ordered to ly in Prison till he pay it, and enact himself in a Bond of Two thousand Merks, that he shall frequent no more Conventicles. Such who followed him, met yet with harder Measure.

July 14th, Mr. *Alexander Hasty*, since the Revolution Minister of the Gospel at *Glasgow*, *Adam Stobie* of *Luscar*, *William Adam* Merchant in *Culross*, *James Sloss* in *Borrowstounness*, *David Mather* elder in *Brignies*, *John Rankin* in *Bonbard*, *James Duncan* in *Grange*, were brought before the Council, and interrogated if they were at the said Conventicle. All of them acknowledged they were. Then they were required to give up upon Oath the Names of the Ministers, and others, whom they knew to have been at that Meeting. This they peremptorily refused, and the Council immediately found them guilty of Contumacy, and fined each of them in Five hundred Merks, and sent them back to Prison, there to ly in Irons during the Council's Pleasure. I find this Day the Council pass a Decree against Keepers of Conventicles, particularly, at *Livingseat*, and *Hill of Beeth*, fining Multitudes in great Sums.

Those Persons lay in Prison till the Parliament sat; and by their Second Act, *August 3^d*, (as shall be observed) appointed such who refuse to give their Oath *super inquirendis*, to be banished; and upon this Act, they, with some others, were banished the Kingdom, as we shall just now hear. So unreasonable and unrighteous were our Managers now! They form Laws to catch conscientious Persons, in Matters wherein their Principles were concerned; yea, even made them look backwards, and reach supposed Crimes, committed before their Laws were made.

Upon the 16th of *August*, the Council pass an Act against the abovenamed Persons. Whereas Mr. *Alexander Hasty* in *Dumfermling*, &c. as above, being called to depone against the Conventicle at *Beeth-hill*, and refused; as also Mr. *John Vernor*, and *Robert Orr* in *Miln-bank*, who had a Child baptized there, the Council banish them out of the King's Dominions, and order them to be transported to the Plantations, and not to return, on Pain of Death. This good Youth Mr. *John Vernor*, was challenged for another Conventicle, and for this Crime of Conventicles, and that of refusing to betray his honest Neighbours and Acquaintances, to the Fury of Persecutors, was most barbarously dealt with. He was fed on Bread and Water, and put so close in the Irons, that his Leg gangrened, which within a little cost him his Life. Under such Cruelties, some of the best Quality interposed for his Liberation; but that Meeting was so galling to the Council and Commissioner, that no Ear was given for some Time. At length, when his Leg turned very ill, upon the 3^d of *November* I find him and *Robert Orr* set at Liberty, upon their giving Bond and Caution to appear when called, under the Penalty of Five hundred Merks each.

And to end the Accounts of the Persecution for this Conventicle, upon the 11th of *August*, *James Dundas*, Brother to the Laird of *Dundas*, confesseth his being at the Conventicle

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Field-meetings turn frequent, and why.

Three of which make most Noise.

That at Beeth-hill.

Persecution following on it.

Walwood of Touch fined.

Mr. Alexander Hasty, Stobie of Luscar, William Adam, James Sloss, David Mather, John Rankin, James Duncan, imprisoned.

Council's Act of Banishment against them: As also Mr. John Vernor, and Robert Orr.

Severity toward Mr. John Vernor.

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ticle at the *Hill of Beeth*; and refusing to depone before the Council, whom he saw there, and who preached; they find he hath contravened an Act of Parliament, banish him the King's Dominions, and order him to be transported to the Plantations, not to return on Pain of Death. However, I find, *August 28th*, Mr. *Dundas* gives his Oath upon some Interrogatories anent this Conventicle, and is liberate by the Council. Many others were brought under Hardships for this Conventicle, such as, *Margaret Martin* the Lady *Colvil's* Gentlewoman, and *Bessie Young* a Servant of hers, who continued in Prison a long Time; and for several Months the Soldiers brought Multitudes in that Neighbourhood to great Trouble.

Conventicle at *Livingseat*.

Another Conventicle which made a great Noise at this Time, is that at *Livingseat*, in *Carnwath* Parish, much about the Time of the former, or a little before it. Their Procedure against Persons alledged to be there, was much of a Piece; so I may be very brief upon it. *June 23^d*, Mr. *John Vernor*, who it seems was at both, 'Son to *Gavin Vernor* in *Mortoun*, being required by the Council to depone, What he knew of the Persons present, 'and Minister who preached at a Conventicle at *Livingseat*, and refusing to give his Oath, 'is committed close Prisoner, and ordained to ly in Irons during the Council's Pleasure, and 'to be fed with Bread and Water.' And further, the Council fine *John Carmichael* in *Blackburn*, and *David Carmichael* in *Potishaw*, in a Hundred Merks each, for being at that Meeting. And the forementioned Decreet, *July 14th*, fines a great many others in Absence, for their being there.

At *Torwood*;

The last Conventicle I notice, was in the Beginning of *July*, at the *Torwood*. And, *July 7th*, the Council being informed of a large Conventicle at *Torwood-head*, appoint a Letter to be written to the Earl of *Callendar*, to use his Interest to bear down Conventicles in *Stirling* Shire: And, upon *August 16th*, I find the Council have *Charles Campbel* in *Airth* before them. He confessed he was at the Conventicle in *Torwood*; and refusing to depone, was banished, and ordered to the Plantations. After some Months Imprisonment, he falls sick through his harsh Treatment; and, *December 8th*, the Council liberate him, upon his giving Bond and Caution under Five hundred Merks, to compear when called.

Mr. *Alexander Strang*.

I find little more concerning Conventicles this Year, unless it be, that, *August 11th*, Mr. *Alexander Strang* is called before the Council, for alledged keeping of Conventicles, which he positively denies since *Martinmas* last, affirming, that he waited upon Ordinances every Lord's Day, in the Parish-church where he lives. The Council dismiss him.

S E C T. II.

Of the Committee of Council, their Actings in the West, April 1670, the Insults upon Incumbents, and several other Things this Year.

Matter of this *Section*.

IN this *Section* I shall put together several Occurrences throughout this Year, which will not so properly come in upon the general Subjects in the following *Sections*, and may be of some Use in order to our understanding the State of this Church, and of Presbyterians; and I shall begin with the Attacks made upon the Episcopal Incumbents, and the violent Prosecution of innocent People upon that Score. Some of the Occasions of those Attempts, in the general, have been pointed at, and now I come to narrate plain Matter of Fact, as far as it hath come to my Hands.

Attack made upon Mr. *Robert Boyd*, Incumbent at *Carmonnock*.

The Order of Time leads me to begin with the Attempt made upon Mr. *Robert Boyd* Curate at *Carmonnock*. 'The Council, *January 6th*, being informed of a Robbery committed upon the Person and Goods of Mr. *Robert Boyd*, Letters are directed against the Heritors. 'We shall afterwards have some Specimens of Mr. *Boyd's* persecuting Temper, and his sitting in oppressive Courts with Major *White*. Whether this was at the Bottom of the Attack made upon him, or if it was an Act of Burglary, committed by some common Thieves, I do not know.

Sir *Archibald Stuart* of *Castlemilk* fined in Fifty Pounds *Sterling*.

But, upon the *26th* of *January*, I find a Decreet given out against the Heritors and Parish of *Carmonnock*, in the Council-registers, bearing, that his House was rifled, his Wife wounded, and Mr. *Boyd* sought for, but not got. Sir *Archibald Stuart* of *Castlemilk* appears, and acknowledges the Matter of Fact, but knows nothing of the Actors. He and the Parish, according to the Laws formerly mentioned, are fined in Fifty Pounds *Sterling*: And, *February 7th*, Sir *Archibald* pays the Fine, and it is given to Mr. *Robert Boyd*.

This

This, with some other Attempts of the like Nature, in other Places, about this Time, procure a Committee of the Council to enquire into them, and for the Punishment of the Actors, and some other Things: Of this it is proper to give some Accounts. Upon the 6th April, ' The Council remit it to the Archbishop of St. Andrews, Duke Hamilton, and some others, to consider upon Ways to secure orthodox Ministers, to consider the Petition of Mr. Alexander Mortimer Minister at Kirkcudbright, and the Injury done to the Minister of Kilmacomb; with Power to call for the Papers taken upon Mr. John Rae, and to consider the Decrees given in by Mr. Nathanael Fyfe, against Keepers of Conventicles, and report.' I have met with nothing further anent Mr. Mortimer, and know not well what these Papers related to, which were found upon Mr. Rae: But I hear they contained the Names of some Parents, whose Children he had baptized, who were afterwards prosecuted on that Account; only I find him upon the 3^d of March, ordered by the Council to be carried from the Castle Gate Tolbooth, to the Castle of Stirling.

Upon the 7th of April the Report is made; and the Council having considered it, agree to the Commission-instructions, and other Acts brought in by these appointed to consider this matter. The Tenor of the Commission follows.

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Committee of
Council for
the West, ap-
pointed April 6.

Council's
Commission to
the Committee.

Commission anent some Disorders in the West.

CHARLES, by the Grace, &c. To all and sundry our Lieges and Subjects, whom it concerns, Greeting. Forasmuch as, notwithstanding divers Acts of Parliament and Council made against withdrawing from the publick Worship in Churches, keeping of Conventicles, or private Meetings, upon pretext of Worship, or other religious Exercises, by baptizing or marrying by Persons not allowed by Authority; and likewise, for Security of Ministers in their Persons and Goods, against the interrupting of Divine Service, and the Acts of Council made anent Ministers indulged to preach: Yet sundry disloyal and seditious Persons, especially in the Shires of Air, Lanerk, Renfrew, and others after specified, have of late contravened the said Acts, by deserting their own Parish-kirks, keeping Conventicles, disorderly marrying and baptizing their Children, making Attempts upon, and offering several Injuries unto loyal and peaceable Ministers, dealing with, and menacing them to leave their Churches, and committing of several other Disorders, to the high Contempt of Our Authority, and great Scandal of Religion. And We, considering that it doth very much import Our Honour, and the Peace and Quiet of this Church and Kingdom, that some speedy and effectual Course be taken for repressing such Disorders and Insolencies, and preventing the like in Time coming, and that it may contribute to the Discovery of the Actors and Contrivers of such Disorders, that the same be tried upon the Place where they were committed, Do, with the Advice of the Lords of Our Privy Council, grant full Power, Warrant, and Commission to William Duke of Hamilton, Alexander Earl of Linlithgow, William Earl of Dumfries, Alexander Earl of Kincardin, William Earl of Dunbar, the Lord Clerk Register, and Lieutenant General Drummond, or any Four of them, to put to due and vigorous Execution the foresaid Acts of Parliament and Council against the Contraveners thereof, within the Shires of Stirling, Linlithgow, Dumbarton, Lanerk, Air, and Renfrew, to levy and exact the Pains and Penalties therein contained: And to that Effect We appoint Our said Commissioners, or their Quorum, to repair to, and meet at Glasgow, the 27th Day of this Instant, and thereafter, to meet at such Times, and Places within the said Shires of Lanerk, Air, and Renfrew, as they shall think convenient; and then and there, to call before them such Persons, as they shall be informed have contravened the foresaid Acts, or any of them; and, if need be, to issue Warrants and Precepts for citing them, and Witnesses for proving what shall be laid to their Charge, to use all Trial and Probation requisite, and to proceed to give Sentence against such as they shall find to be guilty, in fining, confining, or Imprisonment of their Persons; and to put these Decrees in Execution, by poinding their Goods, imprisoning of their Persons, or otherwise, as accords: With Power to Our said Commissioners, or their Quorum, to seize upon and commit to Prison such Persons as they shall think fit, and to take Caution for the Appearance of any Persons before Our Privy Council, or before themselves, and, in case of Refusal, to imprison them: And generally, with Power to Our Commissioners, or their Quorum, to do and exercise all Things necessary and requisite for the effectual Prosecution of this Our Commission, and the Particulars above mentioned, as fully and freely in all respects, as a Quorum of Our Council might have done themselves, promittend to hold firm and stable. And We do hereby require all Sheriffs, Stewards, heritable Bailies, Magistrates of Burghs, and others Our good Subjects within the said Shires, readily to answer, obey, concur with, and assist Our said Commissioners, being required thereto by them; as they will be answerable upon their highest Peril: And that they make Report of their Diligence in the Premises

1670. ' to Our Privy Council, 'twixt and the First Council-day in June next. Given under Our
' Signet at *Edinburgh*, April 7th, 1670.

Rothes Chancellor,
St. *Andrews*,
Mortoun,
Athole,
Caithness,
Dumfermling,
Weems,
Annandale,

Tweddale,
Drumlanerk,
Sinclair,
Jo. Gilmor,
Jo. Nisbet,
Charles Maitland,
Robert Murray.

Instructions given to the Commissioners for the Western Shires.

- Instructions' given to them.
- 1^{mo}. **Y**OU are to take Trial of the Business of the Minister of *Maybole*, and the Attempt made on him, so far as the same shall not be tried by the Council.
- 2^{do}. You are to take Trial anent the Abuse done to Mr. *John Irvine* Minister at *Kilmacomb*, both in the Church, and in the House of *Finlathoun*.
- 3^{io}. You are to try the Abuse done to ----- Minister, while he was passing through the Town of *Kilmacomb*, and likewise any other Attempts of that Nature, whereof you shall receive Information.
- 4^o. You are to call before you those Persons, for whose Appearance before the Council the Earl of *Linlithgow* hath taken Bonds, for their keeping of Conventions.
- 5^o. You are to call before you the Resettlers of the Rebels, and put the Laws and Acts of Parliament and Council in Execution against them.
- 6^o. In the Trial to be taken by you of those who have contravened the Acts of Parliament and Council, you are to begin at the most eminent Persons, Noblemen, and Gentlemen.
- 7^{mo}. You are to call before you the Ministers allowed to preach by the Council, and to take Trial what Obedience hath been given by them to the Act of Council, discharging them to lecture before Sermons; and if they have notwithstanding lectured, upon what Account they have done the same; and you are to take Trial of their Carriage and Behaviour since they were allowed to preach.
- 8^{vo}. You are impowered to call for Thirty Horsemen of his Majesty's Troops of Guard, to attend you in this Service, and to execute such Orders and Commands, as they shall receive from you, in prosecution of your Commission.
- 9^{no}. You are also to give such Orders to the Forces in the West, for removing of their Quarters, and otherwise, as you shall think fitting, in order to the present Service.
- 10^{mo}. You are to do all other Things requisite for the effectual Prosecution of this Service, which may tend to the settling and securing of the Peace of the Kingdom.

Orders to the Forces.

Joynly with these Instructions, there are Orders given to the Officers and Commanders of the standing Forces, to obey such Orders as shall be directed to them by the said Commissioners, or any one of them; and the Council, the same Day, make an Act anent the Payment of Ministers Stipends thrust from their Charges, which I likewise insert.

Act of Council about paying Stipends to the Incumbents who are thrust from their Charges.

The Lords of his Majesty's Privy Council, considering the many direct and violent Means essayed in the Western Shires of this Kingdom, to thrust orthodox Ministers from their Charges; and that, as in pursuance of their Trust, they have made several Acts and Ordinances for the Security of the Persons of those Ministers; so it is most consonant with Justice and Equity to take Care for their Maintenance, where, from just Apprehensions and Fears of being rudely entreated, they are forced to desert and relinquish their Cure: Therefore, the said Lords do declare, That where any of the said Ministers are, by Menacing, just Grounds of Fear, or Violence, put from their Churches, that during their natural Life they will maintain them in the Possession of their Benefices and Stipends, according to their Rights thereunto. As also, in the Cases where the said Ministers shall be provided to other Kirks and Benefices, whereby the former Churches shall become vacant, the said Lords do declare, they will give Power and Warrant to the Collectors of the vacant Stipends, to intromit with the Benefice, and uplift the Stipends belonging to the said Churches; and that ay and while orthodox Ministers be settled in the same by Presentations from the Patrons, and Collations from the Archbishop or Bishops of the Dioceses where they ly, according to Law.

In order to ripen Matters for this Commission, the Earls of *Dumfries* and *Dundonald* are appointed by the Council to make Enquiry beforehand, that the Work of the Commissioners may be shortned as much as may be.

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The Procedure of this Commission, as to the *indulged* Ministers, hath been already given Account of; and I only now consider what they did as to *orthodox* Ministers, as they called them, who were attacked. The Business of the Attempt alledged to be made at *Maybole* in *Air* Shire, and *Kilmacomb* in *Renfrew* Shire, were before the Committee; but indeed nothing could be found in either of them of great Importance, so I shall give but a Hint of each.

The Committee's Procedure as to the Incumbents upon Incumbents.

Maybole Business is first in their Instructions, and it stood thus. When the Committee were at *Air*, Mr. *Jaffray*, Curate there, renewed his Complaint, which he had formerly tabled before the Council; That some of his Parishioners had attempted to murder him, and discharged a Pistol at his Breast. The Ball, he said, came upon a Book, which he was carrying in his Bosom under his Coat, and this saved his Life. Every Body almost reckoned this an ill made Story, to get a little Money, by way of Fine, from the Parish. The Heritors and Parishioners offered to prove before the Committee, that when Mr. *Jaffray* first divulged the Attempt alledged to be made upon him, and shewed the Book which he said was under his Coat, the Book was indeed pierced, as seem'd, by a Ball, but his Coat had no Hole in it; so senselessly was the Forgery made. But this Method, though very natural, could not be allowed. Mr. *Jaffray* was permitted to produce all his Proofs and Evidences to fix the Guilt, but in vain, for nothing could be proven: And generally it was believed, he had pierced his Book himself, and forgot to make a Hole in his Coat. So this Business ended in Laughter, and very quickly his Parishioners brought in more solid Complaints against him, as we shall hear, this same Year.

Their Procedure about Mr. *Jaffray* Curate at *Maybole*.

Mr. *John Irvine*'s Business stood thus. In *February* or *March*, it was pretended, Evil was designed against him: He was indeed, and not without Ground, very ill liked in *Kilmacomb*. While he was preaching on a Lord's Day, some Boys cast a Bit of a rotten Stick at the Pulpit in Time of Sermon. Upon the Noise it made upon the Pulpit, he presently left it, and got to his own House. As he went Home in a Fear and Haste, some of the Boys followed him, with Huzza's and Cries, till he got into his House. This is all I can hear of. A terrible Noise is made, that the Minister had been stoned out of his Pulpit, and forced to flee for his Life to the Manse.

About Mr. *John Irvine* of *Kilmacomb*.

The Committee examined this Riot, and found nothing in it but a Freak of some idle Boys, and that it was a Matter very unworthy of such a Sputter as had been made about it. What Sentence they came to at *Glasgow*, I know not; but, I suppose they remitted this Affair to the Council: For in their Records, *June 16th*, they find *James Watson*, *James Rankin*, *John Hatrick*, and *William Sinclair*, guilty of the Tumult in *Kilmacomb*, and of hounding out of Dogs on the Minister; and the Council order them to be transported to the Plantations. And, upon the 23^d of *June*, *John Hatrick* and *William Sinclair*, because of their Youth, are liberate, upon Condition of their appearing before the Congregation, and declaring their Sorrow for abusing the Minister of *Kilmacomb*. Whether the other Two were banished, or got off the same way, I have not Information. Upon *July 14th*, I find the Storm lands upon the Parish; and the Heritors and Parishioners of *Kilmacomb* are first fined in Fifty Pounds Sterling, and then it is increased to a Hundred Pounds, to be paid to Mr. *John Irvine*; and the Lairds of *Douchal* and *Carncurran*, Two Heritors, then at *Edinburgh*, are discharged to leave the Town till they pay that Sum.

Four Youths banished to the Plantations, and the Parish fined.

It was thought that the Discoveries this Council-committee would make, might be a Foundation of taking away the *Indulgence*; but the Members of the Committee found all, or most of the alledged Disorders among the common People, were occasioned by the ill Carriage of the Incumbents. Indeed their Naughtiness, Drinking, Oaths, and Uncleanness, rendred them very hateful; and their Oppressions, and harsh Treatment of their People, had produced some Disorders: So nothing was further done at this Time against the *Indulged*.

There are Two other Attempts this Year upon the Incumbents I have met with, and shall bring them in here. *June 9th*, the Council order out Summons against the Parishioners of *Neilston*, for a Riot committed upon their Minister, Mr. *Alexander Kinnier*, and his Wife. It was libelled, That some Time in *May*, upon a *Saturday* at Twelve at Night, Nine or Ten Men came into the House, beat Mr. *Kinnier* and his Wife, and plundred the House. The Heritors are fined in a Thousand Pounds Scots, and *Alan Stuart* of *Kirkcubright* is forbid to remove from *Edinburgh* till it be paid.

Heritors of *Neilston* fined in a Thousand Pounds, for a Riot on Mr. *Kinnier*.

And, *August 28th*, I find the Parish of *Glasford*, in *Lanerk* Shire, are most injuriously fined. 'Tis alledged, that some Persons in Arms attacked the House of Mr. *James Finlay*, Incumbent there, searched for him, and plundred the House. *July 14th*, the Council fine the Parish in a Thousand Pounds Scots. The House was indeed broke by common Thieves and Robbers; some of them taken for other Crimes, and executed, at their Death confessed they had broke Mr. *Finlay*'s House; and, before their Death, declared, That to their Knowledge

Heritors of *Glasford* fined in a Thousand Pounds, because Thieves broke the Curate's House.

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there was not Two Dollars worth of Skaith done to him, and not one Person in the Parish was in the least concerned.

Some other Incidents this Year.

Proclamation against Papists, January 13.

Some other Particulars, I meet with this Year, shall fill up this *Section*, that the Subjects of the Two following may not be interrupted; and they shall be narrated just in the Order they fell out. *January 13th*, the Council publish a very good Proclamation against Papists, which is printed; and had it been prosecuted with as much Care and Application, as their Proclamations against Conventicles, and in Defence of their *orthodox* Ministers, it had been more for the Interests of real Religion. But the Prelates saw to the one and neglected the other; so, I find, the same Day the Council recommend it again to the Archbishops and Bishops, to gather up Lists of Persons who are Papists, and suspect of Popery; and that a general List be formed out of them, and laid before the Council, *January 1st* next to come. At that Time I find no Return made.

Discharge granted to General Dalziel.

With what Views a Discharge was granted, *April 9th* this Year, to General *Dalziel*, I know not; but I have before me a Copy of a Patent, which passed at this Time under the Great Seal: 'Giving and granting him, his Heirs and Executors, a full and ample Discharge and Exoneration of that Trust and Employment he had as Lieutenant-general, Colonel of a Regiment of Foot, Captain of a Troop of Horse, and a Company of Foot, and of the whole Heads and Tenor of the said Four Commissions, from *July 19th 1666*. until *April 8th 1668*. when they were recalled; declaring that he shall never be questioned, cited, or challenged for any Actings, Orders, or Deeds done, or Omissions, if any such have been, in these Capacities, by the King or his Successors, or any having Power from them.' Without doubt the General needed such a Discharge, and probably 'tis now passed with a View to his entering upon the full Possession of some of the forfeited Estates.

Mr. John Menzies, Minister at Carlawerock, leaves the Prelates.

In *July* this Year, Mr. *John Menzies*, Minister of the Gospel at *Carlawerock* near *Dumfries*, after he had for some Time observed the plain Favour shewn to Papists, and had again and again remonstrated against the Growth of Popery, to the Bishop in the diocesan Meeting, and to his Brethren of the Exercise; when he saw so many favouring Popery, and violent in persecuting Protestants, he at first withdrew from their Meetings, and at length he sent his written Testimony to the Presbytery of *Dumfries*, *July 12th* this Year, and therein he declares against Prelacy, as connected with Popery, and what he had now discovered a great Evil in. His own Paper will speak best for him. How his Testimony, which he desires may be recorded, was taken, and what followed upon it, I know not, but have inserted it, *App. N^o. 39*. We shall afterwards meet with some others, who very happily had their Eyes opened to see the Evil of their Conformity to Prelacy, and left the Bishops and their Way, from a full Conviction of this.

His Testimony given in to the Presbytery of Dumfries.

App. N^o. 39.

Discoveries made of Oppression in former Years.

Throughout this Year, new Discoveries began to appear of the Villany and Oppression of the former Years, particularly of Sir *William Bannantyne's* grievous Oppressions. I find several Heritors and Gentlemen applying to the Council, and complaining that Sir *William* and others had taken away their Rights and Evidences in the Year 1667. and craving that they may be returned: And the Council are so just, as to order their Clerks to return any of them which are in their Hands.

Hardships upon Presbyterian Ministers, before the sitting down of the Parliament.

To conclude this *Section*; When the Time of the Parliament's Sitting drew near, the Commissioner *Lawderdale* comes down about the End of *July*, and he, to ingratiate himself with the Prelates, renews the Severities against the Presbyterian outed Ministers. Upon his Arrival at *Edinburgh*, he discharges, by Proclamation, any of them from coming to Town without Licence, and that under the Pain of Death. And at the same Time, as hath been hinted at in the former *Section*, several of them who were most frequent in preaching, are cited to appear before the Council, at several Diets, in *August*. Most of the Ministers who were cited, came in as secretly as they could, to inform themselves what they were to expect: And finding that all, or many of them, were to be shut up in Prison, and banished their native Country, after several Meetings together, they resolved not to compare.

Letter from a Meeting of Presbyterian Ministers, stirring up those of their Persuasion to Prayer App. N^o. 40.

However, when together, they agreed upon the Draught of a Letter to be sent through their Brethren, and the People of their Persuasion, up and down the Country, to stir them up to more than ordinary Prayer and Supplications. And that the Reader may have a View of the excellent Spirit of these good Men, I have inserted it, *App. N^o. 40*. This Paper was very quickning and upstirring, and many were put by it to set apart Days for fasting and wrestling. The Procedure of the Parliament this Year, is what I come now to give some Account of.

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Of the Laws and Acts of the Second Session of Parliament, July and August 1670.
in as far as they concern Presbyterians.

THIS short Session of Parliament began July 28th, and continued about a Month. The Design of it, if we may judge by its Actings, was to promote the projected Union with England, and to rivet Prelacy. The first was as much despised in England, as the last was hated in Scotland. The Work of this Parliament.

Our Parliament begin with an Act empowering the King to name Commissioners to treat with England, in order to an Union betwixt the Kingdoms; and then they fall very foul upon the Presbyterians, both as a Set of People who still set up upon the Foot of Liberty, and against absolute and illimited Power, and to make their Enemies the Prelates the more hearty in the Matter of the Union, as hath been remarked. Their First Act.

Thus their Second Act, August 3^d, relates to those who refuse to depone against Delinquents; and being afterwards the Foundation of no small Trouble to the Sufferers, I have insert it, App. N^o. 41. By Delinquents they mean Church-criminals, if I may call them so; People who were alledged to be at Conventicles, Field-meetings, or guilty of Nonconformity; and all who will not turn Informers upon Oath, against their Neighbours and Friends, who heard Presbyterian Ministers, came under the Compass of this Act. Their Second Act about such who refuse to depone against Delinquents. App. N^o. 41.

The very Narrative of the Act, involves the Obeysers of it in the Maintenance of all that at this Time was comprehended under the publick Peace, and this was, by the Executors of the Law, if not the Legislators, understood of peaceable Subjection to Bishops and their Courses, and all the Oppressions the Country was laid under for their Maintenance. The same Narrative tells us further, *That the Discovery and Punishment of Crimes tending to the Breach of the publick Peace, is the Duty of every good Subject*; which is a certain Truth, had not the Subjects been under most iniquous and unreasonable Laws. But in the present Circumstances, the Sense of this Proposition is, That every good Subject is bound down, not only to inform against his Neighbour, his Father or Mother, for going to a Field-meeting or House-conventicle; but likewise to be a Hangman to every one that shall be condemned for what was now made a Crime. And, according to this Narrative, the Refusers of this give signal Evidence of their Disloyalty, and Inclination to Rebellion. Remarks upon it.

The statutory Part of the Act is pretty remarkable: Persons of all Qualities and Sexes are obliged to depone, not only before the Council, but before any other having Commission from his Majesty; which includes all the Officers of the Army, and such who were set up as Inquisitors up and down the Country. Yea, single Centinels themselves, either got or assumed this Power, of taking Oaths with respect to Delinquents. How becoming a Thing would it have been to see a Person of Quality, of the highest Quality, standing before an Ensign, Lieutenant, or single Centinel, giving Oath *super inquirendis*? It was odd to see a Parliament going in to such an unreasonable Thing; but we must cease from wondring at any Thing out of the Road of Reason and Decency, in this Period.

The special Delinquencies, narrated with a Particularity in the Act, are not Treason, Murder, Assassination, and other Crimes of an extraordinary Nature, neither were the Cases such wherein some Forms must sometimes be overlooked, in order to get the *testes necessarii*; they are Conventicles and unlawful Meetings. How far this last may extend, is more than I know. These were the atrocious Crimes against this Constitution, in which Father must depone against the Son, Husband against the Wife, Brother against the Sister, and that in all the Circumstances relative to them; not only personal Presence at them, but resetting of such, and intercommuning with Rebels. However near the Ties of Blood and Friendship be, the Parliament declare, that in Conscience Subjects are obliged to depone against all such. And present close Imprisonment, Banishment, and Deportation to the Plantations, are the Punishments appointed, not only upon a Refusal, but even a Delay to depone, in this Case. The Council are required to look after the Execution of this Act. The last Provision here is, *That no Man's Deposition against another, shall infer against himself the Loss of Life, or Limb, or Banishment.* This Clause does not appear to agree so well with their After-practice, of obliging People to declare and depone upon ensnaring Questions relating to themselves. Their Fourth Act.

The Fourth Act of this Session needs not be insert in the Appendix: 'Tis a new Proof of their deep Concern in the Persons and Houses of the Curates. It makes the assaulting the Lives, the robbing or attempting to rob the Houses of Ministers, to be Death; and a Premium of Five hundred Merks is given to the Discoverers of such; and Slaughter in apprehending

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ding them is indemnified. All Security doubtlessly ought by the Laws to be given unto the Persons and Families of Ministers; yet the Reader will notice how frequent Attempts were made, now and after this, upon the Lives of Presbyterian Ministers, and how many of their Families were scattered. Indeed these publick Robberies and Assaults were coloured over by the present Law; but that will never alter the Nature of Things. We have already heard, that there was no great Cause for making of this Law; and when the Attempts upon Incumbents came to be dipped into, they were generally found to be of no great Importance.

Their Fifth Act
against Field-
conventicles.
App. N^o. 42.

The Parliament's Fifth Act, about Field-conventicles, is so remarkable, that it deserves a Room in this Collection, App. N^o. 42. I have not met with any Acts before it, in Scotland, or any Christian Kingdom, of this Strain; and the bloody Acts which follow, are very much bot-tomed upon this. By it a Minister, preaching to a House-full of People, if some happen to be without Doors, is condemned to die. Some Remarks offer upon the Act it self, though indeed it is so unprecedented and rigid, that it needs no Commentary.

Remarks upon
it.

Upon the Matter, the Preface and Narrative of this Act have been already considered. It is a Jest to tell, That *House-meetings*, or Meetings for preaching the Gospel, are *Assemblies and Convocations of the Lieges without his Majesty's Warrant*. Every one knew, *the free Liberty of preaching and hearing the Evangel*, is again and again ratified by our Laws; and if any Thing since the 1660. ranversed these good Laws, which I see not, the *primitive Christians*, as well as these under *antichristian Tyranny*, made no Difficulty to meet for worshipping GOD, without the Protection of the Civil Magistrate, yea, against his Decrees.

The Character which follows, of the Persons who keep up and frequent those Meetings, is very unjust and groundless. Disaffected to Prelacy they still owned themselves to be, and the longer it continued, they saw the less Reason to alter their Opinion; but they never owned or approved any thing in the least seditious. The promoting of real Religion in themselves and others, and their keeping their Conscience undefiled from what they reckoned evil, was indeed before them; and they made no *specious Appearances*, since, as far as possible, it was both their Endeavour and Interest to be as much hid in their Meetings as might be, far less were they chargeable with *false Pretences to Religion*: Yea, I'll venture to affirm, That much of the real Exercise of Religion now in Scotland, was among them, and such as favoured them, and entertained a warm Love to them. That those Meetings were *Seminaries of Separation* from the Prelates, was owned; every Body knows it, and the Government it self had allowed Separation of this kind: But their being *Seminaries of Rebellion*, must be proven before it be credited. 'Tis nothing else but an old Thread-bare Aspersions, cast with equal Justice upon the primitive Christian Confessors by their Persecutors. What follows is singularly expressed, *Tending to the Prejudice of the publick Worship of GOD in the Churches*. Had it been expressed, *The Prejudice of hearing the established Clergy in the Churches*, it needed not be much controverted: But GOD's Worship ought not to be confined to the Churches, especially when thus filled. The LORD witnessed his Acceptance of Worshipping him in the Fields and Houses, very sensibly. That the Prohibition of Worshipping GOD in Houses and the Fields, especially in this bloody and antichristian Manner, *was a Scandal to the reformed Religion*, I do not question; but that the Practice of Presbyterians, here prohibited, was not so, is evident from the Practice of our own Reformers, and that of almost all the Reformed Churches, in less straitning Circumstances than Scotland was in at present. The Advisers to this and the like severe Laws, certainly cast a *Reproach on the King's Government*, and alienated the Hearts of some of the best of his Subjects from him, of which he was not altogether unsensible, when it was too late; but nothing of Disregard to the King's Person or Government, could as yet be objected against the Preachers at these Meetings.

I come forward to consider the statutory Part of this Act, which is double; against *House-conventicles*, and what now was called *Field-meetings*. Even as to the First the Act runs very hard; but as to the Second 'tis unreasonably severe. The Hardships as to *House-conventicles*, will appear in the Persons discharged, and the Penalties. It is then statute, That no *outed Ministers*, this one would almost expect, but 'tis added, *no others*, shall preach, expound Scripture, or pray *any where but in their own Family*. This breaks in upon the Rights of the Ministers of Christ through all the Reformed Churches. A foreign Minister, if he come to Scotland, must either turn Episcopal, or be persecuted for the Exercise of his Office. Here all Ministers, save the Substitutes of the Bishops, and these allowed by the Council, are discharged *to preach, pray, or expound Scripture any where but in their own House, and to their own Family*; and why not to their own Family upon the Road, or in another House? And what Reason can be given why they should not preach, &c. in another Family, where providentially they happened to be, when it did not interfere with publick Worship in the Churches? It is yet more strange to find them discharged *to pray any where but in their own House, and to their own Family*. If it must be supposed that *Preaching and opening the Scriptures*, will alienate the Hearts of Subjects from this Government; shall we think that praying in another Family will do so likewise? Must poor Presbyterians, in a sinful Time, and under a persecuted

cuted Lot, be hindred to pray together to the LORD? And if an outed Minister comes to a Family where he is desired, shall it be *Sedition* in him to pray to GOD out of his own House? This, I confess, is a *Scandal to the Reformation*, yea, to Christianity it self, and a Reproach on the King's Government, if it be the Import of the Act, as I cannot see but it is. And to end this, as it relates to the Persons, none must be present at such a Meeting for *Prayer, Expounding, or Preaching*, under the following Penalties.

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Which brings me to the other Branch of Hardships, the *Penalties*. Both Preachers and Hearers fall under the Pains of *Sedition, and Rebellion*, I think, too, for a House-conventicle. The Minister is to be seized upon, and imprisoned, till he find Caution not to keep another Conventicle, under the Pain of Five thousand Merks; a round Sum indeed, and much more than many of the outed Ministers had left them. In short, they must either bind themselves to give up their Ministerial Commission, or voluntarily banish themselves out of the King's Dominions; and all this for *praying to GOD anywhere else but in their own Houses*. The poor Hearers and Joyners, *toties quoties*, are fined; an Heritor in a Fourth Part of his yearly valued Rent, a Tenant and Labourer of the Ground in Twenty four Pounds, a Cottar in Twelve Pounds, a Servant in the Fourth Part of their Fee. And that none might escape, their Wives and Children are fined in the Half of the former Sums *respective*. The Reader shall, within a little, know what prodigious Sums were decerned against many Gentlemen, for an accumulated Number of Times they were alledged to be guilty, in the Terms of this Act. And to secure all, *they are to be imprisoned till they pay the said Fines*; yea, that they may be doubly punished for one Fault, they are to be imprisoned further, *as long as the Council sees fit*. This was a good Clause to keep them from incurring new Fines; but the Penalties do not end here. Further, to discourage these so much hated *House-conventicles*, the Master or Mistress of the House is to be *fined double the former Rates*. Yet all this did not discourage good People; but such Meetings increased, to the fretting and galling of the Prelates. *Lastly*, to be a Cover for Magistrates Persecution in Burghs, the Magistracy are most unreasonably made liable for such Fines as the Council shall inflict, for every House-meeting within the Burgh; and they are to have their Relief off the House-keepers and Hearers; and the Council are empowered to fine the Inhabitants, as they see good, to the Boot.

But the statutory Part of the Act, anent Field-conventicles, is yet more severe; and the Ministers and Meeters at them have Abundance of hard Names bestowed upon them, *maliciously wicked, disloyal, and tending in a high Measure to the Breach of the publick Peace*. One would think, the first Two are as much in House as in Field-conventicles. Field-conventicles are described to be, not only what every one would guess them to be, *Meetings in the open Fields*, but likewise *Meetings in a House for Prayer and Preaching, where more meet than the House contains, and some are without Doors*. Now what a Hardship was this, That a Minister and a House-full of People should only be punished? but if Two or Three happen to be without Doors, the Minister and Convocator must die! What Difference can any reasonable Man suppose this to make, in the supposed Crimes, answerable to the vastly different Punishments; especially when the Minister either knew it not, or could not help it, or some idle and malicious Persons, with a Design to make the Meeting Death, did gather about the Doors? Well, the Minister and Convocator of such a Meeting, *shall be punished with Death and Confiscation of Goods*. I hope the Reader will observe the Impudence and Effrontry of the Prelatick Writers, who tell us, there were no Severities exercised in the Reigns of the Two Brothers, and term them a *Time of the mildest Government*. Further, to gratify the persecuting Temper of such who pushed these cruel Acts, a Reward of Five hundred Merks is offered out of the Treasury, to such as shall *inform against, seize and secure the Ministers or Convocators of such Meetings*: And if any, in apprehending them, shall commit Slaughter, they are indemnified. Here is a Price of Blood, and a Reward of Unrighteousness. And the Reader will notice a Temptation, and a Kind of Necessity here laid upon the People, by the Prelates and their Supporters, to bring Arms with them when they came to hear the Gospel; which afterwards was punished by Death, and about which so much Noise is made by the Friends of the Bishops, and the Advocates for those Times. First they tempt, and then accuse and punish. They constrain People to bring Arms to defend their Ministers, who ventured their Lives to preach the Gospel of the Kingdom to them, as they would not see them butchered, for their Regard to their Souls; and then they declare this to be Treason. As to the Hearers at those Field-conventicles, *real and legal*, for every Fault, *toties quoties*, the former Fines are doubled, but *Prejudice of what other Punishments the Law lays them under, as seditious Persons, and Disturbers of the publick Peace*. How oft must the same Crime be punished?

As this Law in all its Points is extraordinary, so the Execution of it must be proportionably out of the common Road. Not only all Sheriffs, Stewards, Lords of Regalities, but their Deputes are empowered, yea, commanded, upon Information, to call before them all Persons within their respective Jurisdictions, whom they suspect; and upon finding them guilty, to exact the abovenamed Fines. They are indeed made accountable to the Council

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cil for the Fines of Heritors: But as a Bribe, and the Wages of Unrighteousness, all the Fines of others, are given to themselves. It must be owned this was a very effectual Way to execute this severe Act; and by the way it will be noticed, that this Clause puts me, or any who give Accounts of the exorbitant and terrible Fines and Exactions, for many Years following, upon this Act, perfectly out of Case to give a Calcul of them. No Register was kept, no Account was to be made, and all was pocketed. By this Time many of them have made a Reckoning before the highest Tribunal, whither some of them have been very suddenly called, from the very Places where they executed this Iniquity established by a Law. I could instance, but shall leave their Names to be buried with them in their Graves. And lest this Bribe should not be effectual enough, the Council are ordered carefully to enquire after, and over-look those Under-executors of this Law, and punish their Neglect, as they find Cause.

It is much this Act is not made to look back, as was the Fashion now of many of our Laws. However, lest this Omission should be improven to the Advantage of Presbyterians, the Council are ordered to look back, and carefully to punish former Faults, according to former Laws. All is shut up with the Parliament's Hopes, that this Act would do the Business of Presbyterians, either kill them, or convert them in Three Years Time, and so it is made only for that Space. And the King is impowered, as a Branch of his Prerogative, to protract and lengthen it out as he pleareth. I have taken a large View of the Contents of this Act, as containing a full Document of the Spirit of Prelates, the Severity of this Period, and the Hardships Presbyterians were under at this Time, and shall very quickly dispatch the rest.

Act 6. against
disorderly Bap-
tisms.
App. N^o. 43.
Remarks up-
on it.

Their Sixth Act is *against disorderly Baptisms*, and I have annexed it App. N^o. 43. Its Narrative I cannot well account for, unless it be from some Principles, which of late are turned so fashionable among the Prelatists, whereby all the Reformed Churches abroad, are unchurched. The Act says, *That Baptisms by Persons not publickly authorized, are scandalous to the Protestant Religion*. How, at a Time, when the whole of our Scots Management was calculated for bringing in of Popery, they, upon every Turn, hook in the *Protestant Religion*, which they had so little at Heart, I shall not determine: This I am perswaded of, That it is a Scandal to the Protestant Religion, to restrict Baptism, or make its Validity depend upon a Person's being publickly authorized by the Civil Magistrate. The Penalties upon Baptisms by any not thus authorized, are the Fourth Part of the Heritor's yearly valued Rent, a Hundred Pounds to the better Sort, and Fifty Pounds to the meaner Kind of Merchants, Tradesmen and Tenants, Twenty Pounds to Cottars, and the Half of their Fee to Servants, *toties quoties*. And all the Fines, except those of Heritors, are given, as above, to the Under-executors, to encourage them to Diligence in Persecution, when the Bishop, Curate, or any other informs. This Act was a Foundation for terrible Exactions, and the contravening of it was more easily evinced than that of the former.

Act 7. against
Separation.
App N^o. 44.

Remarks up-
on it.

The Seventh Act I have likewise added, App. N^o. 44. It is against Separation, and is both a great Foundation of the Persecution of Presbyterians, and a real Toleration to Papists. In reading the Narrative of this Law, it will appear the Law-givers take it for granted, that keeping of the Meetings for Worship, under the Prelates and their Curates, is a Compliance with his Majesty's Government, as now established in the Church, that is, as I take it, with his Royal Supremacy, and a cheerful Concurrence with such Ministers, as by publick Authority, are or shall be admitted: And therefore it is the less to be wondered at, that Presbyterians, who could not in Conscience comply with either the one or the other, under this View of the Sense of the Legislator, did withdraw. Their withdrawing was before in Law *Sedition*; but now the King is made to reckon himself in Conscience bound to go some further lengths, and so commands all his Subjects of the Reformed Religion to attend publick Worship, under the Penalties afternamed. This was, and most reasonably, reckoned a Relaxation of all the former Laws made against Papists, and a material Toleration to them. So they took it, and the Executors of the Law never touched them: But all Protestants who withdraw from their Parish-church Three LORD's Days together, are to be fined *toties quoties*, Heritors in the Eighth Part of their Rent, Tenants in Six Pounds Scots, Cottars and Servants in Forty Shillings, Merchants and Tradesmen as in the Act; and the Sheriffs, &c. are bribed to execute this, as in the Fifth Act above. And besides, they are made Judges of Relevancy as to the Excuse for Absence, though they be Parties, in all Cases, save that of Heritors, and would probably determine favourably for their own Purse. They are further impowered to take what Oaths they find needful for discovering the guilty in every Parish; which was a new Handle of Persecution, according to the Second Act just now noticed.

A pretty singular Clause is tacked to this Law. If an Heritor, Liferenter, or Wadsetter, continue a Year absent from his Parish-church, the Sheriffs, &c. are to delate them to the Council, who are to put the Bond of Nonresistance, and passive Obedience, annexed to the Act in the Appendix, to them; and upon their Refusal or Delay to subscribe the Bond, they are to secure or banish them; and their single and liferent Escheat falls immediately to

the King, and is to be intermeddled with for his Use. This both quickned the Under-executors of the Law to their Work of fining, lest the Council should take it out of their Hand, and proved, in a few Years, ruining to the Estates and Families of not a few.

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It cannot escape the Reader's Remark, that the Loss of *single and severent Escheat*, Imprisonment, and Banishment, is here the Punishment annexed to simple withdrawing from Parishes; beside the Fines the Under-exactors may have uplifted before. This is plain Oppression, merely for Conscience sake. The Council are likewise to look after the Execution of this Act, and censure inferior Judges for their Negligence: And it is to endure Three Years, and as long further as the King, *i. e.* the Prelates, pleaseth, and to be without Prejudice of Ecclesiastical Censures.

In this Parliament then, we see a very broad Foundation laid for heavy and rigorous Persecution of Presbyterians, in their Goods, Liberty and Life. The Council and Under-judges were not negligent in the Execution of those Acts, during the Eight following Years, which, together with the sending into the West Country a barbarous highland Host, to exasperate People's Spirits, all which issued in a Second and fruitless Appearance at *Bothwell*, was justly chargeable upon these unaccountable Laws, and their severe Execution. But we shall first meet with the Cunning of the Fox, going before the Paw of the Lion: And that brings me to

Those Acts are the Foundation of a severe Persecution.

SECT. IV.

Of the Accommodation proposed with Presbyterians, and other Methods taken this Year, by Bishop Leighton.

HAVING considered the rigid Measures taken this Year with Presbyterians, I come to give Account of some Attempts of another Nature made upon them, in order to shake them off their Principles, and to divide them among themselves.

Mr. Robert Leighton, Bishop of *Dumblain*, upon Archbishop *Burnet's* Demission, was made Commendator, or Administrator of the Archbishoprick of *Glasgow*; and this altered Matters a little with relation to Presbyterian Ministers who lived in that Diocese. This Man set up upon another Lay, than the rest of the Bishops. Somewhat hath been said of his Character in the First Book: I shall only now add, That he was Son to Doctor *Leighton*, who for his *Zion's Plea against Prelacy*, had his Ears cropt in *England*. The Son, from zealous violent Covenanter at *Newbottle*, by deserting his Charge there, got in to be Principal of *Edinburgh*, where he led a very Monkish Life; and after the Restoration, turn'd so courtly, as to embrace the meanest of the Bishopricks: And now, having the See of *Glasgow* in *commendam*, he affected to shew himself first pure, and then peaceable; and appoints a purging Committee for his Clergy, and then endeavours to retrieve their Credit, by bringing some of the most eminent Preachers of the Prelatical Set to the West. Towards the End of the Year, his Propotal for an Accommodation was made. A Taste of each of these perhaps the Reader may desire, and though they don't so directly relate to the Sufferings, I shall hint a little at them, since we have not the Ecclesiastick History of this Time.

Mr. Leighton now Commendator of *Glasgow*.

His Character.

When the Bishop entred upon the Administration, he finds the Country full of Complaints of the Scandals of his Clergy; and, I suppose at his first Synod, he appoints a Committee of his Underlings to receive Complaints, regulate the Affairs of Ministers, convene before them the scandalous and unworthy, make Trial of what was laid to their Charge, and to determine according as they found Cause. As far as I can learn, this Committee was not restricted to the Members of the Diocese of *Glasgow*; but Mr. *Charters*, Mr. *Nairn*, Mr. *Aird*, and some others, whom we shall find just now were brought West upon another Errand, were joyned to them: And the Council being acquainted with the Design, interpose their Authority in the Matter, by their Act August 25th. 'The Council being informed, that the Synod of *Glasgow* have appointed a Committee of their Number, to hear and take Trial of such Complaints as shall be given in to them, against scandalous Ministers; and it being expedient, that they have all Encouragement in what is committed to them, do appoint Sir *John Cochran* of *Ochiltree*, Sir *Thomas Wallace*, Sir *John Cunningham*, Sir *John Harper*, the Provosts of *Glasgow* and *Air*, to meet with them, and countenance and assist them, and be careful that their Orders and Citations be obeyed.'

He appoints a Committee to receive Complaints against unworthy Ministers.

The Council appoint Assistants to them.

Publick Intimation was made throughout the Diocese of *Glasgow*, that Liberty was granted to all, to table their Complaints against their Ministers, before the Bishop and the Assistants

Publick Intimation made sometime before.

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he had assumed. Whatever Zeal seemed to discover it self in this new Step the Bishop was pleased to take, yet no great Advantage to the Interests of pure Religion was expected by Persons who considered how Matters stood. Every Body knew, that while the Bishop was at *Dumblain*, he had as scandalous and ignorant a Clergy as in *Scotland*, and yet there, he never offered to turn one of them out.

The Committee meet in September.

When this Committee met in *September*, they endeavoured to make as narrow a Door as might be for Complaints and Delations; and in the Entry, to put an effectual Bar in the Way of Accusations, it was urged, That none should be permitted to table a Complaint against a Minister, unless he first took and signed the *Declaration*: But finding from some Lawyers with them, that they had no Warrant to require the *Declaration*, this Proposal was unwillingly laid aside. I find it remarked by some, that to discourage Complainers, they ordered that such as did succumb in the Probation of their Libel, should appear in Sackcloth before the Congregation, as Slanderers of their Minister; and accordingly, that one, in the Entry, upon his Failure in full Probation, was thus censured, *ad terrorem*. But for my own Share, I think no Body should be suffered to bespatter the Reputation of others, without Proof. Whether the Committee drove this Matter too far I cannot tell.

Many discouraged in their Complaints.

By those Things a good many Parishes were hindred from appearing against their Curates, expecting but little Justice from the Bishop and his Assistants: And where it could be got done, not a few chose rather to agree with them for a little Money, voluntarily to remove. This severals did accept of, and some went to *Ireland*, some to the North and East Country, whence they came.

Some Incumbents deposed, others transported.

However, in some Places the Probation was so clear, there was no getting by it. The Incumbent at *Killellan*, in the Presbytery of *Paisly*, was deposed *simpliciter*. His nearest Neighbour in *Kilmacomb*, of whom before, with some Three or Four others, were only transported, and removed elsewhere, although several Acts of Drunkenness were directly proven against them.

Their Procedure in the Case of Jaffrey in Maybole.

The evident Partiality of the Committee, in the Case of the forementioned *Jaffrey* of *Maybole*, made the greatest Noise. We have heard, that lately he libelled his Parishioners for an Attempt upon his Life; now they take their Turn, and libel and prove before this Committee the Crimes of profane Swearing, Striking, Fighting, and plain Drunkenness: Yet the Committee were in a fair Way to absolve him, and censure his Accusers; and would have done so by Plurality of Voices, had not the Bishop, ashamed of this, interposed, and in the Plenitude of his Episcopal Power, forbid him the Exercise of his Ministry in that Parish. Thus the Committee were either partial, or the Bishop unjust in his Censure, which was indeed generally looked on as soft, and very disproportioned to his Crimes, and both were blamed. However, the People got rid of this troublesome Guest. This is all the Account I have of this purging Committee, which made so much Noise, and did so little to the Purpose.

Some Episcopal Ministers and Preachers, of Learning and Gifts, called the Bishops Evangelists, brought to the West.

About the same Time, the Bishop took another Method to prevent any further Indulgence to Presbyterian Ministers, and, if possible, to retrieve the Credit of the Clergy, and to cast a Cloud upon the indulged Presbyterian Ministers. The Council are prevailed with to hire and send West, some of the Episcopal Clergy, whose Fame, Learning, and Preaching-gifts, might most recommend them to the People in the West-country. I find nothing of this in the Registers; but I am well informed, they had all of them Letters from the Council to go West, and a Share of the vacant Stipends promised them, or a Gratuity from the Treasury. Those were by the Country-people termed ironically, *The Bishops Evangelists*.

Their Names.

As far as I can recover them, their Names were, Mr. *James Nairn*, a Person of very considerable Learning and Gifts, but inclinable to the *Pelagian* Tenets, as was then thought; Mr. *Gilbert Burnet*, well known to the World since, first Professor of Divinity at *Glasgow*, and after that persecuted for his appearing against Popery, and for the Cause of Liberty; and since the Revolution, the learned and moderate Bishop of *Sarum*, one of the great Eyes-sores of the High-fliers and Tories in *England*, and a very great Ornament to his native Country; Mr. *Laurence Charters*, a Man of great Worth and Gravity, but not altogether so fit for a Mission of this Nature, by reason of his unpopular Utterance; Mr. *James Aird*, commonly called Bishop *Leightoun's Ape*; Mr. *Patrick Cook*, and Mr. *Walter Paterson*.

Great Expectation from this Project, but it was very fruitless.

These Persons, at least some of them, were of such Reputation and Credit with their Admirers, that it was reckoned, all the West would be profelyted by them, or at least very much exposed, if they fell not in with them; but they themselves found Matters otherwise when they came. Few Profelytes were made, and in many Places where they came, they could not have a Congregation. Two or Three hundred were the utmost, and those mostly of the younger Sort, who came out of Curiosity, and after a Day or Two left them; so that very soon they wearied of their fruitless Undertaking, and the gravest of them frankly owned, that the West-country could not be edified so well as by their own Ministers. The Indulged had not the least Hurt by this Experiment. Beside the Stipend of Parishes where they preached till they wearied, I am told, the Council bestowed liberal Rewards upon them.

The Bishop's Proposals of an Accommodation.

The last Effort Bishop *Leightoun* made, was, toward the Close of this Year, by the *Accommodation* proposed to some of the Presbyterian Ministers. The Design of this was nothing

thing else but to hook in the Presbyterian Ministers to an unperceived Subjection to Bishops: The Snare was seen, and prudently and cautiously evited. The Case of this Accommodation is already published, and in the Hands of many; so I shall only give a short Narrative of this Business. Much of it was transacted this Year, and the last Part of it in the Beginning of the next. All shall be put together in this Place.

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The King's Commissioner *Lawderdale*, at Bishop *Leightoun's* Desire, wrote Letters to Mr. *George Hutchison* indulged at *Irvine*, Mr. *Alexander Wedderburn* at *Kilmarnock*, Mrs. *Matthew Ramsay* and *John Baird* at *Paisly*, Mr. *John Gombil* at *Symington*, desiring them to come into *Edinburgh*, August 9th, this Year, upon Matters of considerable Importance he had to communicate to them. They all came at the Day, and waited upon the Commissioner at *Holy-rood-house*, where they found some of the Counsellors, Bishop *Leightoun*, and Mr. *Burnet*, about this Time made Professor of Divinity at *Glasgow*.

Mr. *Hutchison* and other Ministers called in to *Edinburgh* in August.

Lawderdale opened the Meeting, with acquainting the Ministers, that he had not heard of any Mis carriage in any of them; but he had sent for them to advise with them concerning an Accommodation, and to propose an Agreement upon joyn't Measures, which might tend to the Peace of the Church; and enlarged upon the King's great Condescension to them, and his Wishes for a complete Unity and Harmony. Bishop *Leightoun* seconded the Commissioner in a long Harangue, insisting much upon his Majesty's Clemency and Benignity, mixing in some bitter Remarks upon some alledged Evils in the Presbyterian Constitution, he had observed when among them. The Ministers made no Reply to him, this being not so proper a Place; but, on the Morrow in his Chamber, they answered his Reflections at full Length. *Lawderdale* pressed that they might give their Sentiments of the Proposal of an Accommodation betwixt the dissenting Parties about Church-government in the West. They signified that the Proposal did concern the whole Body of Presbyterians, indulged and not indulged, and declined to give their private Judgment in a Thing of general Concern, till their Brethren were consulted. They likewise desired the Proposal might be given them in Writ; which the Bishop promised, but did not perform.

Their Conference with the Commissioner, Bishop *Leightoun*, and others, at *Holy-rood-house*.

The Result of this Conference was, The Commissioner allowed Presbyterian Ministers, indulged and not indulged, to meet among themselves, to consider the Bishop's Proposal; and gave them until the First of *November*, to think upon an Answer. When the Bishop neglected to give them his Project in Writing, the Ministers, among themselves, put the Substance of it in this Shape, to be communicated to their Brethren.

Presbyterian Ministers, indulged and not indulged, allowed to meet.

Presbyteries being set up by Law, as they were established before the Year 1638. and the Bishop passing from his negative Voice, and we having Liberty to protest and declare against any Remainder of Prelatick Power retained, or that may happen at any Time to be exercised by him, for a *Salvo* for our Consciences from Homologation thereof; *Queritur*, Whether we can, with Safety to our Consciences and Principles, joyn in these Presbyteries? Or, what else it is that we will desire or do for Peace in the Church, and an Accommodation, Episcopacy being always preserved?

Substance of the Bishop's Proposal, as laid before them when met.

Accordingly, the Ministers in the South and West had a very frequent Meeting; and, after full and free Conversation, and mature Pondering of every Thing which offered in favour of an Accommodation, they all agreed that the above Concessions were not sufficient to be a Foundation of their sitting and acting in Presbyteries and Synods with the Prelates. I have seen several Papers which at this Time passed among the Ministers on this Subject: And the Writer of *the Case of the Accommodation* hath, at great Length, given the Arguments against the proposed Accommodation. The Substance of the Reasons offered against it, at the Meeting of Ministers, as far as I can reach them, was in short.

The Proposal not satisfying.

That although Presbyterian Ministers did sit and act with Bishops before the 1638. yet then Presbyterian Government was in *possessorio*, by standing Acts of Parliament not rescinded; and the Prelates were merely obtruded upon Presbyteries and Synods: Whereas now, Episcopacy is established, and Presbyteries are by Law discharged. By the Act of Parliament 1592. Presbyteries were owned to be Courts of *Christ*; the intrinick Power and spiritual Jurisdiction of the Church, and its Judicatories, Sessions, Presbyteries, Synods, and General Assemblies, was then ratified: But now that Act is rescinded, the Government and Policy of the Church is declared to depend upon, and to be ordered by the *Royal Supremacy*, as an inherent Prerogative of the Crown. By virtue of this, Bishops are allowed to assume whom they please, in Presbyteries and Synods, as more Assistants; and these Meetings now entirely depend upon the King's Supremacy, and the Prelates as his Substitutes. It was added, That the old Presbyterians made a Difference 'twixt sitting in Presbyteries with a Bishop, or his constant Moderator, and sitting with him in his *diocesan Synod*. After the pretended Assembly at *Glasgow* was ratified, 1612. and the Bishops were invested with the sole Power of Ordination and Jurisdiction, the Presbyterian Ministers, generally speaking, left the Bishops Meetings; and, as soon as Providence opened a Door, they did their utmost to be rid of the Prelates, and brought about that notable *Reformation* 1638, of which a joyning with the Bishops, as now proposed, would be a plain giving up.

Reasons of this.

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Further, as to the *Bishop's negative Voice*, the present Proposal did not appear to them clear and distinct. The Bishop had lately used it in *Jaffrey's Case*; there was no Law to restrain it; though the present *Commendator* yielded it, his Successor might claim it. Besides, the Bishop faltered a little, as to this Part of his own Proposal, in Conversation with the Ministers. When they asked him what he would do, upon the Supposition he and the Presbytery could not agree upon a Point in Debate; he answered, He would enter his Dissent against them. And when urged, Whether his Dissent would be any more than that of another Member; he declined speaking of this, and said, The Estates behaved to determine that. So his Dissent upon the Matter, seemed still to be a *Negative*, at least upon the Execution of the Presbytery's Sentence. They reckoned a Protestation against the Episcopal Constitution, while they sat and acted with a Bishop, would be *Protestatio contraria facto*, and so no Salve to their Conscience. A considerable Difference appeared to them 'twixt joyning in publick Worship with a Bishop, or such as were ordained by him, and sitting in Courts with them; since the First did not, in all Cases, necessarily infer any Approbation of the Corruptions of the Minister, or Mouth of the worshipping Society: But they could not see how to joyn in Discipline, without approving of the Episcopal Power, wherereby the Acts of Discipline were exercised. In short, though this Proposal should have taken in the Bounds of the Synod of *Glasgow*, yet the rest of the Prelates were utterly averse from it.

In Fine, the Ministers reckoned this Accommodation inconsistent with their Principles. The Presbyteries they were to meet in, were founded only upon the Bishop's Commission, which he might enlarge or straiten as he pleased: They were denuded of the Power of Jurisdiction and Ordination, which the Bishop reserved in his own Hand: They wanted ruling Elders, Officers, in their Opinion, of *Christ's Institution*. In a Word, the Bishop, in the Presbytery, was still clothed with an Episcopal Power, though he should, for a while, lay aside the Exercise of it; and they reckoned their sitting with him homologated Episcopacy.

Upon all these Accounts, and many others too long to be narrated, the Ministers most harmoniously refused the Accommodation; and such of them as before had been called in to *Edinburgh*, went back at the appointed Time. When they came, the Noblemen, and the Earl of *Tweddale* in particular, who had been very forward in this Matter, were gone to *London*; so the Ministers resolve to wait their Return, and then give their Answer, if required.

Mean while Bishop *Leightoun* assaults some of them, by Letters of the Date *November 12th* and *19th*, desiring a Conference with the *Indulged* and *Nonindulged*, and offering to explain his Proposal, and add more Concessions. He likewise pressed the Ministers to name Time and Place. Yet, it was known, that at the same Time, he was spreading Letters to some of his Friends, inveighing against the Presbyterians, for not accepting of his Proposal, though their Answer was not yet made publick. Such who received Letters from the Bishop, advised with their Brethren, who all dissuaded them from answering in Writ; but Mrs. *Hutchison* and *Wedderburn* went in to him, and expostulated with him for his Letters to his Friends just now mentioned. The Bishop extenuated the Matter, and alledged, what he had written, was some considerable Time since. They gave him to know, they did not decline a Conference, providing it was legally allowed by the Magistrate; but would not name Time and Place. At length, when he let them see my Lord *Tweddale's* Letter to him anent this, for their Part they agreed to the Meeting, which the Bishop appointed at *Paisly*, *December 14th*.

That Day Bishop *Leightoun*, the Provost of *Glasgow*, Sir *John Harper* at *Cannethan*, Mr. *Gilbert Burnet*, Mr. *James Ramsay* Dean of *Glasgow*, came to *Paisly*, and about Twenty six Presbyterian Ministers, indulged and not indulged, met with them there.

The Meeting was begun with Prayer, by Mr. *Matthew Ramsay*, eldest Minister of the Town. The Bishop opened their Conversation with an eloquent and elaborate Discourse, of near an Hour's length. He harangued upon the Peace of the Church, Evils of Division, and his own Condescension to his Brethren, with Commendations of Episcopacy, and plain enough Invectives against Presbytery. He added some Periwalives to fall in with his Proposal, and insinuated pretty open Threats, if it were not gone into.

Mr. *John Baird*, as had been concerted by the rest, spoke next, and signified, That the Brethren had seriously considered the Proposal made to them in *August*; and could not, without quitting their Principles, and wronging their Conscience, condescend to sit in Judicatories with a Bishop, under whatever Name, who is not chosen by these Meetings, nor liable to Censure from them for Malversation, and, so far as he could, retains his negative Power, and continues a Prelate; with whom they reckoned themselves bound, by solemn Engagements to God, not to comply. The Bishop said, in his usual affected Way, *Is there then no Hope of Peace? are you for War? is all this in vain?*

Mr. *Ralph Rogers* resumed some of the Bishop's Innuendo's, and Reflections upon Presbyterian Government, and refuted them. He had alledged, that for many Hundreds of Years, Bishops had never been opposed in the Christian Church, except by *Arius*. Mr. *Rogers* assured him, he could disprove this, and asserted, that the Patrons of Episcopacy would never evince, that for some Hundreds of Years there was any Bishop in the Church, who

The Ministers before mentioned give the Sense of the Meeting at the Time required, but several concerned are gone to *London*.

The Bishop preside a Meeting with Presbyterian Ministers, which they agree to, at *Paisly*, Dec. 14.

The Persons who met that Day.

The Meeting opened by Mr. *Ramsay*. The Bishop's Harangue.

Mr. *John Baird's* Discourse.

was not chosen by the Clergy, and every way accountable to them; or that there were any Archbishops, with the Power they now assume. He stated, with a great deal of Plainness, the Differences 'twixt the primitive and present Bishops; That these were still chosen by Presbyters, and those imposed upon them; these only presided, those do a great deal more; That in the primitive Times there were more than one in a City, and so could not have that Jurisdiction they now claim.

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Mr. Burnet replied, by denying the primitive Bishops mere Precedency, and asserting, there were then Archbishops really, though they had not the Name; and that more Bishops than one in a City was a Fault; and that *Augustine* regrets it.

Mr. Burnet's Reply.

Mr. Wedderburn answered, That the present Bishops were either accountable to the Presbyteries, or uncontrollable; since, in most Places, for a long Time, there were no provincial Synods: That *Augustine* complains of his Entry into a Place where another Bishop was settled, only as the Transgression of a Canon of the Council of *Nice*; which supposeth, That before that Council, the Practice was ordinary.

Mr. Wedderburn's Duply.

And whereas the Bishop had alledged, it was impossible, from Scripture or Antiquity, to prove that mere Presbyters had the Power of the Keys of Discipline; Mr. *Hutchison* took notice, That it was plain, *Christ* gave the Power of the Keys of Discipline and Government, to these to whom he committed the Keys of Doctrine; and observed, That it was undeniable that the Key of Doctrine was committed to Presbyters. No Reply was offered to this.

Mr. Hutchison's Discourse.

The Bishop rose up, and begged they might not enter upon Debates, which would be endless, and not answer the Design of their Meeting. This was gone into, only, in the Progress of their Discourse, Mr. *Alexander Jamison* reasoned so closely with the Bishop, against the Prelates Power over Presbyters, that the Bishop turned a little uneasy. His Nose fell a bleeding; whether from this or not I shall not determine, but he was forced to retire a while. Several others inclined to have entered the Lists with the Bishop and Professor, but were prevented by Declarations, that the Meeting was not for Disputes.

Debates are agreed to be waved.

Mr. *William Adair*, and Mr. *James Nasmyth*, apprehending that the Liberty taken in their Reasonings, might come to be made Use of as a Handle against the Whole of Presbyterian Ministers, moved for a Delay till to Morrow, and desired the Bishop's Proposals in Writing, to consider upon. The Bishop said, He had no Warrant to give any thing in Writ; yet, at Sir *John Harper's* Desire, Mr. *Burnet* set down the Sum of the Bishop's Condescensions, which was read *coram*, and the Bishop approved it, as containing his Mind. I have annexed a Copy, App. N^o. 45. And the Reader who desires to dip into this Affair, will find them at Length considered in *The Case of Accommodation*.

The Meeting adjourned till to Morrow.

On the Morrow, when the Ministers had considered this Paper, they found it considerably different from the Proposals made at *Edinburgh*: And they craved some Time to consider the Matter further, which was granted them; and they were told, That against the 12th of *January* next, their Mind would be expected at *Edinburgh*. Thus the Meeting at *Paisly* ended.

The Sum of the Bishop's Condescensions App. N^o. 45.

This differing from the Proposals made at *Edinburgh*, Time is allowed for the Consideration of it, and the Return to be at *Edinburgh* in *January*.

The Ministers met at *Kilmarnock* in a few Days, and unanimously agreed, That the last Propositions were more unsatisfactory than the former Proposal: And, I am told, they drew up their Mind in Writ, and nominated Mr. *George Hutchison*, Mr. *Alexander Wedderburn*, Mr. *Robert Miller*, Mr. *William Maitland*, and some others, to go in to *Edinburgh*, and deliver their Answer in Writ, if it was required; and gave them Liberty to add to it as they saw necessary. I have not seen a Copy of what was agreed to at *Kilmarnock*, neither do I find that they inclined that any thing should come from them in Writ, unless commanded by the Government, and pressed to it.

The Ministers meet at *Kilmarnock*, and find this Second Paper more unsatisfactory than the former, and nominate Mr. *Hutchison* and others to deliver their Answer at *Edinburgh*.

I have before me a Copy of some Proposals made about this Time; but whether before or after the Meeting at *Paisly*, I know not. They were not, as far as I know, agreed to by any Meeting of Ministers, but drawn up by some private Hand, as a counter Proposal to Bishop *Leightoun's*. How far they would have satisfied all Presbyterian Ministers in their present Circumstances, *pro tanto*, I shall not say; but I have insert them, App. N^o. 46. as what may give some further Light to this Affair.

A counter Proposal to the Bishop. App. N^o. 46.

These Brethren who were nominated, came in to *Edinburgh* against *January 11th*, 1671. where they found the Chancellor, Duke *Hamilton*, Earl of *Tweeddale*, and some other Counsellors, with Bishop *Leightoun* and Mr. *Burnet*. There were Two Meetings at *Holy-rood-house*, upon the 11th and 21st, and the Ministers had several Conferences more privately with the Bishop, and sometimes with some of the Noblemen. I have seen Two written Accounts of what passed at *Edinburgh* at this Time; one drawn by the Bishop, which is answered in the *Appendix to the Case of Accommodation*; and another drawn by some of the Ministers who went in to *Edinburgh*. 'Tis needless to swell the *Appendix* with them.

The Ministers make the Return at *Edinburgh*, in *January*.

In short, the Ministers declared the Bishop's Proposals unsatisfying to them and their Brethren; and narrated some Reasons why they reckoned them so. The Bishop, at one of the Meetings with the Chancellor, offered a Dispute with them. Mr. *Hutchison* very modestly declined this, observing that he was not *in tuto* to dispute against Episcopacy, by reason of the

And declare the Proposal unsatisfying, and give Reasons.

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the standing Laws, discharging Speaking or Writing against it, or arguing for Presbytery, under the Pains of Sedition. Mr. *Burnet* insulted a little upon this, and jeered them, because they would not appear in their Cause, which they called *the Kingdom of Christ*. Upon this Mr. *Wedderburn* accepted the Challenge, providing the Chancellor and Counsellors present would allow him; and offered to prove Presbyterian Principles to be agreeable to Scripture, Reason, Antiquity, and the Judgment of our Reformers from Popery: But the Allowance was not granted; so this proposed Accommodation broke up.

C H A P. VI.

1671.

Of the State and Sufferings of Presbyterians in the Year 1671.

A general
View of Mat-
ters this Year.



HIS Year does not afford so much Matter for a History of Sufferings, as many in this Period; and therefore I shall dispatch it the more quickly, without breaking it into Sections. The indulged Ministers have their Hardships growing upon them, their Brethren, the outed Ministers, are likewise brought into Trouble; the Persecution is continued upon the Account of Conventicles, and several Gentlemen, formerly confined, are hardly enough dealt with in their Prisons, for their alledged Accession to *Pentland*; Popery in the mean time is very much increasing. These Things, with some other incidental Matters this Year, I shall give some brief Accounts of, that the State of the Church of *Scotland*, under the Cross, Year after Year, may the more plainly be seen.

The Refusal
of the propo-
sed Accommo-
dation impro-
ven against
Presbyterians.

It hath been already observed, that the real Design of the Accommodation, which broke up in the Beginning of this Year, was to ensnare Presbyterians; and when they refused to come into the Net, great Care was taken to represent them as unreasonable Men, and a Party who had nothing to say for themselves; while they were not allowed to speak in their own Cause the present severe Laws putting a Bar upon them. The Bishops took Care to improve this Occasion, to continue the Stop which was put to indulging any more Presbyterian Ministers, and to bring new Difficulties upon such as were already allowed.

Restrictions
upon the in-
dulged Mini-
sters strictly
urged.

The Restrictions and Limitations laid upon the indulged Brethren this Year, were put to a pretty strict Execution. I find it observed by some, that *Lawderdale*, who with some Opposition got the *Indulgence* passed, had some Difficulty to get it kept up; till it came to appear, that People began to split upon this Head, and Divisions to creep in, and then the Limitations were but little pressed, and their Disturbance came to be but very small; only some of the inferior Clergy fretted, and reflected upon *Lawderdale*, as in Heart a Presbyterian, because he supported the *Indulgence*.

Act of Coun-
cil confining
the indulged
Ministers to
their Parishes.

When the Accommodation was at an End, *January 26th*, the Council make an Act, confining all the Indulged, who kept not Presbyteries and Synods, to their Parishes. It is but short, and as follows. 'Forasmuch as the Lords of his Majesty's Privy Council, in pursuance of his Majesty's Royal Pleasure, signified to them by his Letter, *June 7th, 1669.* did, by their Act of *July 27th, 1669.* ordain all such outed Ministers, as should be allowed to exercise the Ministry, to keep Kirk-sessions, Presbyteries, and Synods, as was done by all Ministers before the Year 1638. and did declare to them, That such as should be allowed to exercise the Ministry, and should not obey in keeping of Presbyteries, should be confined within the Bounds of the Parishes where they preach, ay and while they give Assurance to keep Presbyteries: And the said Lords being informed, that hitherto Obedience hath not been given to the foresaid Act of Council, do therefore command and require all and every one of these Ministers, allowed by Order of Council to preach, to keep Presbyteries in Time coming: And do hereby confine all those who shall not give Obedience, in keeping Presbyteries, within the Bounds of the respective Parishes where they preach: And ordain

ordain Extracts of this Act to be sent to every one of the said Ministers, that none of them pretend Ignorance.

1671.

It was hard enough to confine any Subject without a Fault, and yet not disagreeable to the arbitrary Measures of this Time; but it looks yet worse to confine Ministers, unto whom they pretend to be allowing Favours, merely for Conscience Sake. This Confinement, at first View, may seem to be no great Hardship; yet, if we consider how many necessary Affairs might suddenly call them elsewhere, and what Time and Labour it cost to apply to the Council upon every Emergent, this State will not appear very desirable. I shall but instance one Case. June 22^d, Mr. John Bell, Minister at Ardrossan, being confined to his Parish, his Father, living within a Mile of him, falls sick, and he must apply to the Council to visit his dying Father. They allow him indeed, by their Act of the above Date; but with a proviso, that he go to no other House without his Parish, in coming and going. This may discover to us the Hardship of this Act.

Remarks upon it.

And to give all I meet with, as to this Confinement, together, the Council, October 3^d, are pleased to allow Mrs. Hutchison, Wedderburn, Miller and Mowat, Liberty, notwithstanding their Confinement, to travel, as their Affairs call them, till November 1st. And, November 9th, Mr. Robert Douglas and Mr. Robert Hunter's Liberty is continued to February 1st, next Year. November 28th, they take off Mr. Gemmil, and Mr. Spaldin's Confinement till February 1st. And in January and February next Year, Mr. Hutchison, Mr. Douglas, and Mr. George Johnstoun, have some Liberty granted them. I only notice these Hints, to shew the Strictness of the Act, and the Trouble Ministers were put to.

The Council dispense with this Confinement, in Mr. Hutchison and others.

Again the Indulged were put to no small Trouble to get up their Stipends. They had Warrants many times to ask of the Council, for getting Payment from the Collector. So I find, February 2^d, Mr. Thomas Black, indulged at Newtyle, gets a Warrant from the Council to the Collector, for Eight hundred Merks, not paid for the Year 1669. And, April 6th, upon their Petition, Mrs. Ramsay and Baird at Paisly, get the same Warrant, to be paid out of the vacant Stipends that Year.

Indulged Ministers put to Trouble in getting their Stipends.

In July, the Council come to ease themselves of this Trouble, and 'tis moved there, to pass a general Act for the Payment for the Year 1670. The Bishops struggled hard to prevent this. Leighton violently pressed, that their Liberty might be taken from them, since they had broken their Rules. The Noblemen urged, That if the Indulgence were taken away, Conventicles would be yet more frequent, and the Council troubled every Day with Complaints, and the Country run into Confusion: So this was waved. The Bishop of St. Andrews, and others in Council, violently opposed the Warrant for granting their Stipends; so that with Difficulty it was carried: And, July 6th, an Order is given to the Collector of the vacant Stipends, 'To pay the Ministers allowed to preach, the Stipend 1670. retaining in their own Hand the Proportions to be paid to poor Scholars, and the Clerks of Synods and Presbyteries.'

A general Act passed about the Stipend of the Indulged, with the Efforts of the Bishops to have the Indulgence removed.

Their Carriage, as to the 29th of May, was a Pretext to the Prelates to argue against paying their Stipends. None of them kept that Day as required by the Act of Parliament. When the Day for their Week-day's Sermons happened that Time, they preached; and, it was alledged, some of them appointed their Sermons that Day of the Week upon which the Twenty ninth Day of May was to fall upon, to evite Trouble: Others had Diets of Examination that Day; and others chose to baptize Children, or marry some of their People that Day, and explained some Portion of Scripture to their Hearers. Great Clamour was raised against them, for not keeping the Day in Terms of Law; and they were represented as disaffected to the King's Government, and not willing to commemorate his happy Restoration; whereas several of them had been very active in it, while some of the present Bishops had complied with the Usurper, and every Imposition which came about. Their Scruple did not ly at the King's Government, but against all anniversary Days whatsoever. To please the Bishops, a new Command is given to them to keep that Holy-day in Time to come; and the Council resolve to be very strict in examining how 'tis obeyed.

Their not keeping the 29th of May objected against the Indulged;

Their continuing to lecture, notwithstanding the Act of Council discharging it last Year, was another Handle to the Enemies of the Indulged in the Council, and much insisted upon. They continued, as hath been narrated; and the Issue the Council comes to, July 6th, concerning this, is: 'Being informed, that the Ministers allowed to preach, do not keep the Council's Act anent Lecturing, the Sheriffs are ordered to take Trial thereof, and send in the Names of such as contravene, to the Council.' Thus the Matter is put off for some Time.

And their continuing to lecture.

Other Ministers, besides the Indulged, were brought to Trouble this Year. Mr. John Menzies, of whom last Year, being cited to appear before the Commissioner in ----- last, to answer what should be laid to his Charge, compeared, and was confined to his Chamber in Edinburgh. When he had continued there a good Time, and no further Notice was like to be taken of him, he went Home, and preached to his People. Upon the 14th of January, the Council find he hath broken his Confinement, and preached at his Kirk of Carluarock, and order him to be charged to compear before them that Day Fortnight, under

Mr. John Menzies, Minister of Carluarock, brought to Trouble.

1671.

The outed Ministers brought to Trouble for not keeping their Parish-churches.

They are complained of for baptizing Children; with the Council's Act upon this.

Persecution for Conventicles this Year.

Committee of Council to consider what further is to be done about Conventicles.

Council's Order about them.

Mr. Hastie and others before the Council, for Conventicles last Year.

Able Episcopal Ministers to be transported from other Places to the Vacancies in the West.

The Council recommend it to the Bishops to plant Vacancies *jure devoluto*.

The Case of Presbyterian Gentlemen this Year.

under the Pain of Rebellion. I find no more about him in the Council-registers, and can give no Account how his Process ended.

The outed Ministers, who were every way peaceable, and kept no Field-conventicles, are complained upon to the Council, for not keeping their Parish-churches, in Terms of the last Act of Parliament; and an Order is sent 'To the Sheriffs of Lanerk, and Renfrew, March 9th, to acquaint any of the outed Ministers living in their Bounds, that it is the Council's Pleasure, they either keep the Churches where they live, or remove with their Families, to Places where they will keep it; and if they do not obey, that they imprison them.' This Act put them and their Families to no small Trouble and Charges.

Further Complaints are made against the outed Ministers, for their baptizing Children. I find the Council make diligent Enquiry about this; and, when it could not be so easily proven, the Council first put over the Parents into the Hands of the Bishops, and then require the Sheriffs to make Enquiry into this Matter. June 29th, 'the Council being informed of many disorderly Baptisms, and of some who do not baptize their Children at all, require the Bishops to proceed against them by Church-censures, and report their Diligence to the Council.' What Report they made, I find not; but, it would seem, their Censures were not much regarded: And therefore, October 3^d, another Method is taken. 'The Council considering the many disorderly Baptisms that are abounding, appoint the Sheriffs, Stewards, and Lords of Regalities, to call for the Session-books of each Parish, and consider which of the Children in every Family have been orderly baptized, and which not, and uplift the Fines.' Upon this, a great many were brought to very much Trouble, and sore oppressed in the exacting of their Fines.

This Year likewise, the Advocate, who was a zealous Agent for the Bishops, pressed much the Execution of the Acts made against Conventicles: Severer could scarce be made than those of the last Session of Parliament; and the Application of them was left to the Council. I do find, about this Time, others of the leading Persons were also very violent: Some were prosecuted for Conventicles, but they were not many who fell into their Hands. However, I shall set down what passed in Council against Conventicles this Year, as far as I have noticed it.

Upon the 2^d of March, the Council nominate a Committee, Archbishop of St. Andrews, Duke Hamilton, the Earls of Argyle, Linlithgow, Tweddale, Kincardin, Dundonald, President, Advocate, Treasurer-depute, (now my Lord Haltoun, Lawderdale's Brother, the Lord Bellenden having demitted in February last) and Register, to consider what is further to be done for suppressing Conventicles, and disorderly Field-meetings, and punish Withdrawers from Ordinances, and quickning those entrusted with the Militia to their proper Work.

Upon the 7th of March, the Council order (which I take to be the Mind of the Committee) 'The Commissioners of the Justiciary, viz. the Justice-general, Justice-clerk, and Five of the ordinary Lords of the Session, to take up Dittay against the Contraveners of the Acts against Conventicles, irregular Baptisms, and Separation from the Church, and cite them before them.' What they did I know not, but I find nothing relative to this in their Registers this Year.

The 7th of March, the Council cite before them the Cautioners of Mrs. Alexander Hastie, Stobie, Adam, &c. for being at the Conventicle at Beeth-bill last Year, to produce those Persons for whom they were bound Sureties. And upon the 9th of March, Mrs. Hastie, Stobie, Adam, &c. compare before the Council, and are ordered to attend the first Meeting, in May. But I find no more of them this Year.

In order to prevent Conventicles, and retrieve the Credit of the Conformists in the West, the Council at the same Time deal with Patrons to plant Vacancies there. And, March 9th, they write a Letter to the Archbishop of St. Andrews, acquainting him, that they have recommended it to the Duke of Hamilton, and other considerable Patrons in the West, to use all Diligence to get their Churches planted with the most able and godly Ministers; and desire the Primate, that if they give Calls unto, and present any Ministers in his Diocese, that they be speedily loosed, and sent West at their Desire. Perhaps this is another Overture coming from the forementioned Committee.

Whether this Proposal paves the Way for their Act July 6th, or if they found the former Method did not answer their End, I know not: But that Day, 'The Lords of Privy Council finding Patrons very slack in planting Parishes, to their great Hurt, they recommend it to the Bishops to plant all the Vacancies in their Dioceses, *quamprimum, jure devoluto*.' This was indeed the more effectual Way; yet I don't find the Choice the Prelates made, was satisfying to the Country; for Conventicles continued, and the Churches of the Curates were very thin. In short, the outed Ministers preached as they had Opportunity, and, notwithstanding all the severe Acts made last Year, neither Ministers nor People were much discouraged.

I come now forward to consider the Circumstances of some Gentlemen of the Presbyterian Perswasion this Year. 'Tis rather the End of a long Tract of Sufferings, than a Branch of them, when I notice, that excellent Gentleman Colonel Gilbert Ker, gets Liberty to come back

back to his native Land at this Time. February 16th, the Council, in consideration of the King's Letter read this Day, allow Colonel Gilbert Ker to reside in Scotland, he giving Bond to behave himself peaceably and loyally, under Penalty of Five hundred Pounds Sterling. This good Man was, at the Restoration, so threatened by the Managers, that he took upon him a voluntary Banishment, and was much under Hiding till this Time.

1671.

Colonel Gilbert Ker allowed by the King to come home to Scotland.

George McCartney of Blacket in Kirkcudbright, fell under very sharp Sufferings this Year; and I shall give them all together in this Place, and they will lead me in to touch upon some Attempts upon other Gentlemen with whom he is claiied.

Sufferings of George McCartney of Blacket.

Upon the 2^d of March, Sir Charles Erskine, Lord Lyon, gets a Commission from the Lords of the Treasury, Rothes, Lawderdale, Tweeddale, Kincardin, Dundonald, Halkoun, and Sir Robert Murray, to intromit with the Estates, Goods, and Gear of such who were forfeited for the Rebellion 1666. within the Shires of Dumfries, Wigton, and the Stewartry of Kirkcudbright, for the Year and Crop 1670. and the following; and to call Maxwell of Milntoun, and other Intromitters before that Time to an Account, and report, and make his Accounts to the Lords of his Majesty's Treasury. I need not insert the Commission at full Length, a Copy of which is just now before me; but the Gentlemen specified are, McClellan of Barscob, McClellan of Barmageichan, Cannon younger of Mandrogate, John Neilson of Corfack, John Gordon of Knockbreck, Robert Gordon his Brother, Major John McCulloch of Bornholm, Mr. Alexander Robertson, George McCartney of Blacket, Gordon in Porbreck, Cannon of Barnshalloch, Welsh of Cornlee, Gordon of Holm, ----- of Skair.

Lord Lyon gets Commission to intromit with the forfeited Estates in Wigton, &c.

We have met with all of them formerly, save the Gentleman of whom I am now to give some Account, Mr. McCartney of Blacket. The Tenants and Relations of the rest were grievously persecuted; and all the rest had been forfeited, as we heard before, but Blacket was not, and his Treatment was most illegal: How his Name came to be in the Lyon's Commission I cannot tell. He was a pious worthy Man, and, by some base Measures or other, his Name was got in; and this cost him a vast deal of Trouble and Charges. I shall here take Occasion to set down his Sufferings all together, from an attested Account in my Hand, and some of his own Papers.

Blacket not forfeited, yet brought to much Trouble.

His Father was fined in Middleton's Parliament, in Fifty Pounds Sterling, besides Riding-money, a Hundred and eighty Pounds Scots, which he was forced to pay; and was imprisoned in Kirkcudbright, and died in Prison. After Pentland, though the Son, whose Sufferings I am now accounting for, was neither forfeited nor declared Rebel, Maxwell of Milntoun elder came and took away his Horses, to the Value of a Hundred and sixty Pounds, merely as a suspected Favourer of Pentland People, and a Nonconformist to Prelacy. At the same Time his House was spoiled, his Hay and Corn, and his Lady's wearing Clothes taken away, at a modest Computation, Four hundred and ninety four Pounds, Thirteen Shillings and Four Penies. Sir William Bannantyne came next, and exacted a Bond of Five hundred Merks. In the Year 1668. a Party of Soldiers came and plundred his House, and took away a Horse; the Loss by both was at least a Hundred Pounds. Some Time after Major Cockburn came from the Garison of Dumfries with Eighty Horse, and stayed Two Days at Blacket's House: They turned down the Corn-stacks, and put the Horse into the Stack-yards, and destroyed the Corn and Fodder, and killed a good Number of Beasts; the Loss at least was Two hundred and twenty six Pounds, Thirteen Shillings and Four Penies Scots.

His Father's Sufferings.

His own after Pentland tho' not there.

This Year the Lord Lyon came upon the foresaid Commission, and would have had Blacket compounding with him for his pretended Gift of his Estate; which he refused, and so was carried into Edinburgh Tolbooth Prisoner. From some Letters of Blacket's in the Prison, and his Information and Petition to the Council before me, I could give a large Account of the Injustice of his Imprisonment, and the Process against him; but it would run too great a Length. In short, after several Petitions to the Council, at length his Case was considered; and, upon his Information, his Circumstances appeared so favourable, that it was remitted to the Advocate; and upon Blacket's producing of the Books of Exchequer and Justiciary, with the Two Acts of Indemnity, it was evident he was neither forfeited, nor an excepted Person. This was reported, and his Liberation granted, upon his giving Bond to answer when called for. Yet he was still detained in Prison, and upon Enquiry, he found that he had been liberate, but that Council-day Matters were so throng, the Clerk forgot to minute it, and since that Time he durst not speak of him. However, the Clerk assured him, that the Advocate who appeared friendly to him, desired him not to petition any more, and assured him he would take the first Opportunity to liberate him. What Truth was in this Message I know not, but he continued in Prison Six Years, and that without any Fault, and much of it after the Council had liberate him. His Charges for Bails to the Council, to the Lyon, to Advocates, Agents, Maintenance, and Jaylor-fecs, at a modest Estimate, were not under Twenty two hundred Pounds.

This Year he is carried Prisoner to Edinburgh, his Trouble there, continues in Prison Six Years.

When he was in Prison, the Lyon sent and displenished all his Ground, and took Horses, black Cattle, Sheep, &c. and displenished his House and whole Lands, and laid them waste Five Years; so that not one might stay one Night upon his Ground. The Rent of his Lands

His Estate seized.

1671.

was Six hundred Merks yearly. This, with his other Losses was at least Twenty four hundred Pounds. After he was let out of Prison, *David Graham*, Brother to *Claverhouse*, with a Party of Soldiers, came and stayed at his House, took his Horses and Corns, kept Garifon some Weeks in the House, which amounted to Three hundred and seventy three Pounds, Six Shillings and Eight Penies.

His Losses
afterward.

And, for Nonconformity and Noncompearance, and such Crimes, my Lord *Livingstone* got a Gift of his Estate. His Factor carried away a Hundred and sixty Bolls of Corn, with Fodder, Hay, and Horses, which together with my Lord's Intromission with the yearly Rent of *Blacket* for Five or Six Years before the Revolution, amounts to Three thousand five hundred and sixty six Pounds, Thirteen Shillings and Four Penies. The total Sum of this Gentleman's Losses, during this Time of heavy Persecution, besides his being impaired in his Health, and great Hardships, is Nine thousand eight hundred and twenty seven Pounds, Sixteen Shillings.

Bedlane continues Prisoner in *Dumbarton*.

Kersland is sent to *Aberdeen*.

This Year likewise, Mr. *John Cuninghame* of *Bedlane* continues Prisoner in *Dumbarton* Castle. The Council, *February* 16th, allow him to ride out some Miles every Day for his Health, he giving Bond of Ten thousand Merks, to return to the Castle at Night. The Laird of *Kersland*, whom we had likewise before, was joynt Prisoner with *Bedlane* in the same Place. He petitions the Council, *September* 5th, that he may be allowed to go to some Place, where his Children and Family may live, and be educated at Schools and the College; and is sent to the Tolbooth of *Aberdeen*: And, in *December*, I find him brought from thence to *Stirling* Castle.

Papists are increasing.

Under all this Severity to Presbyterians, our *Scots* Prelates never once pointed their Zeal against Papists, who for several Years, especially since the last Act of Parliament, which was a Kind of Toleration to them, were increasing very fast. In the North the Mass-houses were openly set up, and as openly frequented: And Shoals of Priests came over with large Cargoes of *Reliques*, *Pictures*, *Beads*, and such like Trinkets. Considerable Numbers of *Father Turbevill's Manual of Controversies*, were brought over, and distributed gratis, which did a great deal of Hurt.

The Council do somewhat against them.

The Council indeed, in *August*, give an Order to apprehend Four Popish Priests, they were informed were come over, and trafficking in *Murray*. This flowed from the Application of some well affected People there; but great Numbers of them were nearer themselves, and I can scarce say they were lurking in *Edinburgh*. And, in *January* following, the Council appoint the Earl of *Argyle*, and the Register, to seize some Popish Books and Trinkets, that were in a Ship lately come into *Leith*.

The Episcopal Ministers in the North preach, and Mr. *John Menzies* writes against Popery.

The Primate's Expression about Papists.

Indeed the Conformist Ministers in the North, where Popery was most open and barefac'd, were not altogether wanting upon their Part: Not only did a good many of them preach against Popish Abominations, and the learned Mr. *John Menzies* at *Aberdeen* print against them; but this Year and the following they made several Representations to the Bishops, and Applications to the Council, complaining heavily of the Growth of Popery: Yet their ghostly Fathers gave them but sorry Assistance at the Council-board. Had it been a Complaint against a Presbyterian Minister, 'tis probable they would not have failed them: But Representations against Papists were very much overlooked; and we must cease to wonder at it, when the Primate had the Impudence to say one Day in Council, *That his Majesty's Government was by far in greater Hazard from Presbyterians than Papists; and that it was his Opinion, the Council ought more narrowly to look to Presbyterian Meetings, in which they were very slack, although the great Danger lay there.*

Intrigues carrying on at this Time in favour of Popery by the Dutchess of *Orleans*.

The *Dover* Interview.

If the Archbishop was let into the Intrigues at this Time carrying on, and the secret Springs now at Work, perhaps he spoke what he thought was Matter of Fact: If he knew the Secret of the Dutchess of *Orleans* her coming over *May* 16th, last Year, and her leaving one of her Maids of Honour, afterwards Dutchess of *Portsmouth*, with her Brother, who did very effectually manage the Interests of Popery at Court: If he was acquainted with what hath been since published in *French*, in the *Histoire du Palace Royal*, and likewise in *English*, That, at the *Dover* Interview, Articles were agreed upon, 'For settling the Crown not very favourably for the reformed Religion; for the Destruction of the hated Republick of the united Provinces; the advancing of absolute Power in both Monarchies; the cajolling the Church of *England* for a Time; the Persecution of Dissenters, and an Introduction of Popery, in all prudent, cautious, and yet quick Methods: I say, if the Bishop was privy to this, he spoke not altogether without Book. It may be indeed, he was not let into these *Arcana* of Popery, and he spoke merely in a Fret, Pique, and Spite at Presbyterians, as Apostates generally do. Yet if the Character left us of the Man, and his Principles hold, he had very little to hinder him from giving in to such Measures; and whether of Design or not, I do not determine. It is certain, his Practice for many Years, paved the Way for the Execution of this dreadful Scheme.

The Negotiations 'twixt

And because several of my Readers may be Strangers to what was now upon the Anvil, for the Introduction of Popery into *Britain*, as well as Tyranny; it may not be altogether

amiss to give an Abstract of what hath been since discovered of the Negotiations between France and England. Though it seem a Digression from the History of our Sufferings, yet when I consider the Severities against Presbyterians, as coming from Popish Principles, and Papists behind the Curtain, and pushed on by the Prelates, who appeared none of the greatest Enemies to Popery, and by this certainly paved the Way for its Reintroduction; it cannot be altogether out of the Road. And I shall mostly take my Account from the *Secret History of Europe*, the Author of which brings Vouchers for what he advances, and so, though nameless, may be depended upon.

The Account of the Intrigues about this Time in England, first by Monsieur Corbet, and after by the Dutches of Orleans, were drawn up by the Abbot de Primi, who was employed by Colbert, and well paid to write his Memoirs. There were only Two Books of Ten published, both in French and Italian, 1682. At Paris, the English Envoy, the Lord Prestoun, gave in a Memorial against the Abbot's Book; the Book was stopped, the Copies already published were suppressed, and the Author was sent to the Bastile.

In what is published by the Abbot Primi, we may smell out pretty much of the Secret: Hetells us, 'King Charles signed a private Treaty with France, and to give him further Assurance in that Matter, Henrietta of England, Dutches of Orleans, Sister to the King of England, and Sister in Law to the King of France, crossed over to England, 1670. and in the Name of the most Christian King, made a Proposal to her Royal Brother, of ensuring to him an absolute Authority over his Parliament, and re-establishing the Catholick Religion in the Three Kingdoms of Scotland, England and Ireland: But with the same Breath she gave him to know, that in order to compass this End, there was a Necessity above all Things, of lowering the Pride and Power of the Dutch, and reducing that State to the narrow Compass of the Province of Holland, of which the Prince of Orange should be Sovereign, or at least perpetual Stadtholder; the Execution of which Project would be easily accomplished by the Two powerful Princes strictly allied. By this Scheme the King of England should have Zealand for a Place of Retreat in case of Need, and the King of France the rest of the Netherlands, if he shall be able to conquer them.' Here the Abbot who was let into Monsieur Colbert's Papers, opens up the Project now on Foot, very plainly.

The same Author tells us, That the French King furnished King Charles with Money to equip a Fleet: And the Author of the *Histoire de Corn. & Joan. de Wit*, says expressly, 'That King Charles would not sign the private Treaties with France, till he had actually received the Money promised him, viz. Six Millions in Hand, and Three hundred thousand Crowns a Month during the War.' This explains to us an Article of One of the printed Letters of Monsieur Colbert, to Monsieur Turenne, where he tells him, 'I have at last made them (in England) sensible of the whole Extent of my Master's Liberality.'

Many other Proofs might be adduced for the Reality of this secret Dover League, for the Destruction of the Protestant Religion, and Holland. There was an Opera prepared at Paris for the Dutches of Orleans, at her Return from England, which points very clearly to this. Monsieur St. Ange the Author, addresses her thus. 'Tis from your heaven-like Wisdom to manage your Royal Brother's tender Soul, that we expect the happiest of Consequents. 'Tis from the Torch of your Love to the Catholick Apostolick Church, we hope to see his Britannick Majesty's Zeal to the ancient Religion of his Ancestors, take Flame by the Sympathy of a nearest Relation. We long with somewhat of Impatience for the happy Result of your Consultations: And we doubt not to see the Monster Heresy, grovelling at our invincible Monarch, and your Brother's Feet, expiring in Chains.'

Monsieur du Pellion in his Panegyrick upon the French King, printed 1673. hath this Passage. 'Your Zeal to the Catholick Religion hath appeared in a Thousand Instances to the World in its Meridian Brightness. What Foreign Alliances have you not made for the Support of the true Catholick Religion, even where Heresy has been triumphant?'

The Effects of this Dover League promised so much to the Interests of Popery, that the Expectations of Papists were every where raised from it. The Preface to the Life of Cardinal Barbarini, printed at Venice, 1677. hath these Expressions. 'We have no Reason to doubt but Almighty God is on his Way to rebuild his Church, in those very Places where that Monster Heresy is rampant; what may we not hope for from the Zeal of the present Catholick Princes of Christendom? particularly from his most Christian Majesty, whose great Soul is best capable to venture upon that Hydra. The strict Friendship between him and his Britannick Majesty, with that King's mild Inclinations, and Conduct towards his Catholick Subjects, joyn'd to his Brother the Duke of York, his fervent Zeal to Religion, gives us the pleasant Prospect of better Days, even in that once blessed Island.'

These Confessions of Parties, with the shrewd Presumptions of poisoning the Dutches of Orleans, in a very little after she return'd to Dover, lest she should tell Tales, and from other Reasons I will not name, give abundant Ground to think a deep Plot was laid for overturning the Reformation. And if our Managers in Scotland were let into it, we need not wonder

1671.
England and
France in fa-
vour of Popery.

The Abbot de
Primi his Ac-
count of them.

The Heads of
it.

Hints of this
from other
Writers.

Monsieur St.
Ange his Opera

Monsieur de
Pellion's Pane-
gyrick.

The Life of
Cardinal Bar-
barini.

1671.

Council's Act
about *Jus po-*
puli vindicatum.

der at their Lenity to Papists, and their Severity to Presbyterians; and our Prelates violent pressing the Execution of these iniquous Laws, paved the Way for ripening this dreadful Project.

I have now gone through what offers to me this Year, of any great Importance. Two or Three more Particulars I shall add in so many Words. Upon *January 12th*, the Council fall foul upon the Book, which is now in every Body's Hand, published in *Holland*, entituled, *Jus populi vindicatum*. Their Order runs, 'Information being given of an incorrect *New Testament*, printed by *Andrew Anderson*, the Council remit it to a Committee; and they are to enquire for the Sellers and Spreaders of a seditious Pamphlet, entituled, *Jus populi vindicatum*. And, I find, *February 16th*, a Proclamation published, discharging that Book, in the Form we have seen in like Cases, and ordering all who have any Copies in their Custody, after the Time prefixed, to be fined in Two thousand Merks. I find likewise the same Zeal leads them, *February 2^d*, to appoint a Committee for enquiring into the Authors, Sellers, and Spreaders of a Pamphlet, entituled, *Jus regni*; but I find no more about it afterwards.

Patrick Wilson
justly banished
for marrying
Persons irreg-
ularly.

A pretty singular Case falls in before the Council, *June 14th*. '*Patrick Wilson* Writer in *Edinburgh*, is found to have joyned Two Persons in Marriage. The Council very justly find he hath incurred the Pains in the Act made against disorderly Marriages, and that he hath usurped the Ministerial Function, and banish him to the Plantations, and order him to the Pillory in the mean Time.'

Mr. David
Houston's divi-
five Courses in
Ireland.

This Year, I find, the Presbyterian Ministers in *Ireland* are much troubled with the diverse and irregular Practices of *Mr. David Houston* a Preacher in *Ireland*, who came over here, and joyned the Society-people, a little before the *Revolution*, else I should not have noticed him. The Presbytery of *Rout* declare his Licence void, and discharge him to preach the Gospel; and, in some few Months, he comes in and owns his Irregularities, and promises Subjection, and acknowledges the Justice of the Sentence. Yet afterwards the Divisions continue.

Sir James Dal-
rymple of Stair
a Privy Coun-
seller.
Laird of *Lee* Ju-
stice-clerk.
The King buys
the *Bass*, and
turns it to a
Prison.

In short, in the Beginning of this Year, *Sir James Dalrymple of Stair* is admitted a Privy Counsellor; and, towards the End of it, the Laird of *Lee* is made Justice-clerk; and, in *October*, *Lawderdale* is made Captain of the Rock of the *Bass*, which is bought by the King, and turned into a Prison. Eighteen Soldiers, besides Officers, are placed in it; and we shall afterwards meet with many good People crammed up there.

It was the Earl who prevailed with the King his Master, to buy that Rock from *Sir Andrew Ramsay*, at the Rate of Four thousand Pounds *Sterling*, and then got the Rents and Profits, more than a Hundred Pounds a Year, bestowed upon himself.

Lawderdale and
his Friends en-
joy most Part
of the best
Posts of the
Nation.

Now indeed *Lawderdale* and his Friends possessed the most Part of the best Posts in *Scotland*. *Lawderdale* himself was at the same Time President of the Council, sole Secretary of State, one of the Commissioners of the Treasury, Captain of the Castle of *Edinburgh*, Captain of the *Bass*, Agent at Court for the Royal Burghs, one of the Four extraordinary Lords of the Session, and the King's high Commissioner. His Brother, the Lord *Haltoun*, was Treasurer-depute, General of the *Mint*, and one of the Lords of Session. *Athole* was Lord Privy Seal, Justice-general, Captain of the King's Guard, and one of the Four extraordinary Lords of the Session. And the Earl of *Kincardin*, another of his Friends, was one of the Commissioners of the Treasury, Vice-admiral of *Scotland*, and one of the extraordinary Lords of Session.

C H A P. VII.

1672.

Of the State and Sufferings of Presbyterians in the Year 1672.

The Matter of
this Chapter.



WHEN I am essaying some History of the Presbyterians, during every Year of the Period I have undertaken, it necessarily falls into such a Method, as the Materials I have lead me to. When Parliaments meet, and there is any considerable Change, in the Disposition of the Court, unto suffering Presbyterians, I am obliged to notice these at some greater Length; and when there is little Alteration in the Laws and publick Management, I must confine myself to more particular Matters.

The Union
with *England*
comes to no-
thing.

Last Year we had no Parliament. The Affair of the projected Union was to be treated upon in *England*, by Commissioners from both Parliaments: But the *Scots* Commissioners, for

for the Reasons above pointed at, were but indifferently received, and the Meeting soon came to an End. There was no need of a Parliament in *Scotland*, to ratify what they did; for it was just nothing, and so the Sitting of it was delayed till *June* this Year.

1672.

The Beginning of this Year, a Second *Dutch War* broke out. Upon the last of *February*, the King sends his Orders to the Council, to levy a Thousand Men; and the Reason given is, The Ar-mament of neighbouring Nations. Upon the 2^d of *April*, War is declared against the *Dutch*, and a Proclamation issued out to that effect at *Edinburgh*. The triple League is now broke, and used with the same Contempt as our *Covenant* was. The Effects of the *Dover* Confe-rence began to break out; and *Holland*, with the whole Protestant Interest, would have been quickly overrun, had not the LORD remarkably interposed by that glorious Instrument of his Providence, the Prince of *Orange*, a Youth not much above Twenty Years, born, as it were, out of Time, and bestowed upon *Europe*, to quell the exorbitant Power of *France*, and the Progress of Popery, and to be the Defender of the Reformed Faith, more than once. Through the Whole of this War, he was wonderfully honoured of GOD; and his Con-duct and Bravery seemed to be a continued, and almost miraculous Appearance in behalf of the *Reformation*: But the Accounts of this I leave to the Historians of this Period.

The *Dutch* War broke out.

At Home; Violence against the Presbyterians was continued, Conventicles severely pun-ished, Ministers, Gentlemen, and others harassed. The Earl of *Lawderdale* is created a Duke, and made a Knight of the *Garret*. About this Time, he was married to the Lady *Dysart*, Sir *Lionel Talmaish* his Widow; and some Difference fell in 'twixt him and the Marquis of *Tweeddale*, and some others, with whom he had been in close Friendship before; and his Bro-ther Lord *Haltoun* came in to be his great Doer in Council; and this Family-change had no small Effects in the way of managing publick Affairs for some Years; and Things took a new Turn in *Scotland*. *Lawderdale* came down in *April*, to hold the Parliament in *June*; and, in *September*, the Second *Indulgence* was given to Presbyterians. These Things will give me Matter for the following *Sections*.

Lawderdale made a Duke, and marries the Lady *Dy-sart*

S E C T. I.

Of the Persecution upon the Score of Conventicles, the Hardships put upon Mini-sters, Gentlemen, and others, with some other Particulars during this Year
1672.

UNDER this Section, I shall give what Accounts offer as to the Treatment of Pres-byterians this Year, and consider the Laws made about them, and the *Indulgence* granted to them, in the Two following Sections.

I begin with the Severities used upon the Score of Conventicles. The Council, *February* 22^d, upon Information of many Conventicles kept in the City of *Glasgow*, and Barony there-of, make an Act ordaining the Magistrates to suppress them; and appoint these to oblige and require all the outed Ministers, either to attend the Church, or remove out of the Town. The Execution of this put a good many Ministers and their Families to no small Diffi-culties.

Severities this Year as to Con-venticles. 4

In *July*, the Persecution turns a little hotter, upon the Account of Conventicles, and De-creets are passed in Council against them. Upon the 11th, there is a Decreet against Conven-ticles in *Fife*, &c. an Abstract of which I shall insert here.

Decreet, *July* 11 against the Keepers of Conventicles in *Fife*, with their Names.

W Hereas, notwithstanding of the Acts of Parliament against Conventicles, the Laird of *Lees*, *Alexander Hamilton* of *Kinkel*, *James Hamilton* his Brother, *Rigg* of *Aithernie*, *Lundy* of *Belderstard*, *John Henderson* in the Inch of *Balcaskie*, *Mr. Robert Anderson*, *Mr. Robert Rule*, *Mr. Robert Gillespie*, *Mr. Robert Ross*, *William Southrum* in *Lundy*, *Mr. John Drummond* of *Meggins* younger, *Mr. James Mercer* Tutor of *Meggins*, *Alexander Rankin* of *Pottie*, ——— *Arnot* Chamberlain to the Laird of *Balhoufie*, *Alexander Chrystie* Merchant in *Perth*, *James Brown* Merchant there, *John Drysdale* there, *Thomas Keltie* Merchant there, *Alexander Whyte* Merchant there, *William Dove* there, *John Henderson* in the Parish of *Abercrombie*, *David Coventry* Heritor in *Arlary*, *Robert Stirk* in the Mills of *Forth*, *Thomas Scot* Tenant in *Pittindreich*, *David Schaw* Tenant in *Gos-pitry*, *James Pryde* and *John Reid* in *Stramiglo*, *George Hay* of *Balhoufie*, *Mr. Alexander*

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Moncrief, Brother German to Mr. John Moncrief of Calsurgie, Indweller in Perth, Francis Galloway in Todshaugh, Mr. John Dishington, Mr. John Chrystiosen, Patrick Glover in Perth, Mr. ----- Simpson, Mr. Gilbert Hall, Mr. George Johnston, Mr. Robert Fleming, and James Gray in Perth, have, upon one or other of the Months of November or December 1670. or some or other of the Months of the Year 1671. or the Year 1672. several Times preached, prayed, or been present at publick Conventicles in the Fields, or at private Conventicles, whereby they have contravened the Acts of Parliament, and incurred the Pains of the said Acts: And being called, and Patrick Hay of Lees, the Laird of Meggins elder, compearing for his Spoule, Meggins younger, Macer, Rankin, Chrystie, Keltie, George Hay of Balhousie, with several others abovenamed, compear; and the Lords of Council considering their Confessions, ordain the Laird of Meggins younger, Alexander Chrystie, Thomas Keltie, to be carried Prisoners to the Tolbooth of Edinburgh; the said Peter Hay to be confined to his Chamber at Edinburgh; Mr. James Mercer to be confined to the Town of Edinburgh; and, in regard Mr. John Drummond and Alexander Rankin, have denied the Libel, remit it to Probation; and ordain Letters of Denunciati-on to be directed against the remaining Defenders absent, and they to be put to the Horn.

Meggins younger and his Mother fined, and the Laird of Balhousie in 1000 Pounds Sterling.

Upon July 14th, the Council find it proven, that Meggins younger, Jean Campbell Spouse to Meggins elder, were at a Field-conventicle kept at Glendoik, and Alexander Chrystie and Thomas Keltie were present at Field-conventicles; and fine Meggins elder in Five hundred Pounds Sterling, for the Transgression of the Acts of Parliament by his Lady; and ordain Meggins younger to continue in Prison, till his Father pay his Fine. They fine Keltie and Chrystie in Five hundred Merks each: And in regard Peter Hay of Lees, by his own Confession, was present at the said Conventicle in Glendoik, he is fined in a Thousand Merks; and George Hay of Balhousie, by his own Confession being guilty, is fined in a Thousand Pounds Sterling, to be paid in Eight Days. And all of them are to remain in Prison till they pay the said Fines to Sir William Sharp his Majesty's Cash-keeper.

As to such who did not compear, the Council pass an Act for apprehending of them, and charge the Sheriffs and their Deputes in Perth, Fife, and Linlithgow, to search for, seize, and send them in to the Council. This is the Account given of the Matter in the Registers. By other Accounts from Persons who were at this Time about the Family of Balhousie, I find that the old Laird was not himself at that Conventicle, but at the Time in Edinburgh, when his Son Francis heard (and only once) Mr. John Welsh, when he preached at Mr. James Duncan's House, at the End of the Avenue leading to the House, and the old Gentleman was fined for what his Son had done. It may not be unfit to add some other Circumstances from other more particular Accounts.

Remarks upon this.

The Case of the Laird of Balhousie in Perth Shire, afterward Viscount of Duplin, and Earl of Kinnoul, a Youth newly passed the Schools, but of a good Estate, made a great deal of Noise. The Gentleman confessed he had once heard a Minister, whom he entertained as a Chaplain in his Family, preach. His Fine was some odd way or other accumulated to Twenty seven thousand Merks, and then was brought down to a Thousand Pounds Sterling, Five hundred of which he behoved to pay presently, which he did, and gave Bond for the other Half. I wish the Defenders of that mild Government may consider this, and 'tis but one Instance of many at this Time.

The Laird of Meggins was not chargeable with any personal Breach of the present Laws: but for his Lady's alledged Guilt, is fined in Five hundred Pounds Sterling. The Author of the Grievances under the Duke of Lawderdale's Ministry, acquaints us with another Circumstance as to these Two Gentlemen, which I set down upon his Authority.

Upon the Information given to the Duke of Lawderdale, of these Gentlemen's Irregularities, the Duke thought fit to make over their Fines to his Favourite the Earl of Athole. The Gentlemen being advertised, that to make the Gift the larger, nothing less than the utmost Rigour was to be expected, found it best to quit their own legal Defences, and fall in with a friendly Transaction, casting themselves upon the Earl's Discretion. They agreed with him, the First for Six hundred Pounds Sterling, and the other for Four hundred: But the Duke not content with this, when they appear before the Council, most arbitrarily and exorbitantly procures the Sums to be augmented in the Sentence; the First to a Thousand Pounds Sterling, and the other to Five hundred. Whether this was more generously to his Friend, who had got all he had demanded, or just towards the Gentlemen, who relying upon the Agreement had prepared no Defences, the World must judge.

After the Gentlemen had paid their Fines, or given Bond, the Duke in his flouting insulting way, used frequently to banter them; Gentlemen, now ye know the Rate of a Conventicle, and Shame fall them first falls. Thus he used to rage at an odd Rate, in so much that Gentlemen getting Notice of his Way, resolved to risk all, rather than appear to be bullied by him, and choosed to withdraw, and were put to the Horn; their Escheat fell to the King, and the Managers made a good Hand of it. When the Estates of any who withdrew, were

under

under Incumbrances and Burden, they were perfectly ruined. I might instance in that pious and worthy Gentleman the Laird of *Kinkel* in *Fife*, and others, were there Room for it.

Another Proccss for Conventicles is before the Council *July 24th*, and continued till the 27th, when *Anna Countess of Wigtoun*, an excellent Widow Lady of that Family, is obliged personally to comptear before the Council; and upon her Confession, that she was present at a Conventicle in the House of *Bogball*, she is fined in Four thousand Merks. And *Mr. James Duncan* at *Duplin*, for being at the Conventicle kept at the Bridge of *Earn*, is fined in Two thousand Merks. Both these Fines, as well as those of *Balbousie* and *Meggins*, were perfectly arbitrary, and beyond Law. For these Two last Conventicles a great many others are cited and examined, and a Decreet given out against them. That the Reader may have the Form of those DECREETS now so common, and see their Severity, and to save Pains afterwards in narrating Forms, I have annexed a Copy of the Decreet against *Mr. James Duncan*, and the Countess of *Wigtoun*, App. N^o. 47.

1672.
Countess of
Wigtoun, and
Mr. James
Duncan fined.

To end the Account of the Persecution of this Year upon the Score of Conventicles; *September 16th*, the Council take a shorter way anent them, and subcommit their Power to Four of their Number, and so ease themselves, for a Time, of the Trouble and Indecency of having Ladies and Country-people in Crowds before them. 'The Commissioner and Council do grant Warrant to the Lord Chancellor, Archbishop of *St. Andrews*, Duke of *Hamilton*, Earls of *Argyle*, *Arbottle*, *Tweddale*, *Kincardin*, and *Dundonald*, the President, Register, Advocate, Treasurer-depute, Justice-clerk, or any Four of them, to meet and give such Orders as shall be necessary, for putting the late Acts of Council made anent outed Ministers in Execution, and for preventing and suppressing Conventicles, and other Disturbances of the publick Peace of the Church; with Power to call Persons before them, committing of them to Prison, and doing all Things necessary for these Ends. In difficult Cases they are to consult with the Council.' I find no Registers kept by them, nor Reports made to Council, and so can give no Account of their Procedure; no question it was severe enough. This I take to have been the Beginning of what we shall frequently meet with.

App. N^o. 47.
Council's
Power given
to Four of
their Members
as to Conven-
ticles.

Besides the ill Treatment of Ministers included in these Hints given concerning Conventicles, this Year affords several particular Instances of Hardships put upon other Presbyterian Ministers.

Trouble Mini-
sters meet
with this Year.

The Reverend and Learned *Mr. Alexander Carmichael*, late Minister at *Pittenain*, is before the Council, *February 22^d*. This excellent Person is well known to the World, by his accurate Treatise upon *Mortification*, published at *London* a little after his Death, in the Year 1677. He, with his Brother *Mr. John Carmichael*, after they had joyned for some Time, out of an earnest Desire for the gaining of Souls to Christ, in the Courle of Conformity with the Prelates, came to discover so much Evil in their Ways, as to relinquish them, quit their Livings, and cheerfully joyn themselves with the suffering Presbyterian Ministers and People. I am sorry I cannot give any Account of the Sufferings of *Mr. John Carmichael*; but *Mr. Alexander* was taken at *Kirkaldy*, and brought into *Edinburgh* Tolbooth, and, the above Day, appears before the Council, and is charged with keeping Conventicles; and acknowledging the Charge, they oblige him to enact himself to depart the Kingdom, and never to return without Licence. And, *February 26th*, he is ordered by the Council to be transported in a Ship to *London*. There he was singularly useful, and got to the End of his Labours in much Peace and Joy, about the 1676 or 1677.

Mrs. Alexander
and John Car-
michael, their
Sufferings.

In *March*, the outed Ministers who were lurking at *Edinburgh*, were put to new Hardships, many of them obliged to leave the Town, and flee, they knew not well where. Several of them, through Age and long Trouble, were now dropping off. I find, by an original Letter of *Mr. George Hutchison's*, that *Mr. Walter Greg*, and *Mr. David Ferret* about this Time got to their Rest. And he adds, that toward the End of *February*, *Mr. Robert Douglas* was turned so weak, that he was laid by from Preaching; and I suppose he got into the Joy of his Lord this Year or the next.

The outed
Ministers for-
ced to leave
Edinburgh.
*Mr. Walter
Greg* and *Mr.
David Ferret*
die.
*Mr. Robert
Doug* as turns
low.

Upon the 18th of *July*, the Council appoint *Mr. John Rae* and *Mr. Hugh Archbald*, to be carried from *Stirling* Castle to *Dumbarton*. *Mr. Archbald* petitions the Council, *August 29th*, at a favourable Juncture, a few Days before the *Indulgence*, shewing that he hath been several Years in *Stirling* Castle, and now transported to *Dumbarton*, that his Health is broke, and his outward Affairs brought to a low Pass, and begs he may be liberate. The Council grant the Desire of the Petition, and confine him to the Parish of *Galsfoun* in the Shire of *Air*, and discharge him to keep Conventicles. The same Day *Mr. John Murray*, some Time Prisoner in the Tolbooth of *Edinburgh*, for alledged House-conventicles, is liberate, and confined to the Parish of *Queensferry*, ordained to wait upon Ordinances, and abstain from keeping Conventicles.

Mr. John Rae,
*Mr. Hugh
Archbald*, sent
to *Dumbarton*,
the last con-
fined at *Gals-
foun*.

*Mr. John Mur-
ray* confined to
Queensferry.

I come next to consider the Troubles several Gentlemen and others of the Presbyterian Perswasion were continued under, and brought into this Year. Last Year and this, I find several Forfeitures passed, and transferred to other Persons, which I only name. The Lands of *Barscob*, and those of *Mr. Gabriel Maxwell*, the Estate of *Regland* and *Bedlane*, are all forfeited, and transferred, upon the Score of *Pentland*. *Mr. John Cunningham* of *Bedlane*,

Sufferings of
Gentlemen
this Year;
*Mr. Bar-
scob*, *Mr.
George Max-
well*, *Reg-
land* and *Bed-
lane*.

1672.

July 18th, is ordered to be carried from *Stirling* to *Dumbarton*; and, *August 29th*, he is permitted by the Council to ride out every Day for his Health, upon the Conditions expressed last Year.

Several Persons troubled, for writing to their Friends in *Holland*.

After the *Dutch War* is begun, several Persons are brought to Trouble for writing to their Friends and Relations, who were forced to flee to *Holland*, and under no Sentence of Law that I know of. *July 18th*, Mr. *John Scot*, Son to *Andrew Scot* in *Tushilaw*, being incarcerated for writing to the Reverend Mr. *John Carstairs* in *Holland*, is brought before the Council, and after Examination, liberate, upon a Bond of a Thousand Merks to appear when called. *September 3^d*, Mr. *William Livingstone*, being imprisoned for Correspondence with *Holland*, and Mr. *John Carstairs* lately come from *Holland*, appears before the Council, and, finding Caution to appear when called, under the Penalty of Two thousand Merks, is liberate.

Mr. *John Spreul* liberate.

Mr. *John Spreul*, a most religious and worthy Person, Writer in *Glasgow*, of whom before, supplicates the Council *August 29th*, shewing, 'That he hath subjected himself to the Act of Banishment he was laid under, on the account of mere Nonconformity, now for Eight Years; and falling under Sickness in his Exile, he had returned for his Health, and, since *November* last when he returned, hath been at no Conventicles, yet was taken up and imprisoned; now under his old Age, and many Infirmities, begs he may be liberate.' The Council allow him to be liberate, upon his giving Bond and Caution to compear when called, under Penalty of Two thousand Merks.

Porterfield of *Quarreltoun* sent to *Dumbarton*.

December 5th, *William Porterfield* of *Quarreltoun* having been in Prison of a long Time, for his Accession to the Rebellion 1666. petitions the Council, that he may be liberate, because of his Indisposition of Body, and the great Poverty he was reduced unto. They order him to be transported from *Edinburgh* Prison to *Dumbarton* Castle, allowing him the Liberty of going abroad, in the Day-time, he giving Bond and Caution under Ten thousand Merks, to re-enter the Castle every Night.

Meaner Persons harassed for Nonconformity.

Some other Hardships I meet with this Year, upon meaner Persons. A poor Countryman in the Parish of *Abbotsrule*, by reason of his Nonconformity, and refusing to hear the Curate, is by him delated, and by his Advice pitched upon to be a Soldier; which he peremptorily refusing, is fined in a Hundred Pounds. I find, *John Rankin* in *Tofts*, in *Eglisbam* Parish, *James Dunlop* in *Ponoon* Mill there, *James Brown* in *Muirzet*, *John Fauls* in *Newtown*, in *Merns* Parish, are brought in to *Edinburgh* Prisoners, for alledged corresponding with, and Refet of some concerned in Riots upon Ministers. The Council remit them to the Earls of *Dumfries* and *Dundonald*, *September 16th*, to determine about them as they find Cause.

Riot upon the Minister of *Auchinleck*. Officers of the Army empowered to fine.

I find no Riots upon orthodox Ministers, mentioned before the Council this Year, unless it be one, probably committed the Close of the last. *January 18th*, the Council appoint a Committee to try a Riot lately committed upon Mr. *Alexander Ramsay* Minister at *Auchinleck*, in the Shire of *Air*, whose House was broke in the Night-time. The Council, *January 23^d*, give a Commission to several Officers of the Forces, lying near by, 'To try into it, and to hold Courts, and to call in the Inhabitants of that and the neighbouring Parishes, to depone what they know about it, and to fine the absent Heritors in Two hundred Pounds, Tenants Forty Pounds, and Cottars in Ten Pounds, and each Woman according to the Quality of her Husband dead or alive.' This is the first Commission of this Kind I meet with, and the Fines most arbitrary and exorbitant; but we shall afterwards find Abundance of such Finings by the Soldiers. In *June*, the Council order out Letters against Sir *John Cochran*, and the Parish, fining them in Three thousand Merks, to be paid to the Curate. I find, *January 25th*, That *Gordon* of *Dundeugh* in *Galloway*, gets up a Bond of Six hundred Merks, extorted from him by Sir *William Bannantyne*, now in the Clerk's Hands. More and more of the Violences 1665 and 1667. are appearing. So much may suffice for the more general View of the State of Presbyterians this Year.

Violences committed at and after *Pentlands*, appear new.

S E C . T . II.

1672.

Of the Laws and Acts of the Third Session of Parliament, June 1672. in as far as they relate to Presbyterians.

THIS is the last Session of Parliament, under *Lawderdale's* Administration, which meddles with Church-matters; and unless it be a short marred Meeting in the Close of the next Year, we shall find no more Parliaments for Nine Years. To carry on the History of Presbyterians Sufferings, from these uncontestable Documents of the Severity of the Period I am upon, I shall make some cursory Remarks upon the Acts of this Session; which, together with such as are already narrated, were the Foundations upon which the Council and their Under-workers went in all their Oppressions. Indeed many Times they went further than even these rigorous Laws.

The King's Letter to this Meeting is in Print already, and contains a very high Encomium of the Duke of *Lawderdale*, with full Assurances of the King's Regard to the Kingdom and Church. The Duke, to be even with his Master, very pressingly represents the Necessity of the *Dutch War*, which I leave to be considered by the Civil Historians of this Time.

The King's Letter to this Parliament.

Their First Act is anent the *Militia*, which I should not have noticed, were it not for a pretty remarkable Clause in it, with relation to the Security of the Prelates and their Church-establishment. It is statuted, in order to qualify those employed in the *Militia*, That all Officers be Persons well affected to the Religion and Government of the Church, as now established: And that both Officers and Soldiers take the Oath of Allegiance, with the Declaration formerly mentioned, embody'd in it: And if they refuse, *brevi manu* they are to be imprisoned, and the Council are to banish them the Kingdom. I hope, after this, the Writers against Presbytery will make no more Noise about the Act of Classes, made January 29th, 1649. and the Care then taken to secure the Constitution, with the Zeal expressed against Malignants getting into the Army; since so good a Copy is so exactly followed by their own dear Friends in this Parliament.

Remarks upon their First Act.

I have insert the Ninth Act, against unlawful Ordinations, App. N^o. 48. The Reader will see the Design and Views upon which 'tis made, without my Help. The Prelates were not a little uneasy to hear that Presbyterian Ministers should license any Preachers, or ordain any to succeed themselves, when worn out by their Cruelties; and therefore get this Restraint laid upon them. At this Time, there was a sensible Decrease of Presbyterian Ministers, by Death, Banishment, and the Hardships of this Time; and it was attended with no small Difficulty to get young Men sent abroad to other Protestant Churches, to be ordained to the holy Ministry: Mean while, the Cravings and Necessities of the People were very great. Therefore, as Ministers had Opportunity, several young Men well qualified, as appeared in their Conduct and Usefulness afterward, were licensed and ordained.

Act Ninth against unlawful Ordinations, App. N^o. 48.

This galled the Bishops, who could not endure the Thoughts of Presbytery's being revived, far less perpetuated, in this Church: So this Act is framed. Its Narrative says, *Schism and Division arise from various and different Ordinations*. This is a smooth Way of telling us, That all Ordinations, without Prelates at the Top of them, are divisive and schismatical, which is now pretty openly the Doctrine of the High-fliers. The statutory Part is, *That none ordain to the Office of the Ministry, but such who have Authority for this Effect from the Laws*. I hope they are not yet arrived at the Impudence to derive the Power of Ordination from the King's Supremacy; yet this sounds that Way: But, I suppose, the Meaning may be, That none who are not authorized Ministers, that is, subject to the Bishops, shall presume to ordain. Further, they declare all pretended Ordinations, since the Year 1661. null and invalid. No question, all pretended Ordinations are void and null, before the 1661. as well as since; but if they mean, That all Ordinations, without diocesan Bishops, are invalid, and that Persons set apart to the Ministry, without the Concurrence of the Prelates, are not Ministers, it is an unchristian Heaven-daring Assertion, reflecting upon the Whole of the Reformed Churches, and tending to breed Confusions and Convulsions in the Minds of People through the Kingdom; and, in its just Consequence, a declaring many of themselves, and the most Part of the Nation, Heathens. At this Rate, it had not been altogether out of the Road, by their next Act, to have appointed all such who were baptized by Presbyterian Ministers, to be rebaptized.

Remarks upon it.

'Tis not improbable this Act was drawn by the Primate: It is intricate, dark, ambiguous, and double-fac'd, and very like himself. The Severity of the Penalties is a further Proof of its Author: *The Ordainers and Ordained are to be imprisoned, and banished by the Council;*

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Council; their Moveables confiscated, and other Hardships, as in the Act. And further, Persons married by such, are *denuded of all they can claim jure mariti vel relicte*, and made liable to all the Penalties of the Act 1661. against clandestine Marriages. This bears hard upon the Subjects, and obliges them to enquire into the Mission and Ordination of Ministers, before they can be safe in Law as to their Marriages.

Act about
Baptism.
App. No. 49.

The Eleventh Act I have likewise insert, App. No. 49. *Act against such who do not baptize their Children.* This is a terrible Act indeed, and, as is now usual, an Improvement upon the Act of Council formerly made, as to irregular Baptisms. It statutes, 'That every Person who wants a Testimonial from the Minister of the Parish where he lives, that his Child is baptized within Thirty Days of its Birth, shall be fined, Heritors in a Fourth Part of their yearly valued Rent, Merchants in a Hundred Pounds *Scots*, and others, as in the Act.' And the Execution of this harsh Law, and the Pocketing of the Fines, except these of Heritors, is committed to the Under-executors of the Laws. This was a heavy Ground of terrible Exactions, and severe Oppression upon the Country, and a sad Snare to many, obliging them either to prostitute their Conscience, or lose their Money.

Act for keeping
the Anniversary,
May 29.
App. No. 50.

Their Twelfth Act is for an *anniversary Thanksgiving upon the 29th of May.* See App. No. 50. I have, upon the Matter, considered this Act in the former Book, and cannot fully account as to the Reason of this new Act, for the Observation of this Day; unless it was to give the greater Uneasiness to the *indulged* Ministers, and to be a Foundation of new Fines and Exactions. In the Act 1661. the Word *Holy-day* is used; here it is omitted, but the Thing is continued. There are no Penalties annexed to the First Institution of this *Holy-day*, but the Reader will find them in this Second Appointment. I shall only further remark, That the King and Parliament most plainly ordain this *Day to be kept for ever*, and appoint all Ministers to preach upon it, and declare this Act to be *the Rule and Warrant* for this *Anniversary*, in all Time coming. Presbyterians continued in their Opinion, That no human Authority hath Power to appoint constant returning anniversary Holy-days. This Act is smoother than the former, and, in some Things, more agreeable to the Power of a Civil Court: Yet, the leaving the Fine to be imposed to the Determination of the Judges ordinary, seems both unjust and oppressive.

Act Seventeenth,
against
Conventicles.
App. No. 51.

The Seventeenth Act, against *Conventicles*, comes next to be inserted, App. No. 51. It seems to be framed with a View, That no more Parliaments were to sit for a good many Years; and, in that Event, though the King had Power to protract the Act, yet the Bishops, to make all sure, get this Renovation. The Acts Fifth and Seventh of the last Session 1670. not yet expired, are now extended Three Years after the first Three. Some few further Remarks offer on this Act.

Remarks upon
it.

The Parliament declare, *They did not, and do not discharge Family-worship, or Prayer in a Family by the Persons in it.* What a sad Time must this be? And what an ill-worded Act is the former? that gives Occasion for this Session thus to explain themselves, and makes it necessary to a Parliament in a Christian Protestant Kingdom, to vindicate themselves from a Design to suppress *Family-prayer and Worship.* Yet they still take upon them to discharge it, *If there be more present in the Family than four Persons not belonging to it.* What a wild unreasonable Restriction must this appear to any reflecting Person in many Cases? At this Rate, publick Houses upon the Road must many Times be discharged to worship God, having more than Four in their House, not belonging to their Family; yea, many private Houses in the Country, where it frequently falls out there are more than Four with them all Night. I could give Instances wherein this Restriction is evidently irreligious. What to make of the next Clause in the Act I know not, *It is always declared this Act does not give Allowance to outed Ministers to pray in any Families, except in the Parishes where they are allowed to preach.* For what I can see, an outed Minister not allowed to preach, by this Act is discharged to pray in his own Family; and the Indulged must pray in no Families, but those of their own Congregation. If they come into *Edinburgh or Glasgow*, even by a Call from a Bishop, or the Government, and go about Family-worship where they lodge, they incur the Penalties formerly mentioned. This is a new Branch of their Confinement, and laid on them just the Day after their second *Indulgence*, and certainly is most unreasonable. And after a Complaint of the Nonexecution of the former Acts, to secure this in Time coming, and as a Ground for inferior Magistrates to act upon with the greater Rigour against Presbyterians, they are required to send in the yearly Accounts of their Diligence to the Council; and if they fail, every Sheriff, Steward, Bailie or Magistrate, in case of not evidencing their Zeal against Conventicles this way, is to be fin'd in 500 Merks. Thus all Methods are taken, not only to give Warrant by Acts upon the Back of Acts, but likewise to tempt and force Persons, who appeared not altogether so virulent, to persecute Presbyterians.

Their last
Act against
Profaneness.

The 22^d and last Act of this Parliament, excepting common Forms, is an *Act against Profaneness*, never more needful than now. It is an excellent Act, had it been brought to any Bearing or Execution; yea, it is so framed, that it was evidently the Fault of the Minister and Session, or Assistants, as they are now called, in great Measure, that it was not put in Execution: But the Curates, at least in the West and South, were so much taken up with sup-

pressing

pressing the Crimes of Conventicles, and Nonattendance upon themselves, that I do not hear of any Collectors or Session Bailies appointed for uplifting the Fines put upon the different Branches of Profaneness. It is Matter of Regret, and effectually prevented doing any Thing in this Matter, that too many of themselves were too far liable and open to the Penalties of the Acts, to offer to prosecute others. The indulged Ministers in many Places took the Benefit of this Act, and chose their parochial Bailies according to it. The Kirk-session, I find, by this Statute is a legal Judicatory. The Elders (in Law) or Assistants, have considerable Power given them; and yet this Head of Elders is one of the great Topicks of Slander, wherewith the Episcopal Party load the Presbyterian Constitution: But Ruling Elders must not be named, that is Presbyterian Cant, tho' Scriptural, *the Elders that rule well, &c.*

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Thus I have gone through the Laws made against Presbyterians under *Lawderdale's* Administration, which, upon the Matter, may be reckoned from the 1669. In the following Years, during the Interval of Parliaments, till 1681. we shall find Acts of Council built upon these, yea, exceeding them, and severe abundantly against Presbyterians. I come to end this Chapter with an Account of their Second *Indulgence*.

S E C T. III.

Of the Second Indulgence granted to Presbyterians, September 3d, 1672.

WHAT I have already laid before the Reader upon the First *Indulgence* 1669. will save him the Trouble of any Account of this, save in so far as it differs from that; and were it not that we want a Church History of these Times, I should most willingly have waved both, as being somewhat differing from my Design of giving a Narrative of the Sufferings of Presbyterians.

The former *Indulgence* referred to.

It is hard enough to give any tolerable View of this Second *Indulgence*, further than the publick Acts and Papers go. As is too ordinary in divided and broken Times, both Sides represent Matters of Fact, according to the different Views they had: And it must be owned, there was too much Warmth both at their Meetings and Reasonings about it, and afterwards; which makes me, at this Distance, hold very much by the Papers on both Sides, and leave the Reader to form his own Judgment upon the Whole. Those I shall bring into as short and plain an Account of Matter of Fact, as I can collect from what hath come to my Hand.

Difficulties in giving Accounts of this Matter.

When *Lawderdale* came down, in April this Year, it was generally said he had an *Indulgence* in his Pocket. In England, the King, by his Proclamation of March 15th, granted a Toleration to Dissenters. Since it hath so near a Relation to the Subject I am upon, it is annexed, App. N^o. 52. In it a greater Favour is allowed to Papists than Dissenters; yet that was what they could not help. Probably it was given to gratify French Designs, and to quiet Matters at Home, as much as might be, when engaging in a War with Holland, so much against the Interest, as well as Inclinations of England.

English *Indulgence* this Year.

The like Liberty, if not a greater, was expected in Scotland to Presbyterians, exclusive of Papists; and indeed here there was no Colour for making the last Sharers, and 'tis pretty certain the King did design it. The Bishops, and Lords of Council on their Side, violently opposed it, and many Letters were writ to Court against it: However, *Lawderdale* had full Instructions in that Matter, though he kept them close; yea, carried with a great deal of Rigour to Presbyterian Ministers and Gentlemen, as we have heard already upon the First Section. And I only add, that when Mr. George Johnstoun, Mr. Gilbert Hall, and some others, were summoned in before the Council for Conventicles, some of them came to understand how Matters were like to go: And, finding Violence designed, they did not find it safe to compare, and were denounced, and put to the Horn.

The *Indulgence* designed for Scotland put off for some Time.

And some Ministers denounced.

Mean while *Lawderdale* kept fixed by his Point of giving the *Indulgence*; and when the Reports of it came to be publick and certain, about Twenty Ministers met at Edinburgh, upon the 8th Day of August this Year, and agreed to write a Letter to Sir James Dalrymple of Stair, now a Privy Counsellor, in whom they confided as much as in any at the Board; humbly desiring, that any *Indulgence* to be granted, might be free of straitning Ingredients and Conditions, which might difficult conscientious Presbyterian Ministers from embracing it, and People from joyning with such as did embrace it.

When Presbyterian Ministers hear of it, they endeavour to have it without Cloggs.

At this Meeting they reasoned upon, and drew some Answers to some Queries, *Whom might accept of it, and who not*; but all they did or could do was in the Dark, and by Guess, not being

But do not agree in the Letter designed for this End.

1672.

being as yet acquainted with the Terms of the *Indulgence* to be granted. I find it remarked, That there were some in their Meetings, who constantly called for a Testimony against the sinful Encroachments of the State, and urged such Expressions to be insert in the Letter, as made it Treason against the present Laws; and when the Paper was thus inflamed, they went off. Thus, after some Meetings, the Letter grew so high, that none could be found to present it, and so was laid aside. This gave Occasion to the Reports spread in the West, that the Brethren in and about *Edinburgh* were for accepting the *Indulgence*, providing a Letter were writ containing their Difficulties about it. He was one of this Meeting from whose Papers I give this Account, and says, They came to no Resolution concerning this Letter.

Two of them
wait upon Sir
James Dalrymple
of Stair.

When this Expedient failed, and the Letter could not be concerted, it was next resolved to send two of their Number to represent their forementioned Desire to *Stair*; and, upon *August 20th*, Mr. *Gabriel Cunningham* and Mr. *James Kirkcoun* waited upon him: He gave them very kind Assurances, he would do all in his Power for them; and I doubt not but he did so.

September 3. the
Council pass
their Act about
the *Indulgence*.

At length, upon the 3^d of *September*, the Lord's Day, the Council came to an Issue in this Matter; and at *Holy-rood-house* frame and agree to Three Acts relative to this new *Indulgence*. The Design of the Lords was no doubt to be eased of their Trouble every Day from Conventicles, by casting all, or as many as they saw fit, of the outed Presbyterian Ministers, together by Two's, Three's, and Fours, in so many Congregations as they named. There was Abundance of Cunning in framing the Acts, both for answering this End, and so as Ministers might be brought to comply with some of the Acts, without approving others, which contained Clauses more gravaminous: Yea, there seems in the Frame of these Acts to be Room left by the Framers for blowing at the Fire of Division among Presbyterians, by which the Designs of their Enemies were mightily carried on.

Their First

Act.
App. N^o. 53.

In their First Act, *App. N^o. 53.* the Reader will perceive, that about Eighty Presbyterian Ministers are confined to Fifty eight Parishes or thereby, mostly in the West and South. The Council proportion the Stipend, and give Assurances to the regular and legal Incumbents, that no more shall be indulged.

Their Second

Act.
App. N^o. 54.

By their Second Act, which is insert *App. N^o. 54.* the Reader will see they prescribe Rules to be observed by all the indulged Ministers, about their Baptisms, their keeping the Sacrament of the Lord's Supper upon one Day, their Places of Preaching, keeping within the Bounds of their own Parish, their Discipline and Payment of the ordinary Dues to Synod-clerk, and Bursar.

Their Third

Act.
App. N^o. 55.

Their Third Act, which is likewise insert, *App. N^o. 55.* dischargeth all other Presbyterian Ministers, excepting these who are *indulged*, to exercise any Part of their Ministerial Work, under what Punishments the Council thinks fit; and appoints all outed Ministers to attend Ordinances in the Parishes where they live, or to go and live in such Places where they will attend.

This Shape of
the *Indulgence*
unsatisfying to
many.

Thus stood the Scheme of the *Indulgence*, *September 3^d*, this Year. When the Accounts of it came abroad, they were variously entertained by Presbyterians: The most of the Ministers in and about *Edinburgh*, who had not Share in the first *Indulgence*, appeared, upon the first Accounts of it, dissatisfied. In a Day or Two, there was a Dozen or thereby met together, and it was moved by some, that all the Brethren present should declare themselves against this *Indulgence*: But, upon Reasoning, it was found to be a Matter of general Concern, and a Meeting was proposed to be at *Edinburgh*, *September 24th*, and Ministers at Distance were writ to, to come in from the Country with the Sentiments of such as could not be present.

Meeting of
Ministers in
September upon
this *Indulgence*.

At the Day named, about Thirty two Ministers met in Mr. *Thomas Hogg's* Chamber. Little was done at their first Meeting; but the Question being stated, What their Practice should be upon this Occasion, it was resolved that every Member should give his Opinion, with the Reason of it, at the next Meeting. Accordingly, when they met next, Mr. *John Inglis* is chosen Moderator: And the Brethren came to take the Sentiments of all present, Whether it was the Duty of Ministers to go and exercise their Ministry at their Churches. One of the Ministers present hath left this Account of their Sentiments; 'That Four were of Opinion Ministers ought to go to their Churches, when they had once given a Testimony, against what they conceived was wrong in their *Indulgence*, to the State. Two were undetermined, and the rest present were for the Negative.' The Minister who spoke first, after he had given his Opinion against it, and his Reason, added Mr. *Robert Douglas* his Sentiments against it, signified to him lately in Conversation, and that he said, If his Brethren named in the first Act, would forbear their Churches, he, for his Share, would quit his at *Parcailand*, and stand outed with them; and his Mind had no small Influence: So that Night the *Indulgence* seemed generally to be disliked. And, by what Accounts I have seen, the Ministers in the East Country were more averse than those in the West.

Mr. Robert
Douglas said to
be against this
Shape.

Many Mini-
sters in the
West are for
accepting it
with a Testi-
mony.

When the Copies of the Council's Acts came West, there were many Meetings up and down, and serious Reasonings and Consultations upon this Affair; and, I find, generally speaking, it was the Opinion of Ministers there, That, providing a sufficient Testimony were given against the *Erastian* Part of the Civil Magistrate, the *Indulgence* might so far be gone into,

into, as Ministers should return to their former Congregations, and supply Vacancies, as far as the Liberty went, and put them upon calling Ministers nominated in the first Act, with Consent of the Ministry of the Neighbourhood.

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They all agreed, That but one Minister ought to go to one Parish, excepting the Places where formerly there had been Two; especially at this Time, when there were so few Ministers to answer the Cravings of People up and down the Country: And though it was not doubted that the Magistrate had Power to restrict Ministers to one particular Parish; yet they seemed generally to agree, That when the whole Ministry were confined, it was not their Duty to obey. However, these Meetings in the East or West had no determining Power.

Terms in which they agreed.

Great were the Debates concerning the Testimony to be given to the State, upon their Acceptance. All agreed there were many Grievances in this Matter; but how to express them in suitable Terms, so as not to do more Hurt than a Testimony could counterbalance, was the Difficulty. After much Conversation and Reasoning, Mr. *William Violant* and Mr. *Alexander Wedderburn* were pitched upon to draw a Paper to this Effect. Their Draught was generally liked, and it received some Amendments in a Meeting at *Irwin*, October this Year, and was cast into such a Mould, as it might be joyned in by those who had already accepted of the *Indulgence*, as well as their Brethren who had not. The Tenor of it is inserted, App. N^o. 56.

Form of a Testimony agreed to in the West.

Towards the End of *October*, Mr. *Gabriel Cuninghame*, and some more with him, were sent into *Edinburgh*, with this Paper, to see if the Brethren in the East, who appeared most averse from this *Indulgence*, would joyn in it, as an Exoneration of themselves, and Signification of their deep Concern in the LORD's now fallen Tabernacle in *Scotland*.

App. Na. 56.

Taken to the East Country.

When they came to *Edinburgh*, they found several Ministers in the East had changed their Sentiments as to the *Indulgence*, by Reasoning and Conversation, and were not altogether so averse as once they had been. The Opposers of the *Indulgence* alledged some had been taken off, upon their Names being put in for vacant Congregations, by those whom the Council had impowered so to do. What is in this Assertion, I know not, but 'tis certain several were at this Meeting, who had not been at the former in *September*; and thus the Appearance was greater in favour of the *Indulgence* than before: Yet the former Person, a Member, asserts in his Papers, That the Generality of the Meeting continued against it.

To it many agreed, but the Plurality opposed it.

Mr. *Cuninghame* presents his Paper to them, and the Brethren who were against the *Indulgence*, as the abovenamed Minister says, took it for a Paper of Reasons, why the *Indulgence* ought not to be gone into; and so it came to be the Subject of Reasoning. When they viewed it more narrowly, and found it a Complaint of what the Drawers reckoned grievaminous, upon the presenting of which to the Council, the Complainers resolved to comply with the *Indulgence*, the Meeting divided upon it, and not without some Warmth. The unclear Brethren complained they were disappointed, and this Paper was but a smooth Way to help forward Ministers, who were clear, to their Churches: And the Brethren who were clear as to the *Indulgence*, complained that the other Side would not joyn with them in a Testimony against what both reckoned sinful in the Manner of granting the *Indulgence*. The Ministers who continued opposite to the *Indulgence*, alledged their Brethren who were to accept, might testify against the Evils in it, the best way they could; but they could not joyn, because they were unsatisfied with the Whole of the *Indulgence*. The Ministers who were not straitned as to the Favour in general, but only as to some Circumstances, complained that their Brethren did not concur with them in testifying against what they agreed with them to be evil. They again were willing to testify jointly with them, against what Evils appeared in the *Indulgence*, providing all would stand out, and not accept.

Debates upon this.

Several Meetings were spent upon these Debates, without much Conviction upon either Side. Their last Meeting was *December 23^d*, and they could come to no Agreement; those who remained averse from the *Indulgence* still insisting, That no Paper which could be given in to the State, would be a sufficient *Salvo* from homologating the Magistrate's Encroachment; and that a joyned Refusal of the Favour proposed with such Limitations, was the only Method to preserve Unity among Presbyterians. Neither were the Ministers who had Freedom to fall in with the *Indulgence*, of one Mind, as to all the Expressions in Mr. *Cuninghame's* Paper; and so it was laid aside.

After several Meetings the Paper is laid aside.

A considerable Number of the Ministers named, did enter into their Churches where they had been formerly, and others upon a Call, where the Congregation was vacant, upon Consent of the Ministers in the Bounds. And since all Hope of joyned Testimony, against what was grievaminous, was lost, many did give it from Pulpit at their first Entry into their respective Parishes; and declared they did not homologate the *Erafrican* Power in the Council's Acts, or the Ecclesiastical Supremacy exercised by the King. Some of them, particularly Mr. *William Weir*, formerly Minister at *Linlithgow*, and now in *West-caldor*, had Libels

The Ministers who had Freedom to accept, enter the Churches, generally with a Testimony against the *Erafrican* Power in the Acts.

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Presbyterians
formerly uni-
ted, divide up-
on this Indul-
gence.

formed against them, and fell under no small Difficulties upon this Account, as we may afterwards hear.

This is as fair a Representation of Matter of Fact, as I could gather from the Papers I have seen on both Sides. And, upon the Whole, I must, with Regret, observe, That Presbyterians, who before this had been very much of a Piece, did now divide; and the Scar of this Wound is yet continuing among us. The Gentry, and not a few of the most knowing in the West Country, were glad that Ministers had the Freedom to fall in with this *Indulgence*, that they might have the Benefit of Ordinances dispensed by them: Yet considerable Numbers of the common People, from different Reasons and Views, were not so much satisfied. Several of them were taught to believe, and urge a Position, in it self of most dangerous Consequences, That it is unlawful to hear a Minister who was guilty of Failures in his Entry upon Ministerial Work, or Mistakes in his Management of it. I with the Remains of this dangerous Position may be entirely out from among us; but it was inculcate at first more privately, and in some Years more publickly, till, as we shall hear, considerable Numbers cast both at the Doctrine and Sacraments of the *Indulged*.

Arguments *pro*
and *con* upon
this Second
Indulgence.

Upon the First *Indulgence*, I have given a short View of the State of the Arguments *pro* and *con* upon this Subject, and I do not love to rake among the Ashes of this Burning. In a Word, such who fell in with this Liberty now granted, said, It was undoubtedly lawful to enter into a Place, and their Work there, when iniquously put from it, and their Restraint was taken off: That they took the Good in the Liberty, and meddled not with the Evil in it; against which they were most willing to have testified, but their Brethren would not concur. The other Side urged, There was more in the *Indulgence* than a mere taking off of the Restraint, that the Acts doing so were highly *Erafrican*, and the taking the Benefit of them, and urging them (as in the Case of Peoples paying of Stipend) a practical Approbation of them: That the Removal of the Restraint is only conditional, and a real Bargain suspended upon their Behaviour, and Use making of the Limitations, *Act Second*: That they could not joyn in a Testimony where they were of Opinion, at least as to their own Practice, *That the going in to the Acceptance of the Indulgence was sinful*. In short, they urged, that the Divisions following upon their Brethrens Acceptance, would be more to the Hurt of the common Interest, than the Exercise of their Ministry could balance: And that in their Opinion, the Accepters would be to blame for the ill Consequences, because a positive Duty in many Cases might be forborn without Sin, but a Thing sinful can never be gone into. These Debates are at Length enough handled in the *History of Indulgence* on the one Side, and the *Review* of it, and *Balm from Gilead* upon the other.

All agreed that
the Acceptance
of the *Indul-*
gence was no
Ground of Se-
paration.

Whatever Disputes there were at this Time among Presbyterian Ministers upon this Head, and different Sentiments, yet I cannot find that those that were in their Judgment against accepting of the *Indulgence*, did think the accepting of it any Ground of Separation: So far were they from this, that they heard them preach, wished them all Success in their Labours, preached with them as they had Opportunity, and bare Burden with them under all their Pressures and Difficulties.

Reasons of
this.

Some People indeed, influenced by Ministers in *Holland*, blamed the Ministers, who had Freedom to fall in with this Liberty, for Unfaithfulness, and acting unanswerably to their own Light, in not preaching against the *Indulgence*, and the Ministers who accepted of it: But this did not trouble them much. They were perswaded every Point of Truth ought not to be brought to the Pulpit at all Times. They considered there are *Sayings* even Disciples cannot bear: And though they themselves could not come up their Brethrens length in point of Practice, they saw no Reason from this, publickly to stage and condemn them. If there was Evil in what they had done, of which they would not further judge, than as far as concerned their own Practice, they reckoned their Refusal a sufficient Evidence they were not concerned in it; and when they were at a Point in those Things, what could they propose to themselves in preaching against the *Indulgence*, but the raising a Flame? especially since they were perswaded it was Duty in them and the People to joyn with their Brethren, and whereunto they had attained to walk by the same Rule, and mind the same Things.

The Divisions
not great at
this Time, but
afterward
broke out ter-
ribly.

Happy had it been for this poor Church, if Ministers and People under different Practices had remained united, and had kept by their First Ways: But in some Years Matters altered very much, and People who ought to have been Learners, set up for Teachers, yea, they turned Managers and Directors to Ministers; and ere all was done, some of them offered Rules and Prescriptions, even as to the Matter, Subjects, and the very Text they would have preached upon. At the Beginning, their Attempts this way were neglected, and Ministers pitied them, considering the Darkeness and Difficulty of the Times, but they would not encourage them in the least. Afterwards indeed, when Love cooled among Ministers, and Parties came to some greater Heights, some few Ministers, as may be afterwards noticed, fell in with these People, and acted entirely under their Direction; and then the Flame broke out terribly.

So much for this Second *Indulgence*; the occasional Effects of it, and the Difficulties attending it, will fall in in the Progress of this Book.

C H A P. VIII.

1673.

Of the State and Sufferings of Presbyterians during the Year 1673.



THE Persecution of Presbyterians for some Years now runs much in the former Chancel; the Difficulties of Ministers and People continue on the Account of Conventicles, and the Hardships of the Ministers who accepted of the Second *Indulgence*, were not small. I shall not then subdivide this Year, but take a View of the most considerable Hardships Presbyterians fell under, in the Order of Time, as much as I can reach it, and at the Close I shall hint at

Persecution of Presbyterians continues this Year.

a few Particulars, which come not in upon those Generals.

The Thread of the Managers Procedure against Ministers indulged and not indulged, and Conventicles, is so mixed, that I shall not essay to separate them; only the Treatment of some particular Ministers may be considered, after I have gone over the more general Accounts.

This Second *Indulgence*, as, for a Season, it was attended with no small Difficulties to such as accepted of it, so it was followed with harsh enough Treatment of the rest of the outed Ministers, who could not involve themselves in what appeared dubious to them.

The outed Ministers harshly treated.

Lawderdale took it very ill, that all the Ministers who were confin'd, and, as appeared to them, imprisoned in the Parishes formerly specified, did not obey and cheerfully accept. But these worthy Men durst not bind up themselves in their Master's Work, and were in no great Difficulty to determine themselves whether they should obey God or Man.

That the Ministers did not keep their Confinements is ill taken.

When Duke *Hamilton* came into *Edinburgh* in the Beginning of this Year, the Council were fond to know the Success of their *Indulgence* in the West. It is said, the Duke gave it as his Opinion, That had the Liberty been generally gone into by Presbyterian Ministers, it would have gone far to have quieted the Country entirely: But he represented that there was a considerable Party who did oppose it, and so he doubted much if it would answer its End: And he named some Ministers, whom he termed Sticklers against it, as Mrs. *Moucrief*, *Campbell*, *Fleming*, *Kirkcoun*, and others we shall presently meet with. Whereupon the Council resolved to force them to their Confinements.

Duke Hamilton's Sentiments of the Indulgence.

All the outed Ministers in *Edinburgh*, *March 7th*, are by the Council ordered to leave the Town, and to remove at the Distance of Five Miles round it; unless they presently give Bond not to keep Conventicles. This the Managers well knew, was equal to a banishing them the Town and Five Miles round it.

Outed Ministers ordered to remove from Edinburgh, and five Miles round it.

March 12th, the Council came to be a little more severe: Former Citations had been given, and that Day the most Part of the outed Ministers, who had not entred their Confinement, were called before the Council. There compeared Mr. *George Wauch*, Mr. *Robert Young*, Mr. *James Kirkcoun*, Mr. *James Donaldson*, Mr. *Robert Lockhart*, Mr. *Matthew McKail*, Mr. *Patrick Anderson*, Mr. *Alexander Barton*, Mr. *James Hamilton*, and Mr. *William Thomson*. They were challenged for not entring their Confinements in *September* last. Some gave one Reason, some another, according to their different Circumstances. The Council took a general Order with them all; and considering that the Weather was ill, and the Roads bad at this Time, appoint them to enter their Confinements by the first of *June*, under the Pain of being apprehended as Despisers of His Majesty's Authority; and give Orders to the King's Forces, the Sheriffs, and all Magistrates, to seize them wherever they can be found, if so be they obey not this Appointment.

The outed Ministers, who had not entred their Confinements, appear before the Council, and are ordered to enter them by the 1. of June.

The Absents, who when called did not compear, were Mrs. *Robert Maxwell*, *John Law*, *William Weir*, *Andrew Morton*, *James Walkinshaw*, *Alexander Jamison*, *James Wallace*. Excuses were made for some of them, and the Diet of all the Absents continued. Such who were present generally thanked the Council, when called in, for the Time allowed them to consider upon this Affair until *June 1st*, and promised to advise the Matter with all Seriousness. One of them differed a little from the Rest in his Circumstances, and his Carriage before the Council made some Noise.

These absent are continued.

This was Mr. *Robert Young* a very worthy Minister in *Perth* Shire, who had been very impudently turned out by Bishop *Sharp*. When he came in before the Council, he complained he had been most iniquously turned out of his Charge by Bishop *Sharp*. The Bishop had taken upon him to depose Mr. *Young* by a Sentence passed in his own Chamber, one Minister only being with him there, and whether his Consent was asked or given the Complainer did not know. From this Sentence Mr. *Young* appealed to the Privy Council, and begged their

Mr. Robert Young his Case when before the Council, with his Complaint against Bishop Sharp.

1673.

Lordships would consider the Wrong done him; and required the Bishop who was present, being in this Affair a Party, might be removed when this Cause was discussed. The Bishop rose up, and alledged, Mr. Young had been orderly and justly deposed by him and the Synod of Fife. Mr. Young offered upon his Peril to prove by the Date of the Sentence, that he was deposed before the Synod met; and if the Bishop had caused insert his illegal Sentence, after it was passed, in the Records of the Synod, that was what he could not help. Mr. Young was removed a little, and when called in, the Chancellor signified to him, That it was the Council's Pleasure, he should go to his Confinement against the 1st of June. He answered, he was sorry such a Sentence was passed upon him, for no other Reason but their Pleasure, and humbly protested, that it might not prejudice him of Reparation from the Wrong done to him by the Bishop; and further protested, that his Obedience to the Council's Pleasure should not involve him in any Approbation of the complex Act of Indulgence.

Proclamation
against Con-
venticles
April 5.
App. N^o. 57.
Remarks upon
it.

While the Ministers are thus dealt with, further to balance the Indulgence, and gratify the Prelates, April 2^d, the Council emit another Proclamation against Conventicles, which is annexed, App. N^o. 57. The Rigour of it is plain enough without Remarks. The Blame of the Nonexecution of the former Acts against Presbyterians, is laid upon Heritors not giving Information against Conventicles, which I suppose many did not reckon themselves obliged to do. To convince them of what the Council makes to be their Duty, they declare, *The Execution of the 5th Act of the last Session of Parliament, is of great Concernment to Religion.* Thus, 'The Days are come when the Disciples must be put out of the Synagogues, yea, when who-soever killeth them thinketh he doth God good Service; and these Things are done, because they knew neither the Father nor the Son.' Further, the Council declare it to be the Duty of all good Subjects to endeavour to bear down Conventicles. This involves Informers, and all active Concurrers for the Prosecution of this Act, in an Approbation of what the Council do. All Heritors, Wadsetters, and Liferenters, are required to inform the Council, or their Underworkers, of the Persons present at, and Circumstances of the Conventicle which shall be kept on their Lands: And if they do it not within three Days after it comes to their Knowledge, they are to be fined in the Fourth Part of their yearly Rent for each Conventicle not delated: And the Sheriffs have One third Part of the Fine for their Hire; and the Informer against the Heritor who did not inform, is to have another Third Part. In this Act there are Hardships in abundance, and a Foundation laid for terrible Oppression, debauching the Country with Oaths, and many other Evils.

King's Letter,
April 29. in-
fluencing Dan-
ger of a Rising
in the West.

A Letter from the King, dated April 29th, is read in Council May 7th, wherein he acquaints them, that the States of the united Provinces now at War with him, have Designs on Foot to raise Troubles in Scotland; and therefore he requires them to suppress Conventicles, and secure the West Country. What Ground there was to suspect such who frequented Conventicles, or the West Country, of any Design of this Nature, I cannot learn. None of the King's Subjects were more loyal, and better affected to his Government, than they were; only they could not comply with any Thing contrary to their Conscience, and Reformation-rights: But I am apt to think, this Innuendo came mostly from Scotland, and was sent up to Court by the Enemies of Presbyterians, as many gross Calumnies and Lies were in this Period. The Council, in Obedience to the King's Desires, write Letters to the Duke of Hamilton, the Earls of Eglington and Cassils, ordering them to enquire into Conventicles in the West Country, and send Accounts of them to Edinburgh; and particularly, that they inform themselves what disaffected Persons reside among them.

The 29. of
May not kept
by the Indul-
ged.

When the 29th of May came about this Year, new Matter offered to the Bishops for their appearing in Council against Presbyterian Ministers. None of the Indulged observed this Anniversary. Some few indeed preached that Day, such as Mr. John Spalding, Mr. John Wallace, Mr. William Maitland; but it came about only by their Week-day's Sermon happening upon it. And tho' they preached, yet nothing was mentioned relative to the Solemnity of that Day.

Letters directed
against them
for this.

June 12th, I find the Council order Letters to be directed against Ministers indulged, in the Shire of Air, Lanerk, and Kirkcudbright, who have not kept the 29th of May. Accordingly, the most Part of them compeared in the Beginning of July. I shall just now take Notice of their Treatment, if once I had noticed a Letter which comes this Day to the Council, which had no small Influence on the rest of the Year.

King's Letter
to Council,
May 31. con-
cerning the
indulged and
outed Min-
isters.

How this Letter was procured, and upon what Views it was sent, will best appear from the Contents of it. Lawderdale was lately gone up to London, and within a little after his Arrival, this Letter comes, dated, Whitehall, May 31st. And I insert it here.

CHARLES R.

Right Trusty, &c. We are informed by Our Commissioner, at his Return thither, of the Way agreed upon by you, for disposing a Number of the outed Ministers to certain Churches in the West, and being well satisfied with it, 'tis Our Pleasure it be prosecuted; and that all such of these Ministers who have hitherto delayed to give Obedience to it, be forthwith

forthwith cited to appear before you, and required to repair to the said respective Parishes, and to abide confined there, with Liberty to preach in those Parish-kirks, and of receiving their Share of the Stipends thereto belonging, conform to the said Act. 1673.

And if any of them shall be still unwilling to accept of that Favour on the Terms upon which it is granted, you shall not at all press them to it; but instead of that, you shall require them either to give sufficient Assurance of their forbearing Conventicles, and going to Church, and their peaceable and orderly Behaviour in the Places where they reside, or that they will choose for themselves, each of them, any one of those Parishes, within the Diocese of *Glasgow*, which are contained either in the former or latter Acts of *Indulgence*, for the Place of their Abode and Confinement, with Liberty of preaching in any of the respective Parishes; and if they will not choose for themselves, that then you choose for them, and appoint to each of them some one of these Parishes for their Residence and Confinement, as you shall think fit; requiring them positively to repair to one of these Parishes within a certain Day, under the Pain of a more severe Restraint, which We require you to inflict.

You shall likewise summon before you all the outed Ministers, to whom no particular Parishes were assigned by the late Act; and command them in the same Manner, either to give Assurance of their orderly Living where they are, or to choose each of them, one of the same Parishes where they may abide under Confinement, or else go to such as you shall choose for them, under the same Penalties.

And because We are informed, that some of them are displeased forsooth with the late *Indulgence*, you shall secure them from the Fear of any more of that Kind; and let them know, that if, after all the Lenity used towards them, they shall still continue refractory and untractable, We will employ Our utmost Power for the securing the Peace of the Church and Kingdom, from their seditious Practices.

And for preserving Peace and Order within the Diocese of *Glasgow*, We do hereby require and authorize you to give a Commission to the Duke of *Hamilton*, Earl of *Linlithgow*, Earl of *Dumfries*, Earl of *Dundonald*, and President, or any Two of them, with full Power to them to put in Execution the Laws and Acts of Council made anent Church-affairs; and to make constant Enquiry from Time to Time, concerning whatsoever Disorders have been, or may be committed in any Parish within the said Diocese, whether planted with regular Ministers, or supplied by the *Indulgence*, punishing Delinquents of all Sorts according to Law; and to call to an Account Sheriffs, Bailies of Regalities, and Bailiaries, Justices of Peace, and Magistrates of Towns, within the said Diocese, who have been or shall be negligent in executing the Power given them by Law against Conventicles, deserting of Kirks, irregular Baptisms and Marriages, and other Disorders of that Kind; with Power likewise to them to give such Orders to Our Guards of Horse and Foot, quartered in those Parts, as they judge necessary, for executing the said Commission, and the Peace of the Country: And this Power to be given to the said Lords, with a sufficient Allowance out of Our Revenue for a Clerk, and other Servants, and incidental Charges, as they shall find necessary; and you are to call for a particular Account of their Diligence from Time to Time, and transmit to Us.

Upon reading of this Letter, the Council send Letters to the Noblemen named in it, to come into *Edinburgh*. But I find it did not please all the Members, especially the last Article of it; and so a Demur is made, and 'tis toward the End of *July* before the Council make a Return to the King upon these Subjects. I shall therefore take in here the Prosecution of the Indulged, for their not keeping the 29th of *May*, with the Consequents of this, being, in Order of Time, before the Council's Return to this Letter.

According to the Citation given to the Ministers who had accepted the *Indulgence*, many of them compeared, *July 3^d*. The Bishops did most violently appear against them in Council. Being interrogate by the Chancellor, If they had kept the *Anniversary* appointed by the Act of Parliament; all of them acknowledged they had not kept it, and some of them gave one Reason of their Practice, some another. Being next questioned, What they would do in Time to come; they answered, as they had concerted, That they had no Freedom in their Conscience to keep any *anniversary Holy-days* of human Institution. They granted that some Things in the Act of Parliament were softened, and the Word *Holy-day* taken out; yet still they were of Opinion the Thing remained. A Day was fixed annually for Divine Service, the Kind of Worship was determined, and Cessation from Labour required: So that to them, the Day which before was appointed to be a *Holy-day* by the First Act of Parliament, was still the same, though the Word was omitted; and they could not, without going counter to their own Light, observe it.

While they were before the Council, a most unhappy Incident fell in, which brought the indulged Ministers to a great Difficulty, and one of them to his Grave. This being much insisted upon both by the Enemies of the Presbyterians, and some among themselves who were dissatisfied with the *Indulgence*, 'tis necessary to give some Account of it, from the Papers come to my Hands.

Its Contents do not please all the Council.

Indulged Minister compeared before the Council, *July 3^d*. Then Examinations and Answers, as to their not keeping *May 29th*.

1673.

An unhappy Incident about the Instructions given them by the Council, upon which they are delayed till July 8.

With the most Part of the Ministers who came before them, the Council only insisted upon their keeping the 29th of May. Yet, upon what Reasons I know not, one or Two of them, when called in, were interrogated concerning their baptizing Children in the Parishes of Conformists, without Testimonials; and, in a Word, Whether they had kept the Council's Instructions sent them with their Acts of Indulgence. Being cited before the Council, only upon the keeping of the Anniversary, they had no Concert as to this; and one of them who had not got his Instructions sent him, when interrogated, answered, He had not seen the Instructions the Chancellor spoke of. This brought them all upon the Lock. The Chancellor told him, That had been a Neglect, and they should all see them, and called them in, and ordered them all to attend the Council on the 8th Day of July, that they might hear their Sentence for not keeping the Anniversary, and that such who wanted might get Copies of the Council's Instructions.

Their Concert in the Interval.

During the Interval, the Ministers met frequently among themselves, to consult what to do when their Instructions came to be read and offered to them. The most Part were for a Paper by way of a Testimony, declaring their Sense of those Encroachments they were brought under, in the best Terms they could fall upon. This was drawn, read, and reasoned upon at full Length. In the Issue, they came to put it to the Vote, Whether it should be signed and presented in all their Names, or only made Use of as a Pattern and Directory, according to which each of them should express themselves when before the Council; or, according to which, one, in Name of the rest, should deliver the Mind of the Whole? Mr. George Hutchison and some others were peremptorily against subscribing the Paper, and the Plurality were for signing and presenting it in their Names: Yet when they considered the Necessity of Unity in this Matter, and that if they were not of one Mind, it would do more Hurt than Good, they came all into this, to use it as a Directory; and it was laid upon Mr. Hutchison to speak in Name of the rest, in case the Instructions were presented at the Council-board to them.

July 8. the Ministers within written fined for not keeping May 29.

Upon the 8th of July, the Ministers appeared again before the Council; and a Decree passed against Mrs. John Graceford, Anthony Murray, John Hamilton, Peter Kid, John Oliphant, James Curry, John Lawder, James Hutchison, John Stirling, John Baird, William Eccles, Andrew Dalrymple, John Hutchison, Robert Miller, George Ramsay, George Hutchison, Ralph Rogers, John Bell, William Tullidaff, fining them in the Loss of Half of their Stipend, for the Year and Crop 1673. for their not keeping the 29th of May.

Method of the Council's delivering the Instructions to the indulged Ministers.

The Lords, 'finding, That some of the allowed Ministers want the Council's Instructions, appoint them to be delivered coram to them, that none pretend Ignorance.' The Method of this was, The Roll of the Ministers was gone through, every one called as they lay in Order, and asked if he had a Copy of his Instructions: If he had, he was dismissed; if not, the Clerk delivered him a Copy. It happened Mr. George Hutchison's Name was towards the End of the Roll, and he not offering to speak what was agreed upon, till his Name should be called, some of the Brethren, before him in the Roll, began to question whether he would speak, and resolved to speak for themselves.

Mr. Alexander Blair's Expression at receiving them.

Mr. Alexander Blair Minister of Galsfoun, was the First who spoke; and when the Clerk delivered him the Paper, said, 'My Lord Chancellor, I cannot be so uncivil as to refuse a Paper offered me by your Lordships, but I can receive no Instructions from you, for regulating the Exercise of my Ministry; for if I should receive Instructions from you, I should be your Ambassador.' The Chancellor took this hainously ill, and falling into a great Passion, ordered one of the Macers to keep Mr. Blair, for he spoke insolently. Mr. Blair offered to explain himself, but was not permitted.

Mr. Hutchison's Discourte.

When Mr. Hutchison was called in the Roll, he spoke some Things to qualify what Mr. Blair had said, and discoursed 'of the Difference between the Civil and Church-government, and their different Powers, formal and objective, intrinsick and extrinsick.' What he delivered, passed without any Censure. All the Ministers were dismissed save Mr. Blair. The Council-register as to him bears, 'Mr. Alexander Blair at Galsfoun, having publicly disowned the King and Council's Power and Authority, in giving him Instructions, the Lords ordain him immediately to be carried to the Tolbooth of Edinburgh, there to remain till further Orders.'

Mr. Blair imprisoned.

Accordingly he was made close Prisoner till December. Upon the 4th of September he petitioned the Council, 'desiring he might be liberate, and signified, that he was informed that they had blamed him for not giving them that Deference he ought to have given them, and begged, that if he had mistaken in Stile and Form, they might impute it to his being uncustomed to speak before such a Judicatory; but he could not recede from the Matter he had spoken.' This Petition was rejected. In November, through his ill Treatment in Prison, he sickned; and, December 4th, I find 'Mr. Alexander Blair allowed by the Lords to go to a House in Edinburgh by reason of his Sickness, upon Caution given for him, under the Penalty of 5000 Merks, that he shall re-enter in a Month, and not keep Conventicles. And, January 8th, they prorogate his Liberty another Fortnight; and by that Time, this excellent Person died, in much Joy, and full Assurance of Faith.

Continues in Prison, notwithstanding of his supplicating, till December, when he sickned and dies.

When

When Mr. Blair was imprisoned, the rest of the Ministers were deeply concerned about him; and, as I am informed, met, and appointed Mr. Hutchison, and some with him, to go to the Chancellor, and the other Counsellors, and homologate what Mr. Blair had said, and seek Favour to him. They went accordingly. The Chancellor pretended, it was not the Matter so much as the Manner of his speaking had irritate them. However Mr. Blair was still kept in Prison.

Mr. Hutchison was blamed for not speaking at first what had been concerted. He alledged that it was not proper for him to speak till he was called upon. It is plain their Measures were broke, and they in some Confusion. The Ministers were reflected on in Papers handed about at this Time, under the Titles of Informations. The Reader will find an Abstract of them, *History of the Indulgence*, Pag. 52, 53. Upon the other Hand, the Brethren who fell in with the Indulgence, and Mr. Hutchison in particular, were vindicated in a Paper called, *A true Narrative*, which not being in Print, I have annexed, App. N^o. 58. As I take it, this is the Account which the Author of the *History of the Indulgence* makes Remarks upon, Pag. 58, &c. and the forementioned Answers to that History, essay to remove: Both being in Print I say no more of it.

Upon the Whole, many at this Time wished the Ministers could have centred in a plain Declaration against the Encroachments made upon them, and they judged this was the Season of it. Had it been given, probably this would have prevented much of the Stumbling which fell in afterwards. These who were formerly averse from the Indulgence, were confirmed, and by little and little in the succeeding Years People began to withdraw, and some who were not unwilling to have accepted of the Indulgence, if Grievances had been presented for the Preservation of Ministers Liberty, turned stiff against falling in with it, and many uncharitable Centures were passed upon the Accepters; tho' it behoved to be owned, that Ordinances dispensed by them were blessed to Multitudes.

And to give all the Persecution, for not observing the Anniversary, together; July 10th, Mrs. John M^r. Michan at Dalry, John Semple at Carsphairn, John Cant at Kells, were fined as above. And, July last, upon the same Account, and in the same Manner, the Council fine Mrs. John Scot at Oxnam, James Fletcher at Newthory, and Robert Mowat at Herriot.

It is Time now to return to the King's Letter, anent the outed Ministers and Conventicles, abovementioned; and I have already observed, that it met not with that ready Entertainment at the Council-board, usually given to His Majesty's Letters. The secret Springs of this I shall not dip into: It is probable, neither the former nor latter Part of it, was very agreeable to the Bishops Designs against Presbyterians in the South and West; neither did the Nomination of Persons to whom so considerable a Power was committed, satisfy all. But I restrict my self to Matter of Fact, as far as it hath offered to me in the Registers.

June 26th, a Draught of a Commission is brought in before the Council, to Duke Hamilton and the rest named: Some Difficulties are raised upon the Draught, and a Letter writ to the King, representing some Inconveniencies which offered themselves, as to the Council's falling in with some Parts of the King's Letter. Upon the 1st of July, this Matter is a little further delayed, the Managers, I suppose, waiting for Returns from Court.

At length, July 25th, the Commission to the Five Persons named is agreed upon, and the Council write to the King, signifying 'That they have issued out the Commission, as his Letter had appointed, but humbly propose, that His Majesty may consider, whether the right settling of the Affairs of the Church, and publick Peace in the Diocese of Glasgow, being the greatest Concern, and of the most Importance to His Majesty's Service of any Thing within the Kingdom, and a great Branch of the Council's Work these Ten or Twelve Years past, be proper to be left in the Hands of so few.'

The Return to this I find in the Records, September 3^d; wherein the King complains, 'That the outed Ministers have not been cited before the Council in the Terms of his Letter May 31st, and tells them, That the Power of the Five proposed for the preserving the Peace in the West, is not at all privative of the Council's Power; but they are to report to the Council, and that few do Business a great deal better than many. In the Close, the Western Commission to the Persons named is dropt, and the Council warned to take a special Care of the Diocese of Glasgow, and they are assured, their Procedure will be lookt after, since they are averse from the King's Proposal.'

When this Letter is read, it was not a little satisfying to several Members; and the Council immediately order all the outed Ministers in Edinburgh, to be cited to hear themselves concerned to repair to the Parishes in which they were confined, in the Terms of the King's Letter May 31st. And the same Day the Council give Power to the Chancellor, and Earl of Athole, to grant Order and Warrant to all whom they please, upon credible Information given them, to seize all who have been at Field-conventicles, and send them to Edinburgh, or oblige them to find Caution to appear before the Council, and send their Bonds to the Clerks.

To Morrow, September 4th, the Council make this following Act. 'Forasmuch as His Majesty hath thought fit, that all the outed Ministers who have no particular Parishes allowed them,

1673.

The rest of the Ministers homologate what Mr. Blair had said, and interpose for him, but in vain. Mr. Hutchison and the other Ministers blamed in this Matter, with their Defences.

App. N. 58.

Remarks upon the Whole.

More Ministers fined, July 10th and 31st.

Counsellors not so ready in answering the King's Letter of May 31. as in other Cases.

Commission to Duke Hamilton and others presented and delayed.

At length it is given with a Kind of Remonstrance to the King.

King's Letter, September 3. dropping the Commission.

Outed Ministers again brought to Trouble. and Warrants given to imprison all who are at Field-conventicles.

Act against indulged Ministers, and such as were outed,

1673.

Some confined
and others de-
nounced.

‘ them, repair to and be confined in such Parishes as the Council shall name. Mr. John Park, who compears this Day, is appointed to confine himself to *Kilmavars* Parish, and Mr. John Knox, likewise present, to *West-Calder*. Mrs. Robert Fleming, Thomas Hogg, John Lidderdale, Alexander Hutchison, not compearing, the Council appoint them to be apprehended wherever they are found, and presented before the Council:’ And, September 30th, a Decree is passed against all the outed Ministers who had not accepted the *Indulgence*, and entered their Confinements, (except Two or Three who made some Excuse or other) and they are ordered to be denounced. November 6th, I find Mrs. William Mein, James Donaldson, William Creighton, James Kirkcoun, Robert Lockhart, John Wauch, are ordered to be denounced, except Mr. Wauch, who is gone with his Family to *Ireland*, and is excused, and Mrs. Kirkcoun and Lockhart, who are gone to *England*: Them the Council order to be cited to compear in Sixty Days; and Mr. Thomas Melvil is excused by reason of Sickness.

It is recom-
mended to the
Lords of Ses-
sion to grant no
Suspensions
upon Decrees
as to Church
Irregularities.

From these Passages, the Reader will understand the Zeal of the Managers this Year against the outed Ministers and Conventicles. I shall only add, That, June 19th, the Council recommend to the Lords of Session, that no Suspension be by them granted on Decrees pronounced against Persons guilty of keeping Conventicles, irregular Baptisms or Marriages. Some further View of the Hardships put upon Presbyterians this Year, will be had from some particular Instances of Ministers and Gentlemen, which I come now to give.

Mr. Robert Gil-
lespie before the
Council and
sent to the *Bass*.

April 2^d, I find Mr. Robert Gillespie before the Council, where he confesses he had kept one House-conventicle in the Town of *Falkland*: But refusing to delate whom he knew among his Hearers, and to be an Evidence against them, the Council order him to be carried Prisoner to the Isle of the *Bass*, their lately contrived Prison. Upon the 7th of May, they allow him the Liberty of the Isle of the *Bass* above the Wall, but strictly require he be not permitted to preach, or exercise any Part of his Ministry there. Here he continues till the Beginning of the next Year, when he fell sick, and, January 8th, the Council permit him, on his Petition, to be let out some Time for his Health.

Mr. Alexander
Pedin sent to
the *Bass*, and
Hugh Fergusson
finced.

Towards the End of June, Mr. Alexander Pedin Minister at *Glenluce*, was apprehended by Major Cockburn, in the House of Hugh Fergusson of *Knockdow* in *Galloway*, and both were brought Prisoners to *Edinburgh*. June 26th, the Council appoint the Register and Advocate to examine Mr. Alexander Pedin Prisoner, lately apprehended for being at *Pentland*, and keeping a Conventicle. Upon their Report they appoint him to be transported to the Prison of the *Bass*.

I have before me a Letter of this good Man, dated from the *Bass*, August 11th, 1677. directed to the Reverend Mr. Patrick Simpson, then indulged at *Kilmacomb*, and since the Revolution Minister at *Renfrew*, till October 1715. when he got to the Joy of his Lord in a good old Age, after he had been Sixty three Years (singularly useful) in the Work of the Ministry; wherein Mr. Pedin thanks him for a charitable Supply of Money, sent to him and the other Prisoners in the *Bass*. And I have Ground to think, Mr. Pedin was very much of these Four Years imprisoned there. The Council further appoint Fifty Pounds Sterling to be paid out of the Fines to Major Cockburn, for his great Pains in apprehending Mr. Pedin and Hugh Fergusson, and ordain him to distribute Twenty five Pounds among the Party of Soldiers under his Command, less or more to each at his Discretion. And, July 10th, the Council fine Hugh Fergusson in a Thousand Merks, for his Riolt of Mr. Alexander Pedin, and being present at a Conventicle.

Mr. Andrew
Wedderburn, Minister
at *Ansstruther*, im-
prisoned at a Con-
venticle, and
confined to
Kilmarnock.

Mr. Andrew Wedderburn is before the Council July 31st, and confesseth, ‘ He kept a Conventicle in his own House in *Ansstruther* Wester, that is, preached and prayed when several others beside his own Family were present. The Lords commit him to Prison till he find Caution under Five thousand Merks, not to keep a Conventicle again, or take on him a voluntary Banishment.’ He continues in Prison about a Month, and then upon a Petition to the Council, he is confined to the Town of *Kilmarnock*.

Mr. William
Weir at *West-
calder* pro-
secuted.

The same Day, July 31st, ‘ the Council order out a Squad of the Guards to bring in Mr. William Weir, indulged Minister at *West-calder*, Prisoner to the Tolbooth of *Edinburgh*. I find no more about him in the Registers, neither have I any full Accounts of the Process against this godly Minister; only I am informed that he was challenged for taking a Call to the Parish of *West-calder*, from some of the Heritors and the People; and in his Entry to that Parish, he had some Expressions which were dissatisfying to the Prelates, anent his adhering to the Reformation of this Church, and the awful Obligations we are under to maintain it: Besides, in his Sermons he had preached against Prelacy, and a spiritual Supremacy in the Magistrate.

Further Ac-
counts of this
good Man.

Since I have no distinct Accounts of the Expressions this good Man used, or the Sentence passed against him by the Council, I shall only acquaint the Reader, that Mr. Weir was, before the Restoration, Minister at *Linlithgow*. In May 1661. he, with the Reverend Mr. William Creighton, Minister at *Bathgate*, were, upon a Petition from the Heritors of their respective Parishes, removed from their Parishes by the Synod of *Lothian*, as in part hath been noticed. Mr. Weir refusing to deliver up to the Magistrates the Church Emoluments and Registers, was put into the *Thieves Hole* in *Linlithgow*, by Provost Glen: And after he had been some Time

Time in that Dungeon, he was carried to a Room in the Palace, and kept there Six Weeks; till at length, seeing no Remedy, he was forced to make the best Terms he could with his Persecutors. His holy Plainness and Freedom, when at *West-caldor*, obliged him to quit that Place, and within a little he went to *Ireland*, where he continued till the Liberty 1687. when the People of *Lintithgow*, with the Concurrence of the general Meeting of Ministers at *Edinburgh*, gave him a Call to return to his former Charge, where he continued till July 1695. at which Time he died, triumphing over Death and the Grave.

1673.

Others were attacked this Year besides Ministers, if they favoured Presbyterians any way. February 20th, the Chancellor for *Fife*, and Duke *Hamilton* for the West Country, are ordered by the Council to enquire, what Magistrates or Counsellors in Burghs had not signed the Declaration, and report. What gave the Occasion to this new Enquiry I know not.

Gentlemen and others who are called Presbyterians attacked

The Gentlemen formerly mentioned, *Kersland*, *Blacket*, *Quarreltoun*, *Bedlane*, and others, imprisoned for Nonconformity, alledged Accession to *Pentland*, and *Church Irregularities*, as they were called, were this Year continued in their Prisons. And I shall add another Instance of the Severity of this Time, from the Justiciary Records, upon a worthy Gentleman lately dead, Sir *Andrew Kennedy* of *Clowburn*, since the Revolution Lord Conservator in the Low Countries; and it will best appear as it stands in the Registers.

Sentence of the Justiciary against Sir Andrew Kennedy of Clowburn.

Apud *Edinburgh*, August 20th, 1673. Sederunt, Sir *James Lockhart* of *Lee* Justice-clerk, Lords *Collington*, *Newbyth*, and *Craigie*, Justiciaries.

MR. *Andrew Kennedy* (alias *Weir*) of *Clowburn*, being called, did not compear, to have underlien the Pains of Law for the Crimes underwritten, viz. That he having shaken off all Fear of GOD, Conscience of Duty, and Allegiance to his Majesty, and Respect and Tenderness to his Country, presumed to commit the Crimes underwritten. In to far as, Mr. *Robert McVaird* Minister at *Glasgow*, Mr. *Robert Trail* Minister at *Edinburgh*, Mr. *John Livingstone* Minister at *Ancrum*, Mr. *John Brown* Minister at *Wamphra*, and divers other seditious Persons, being under the Lash and Compass of the Law and Justice, for their seditious and disloyal Practices, and owing to his Majesty's unparalleled Goodness that their Lives were spared, and that in lieu of that just Severity and Punishment, which by the Law was due unto them, and which justly they might have expected, were banished and removed out of this Kingdom only, where they had not lived, nor, their Principles and Temper being considered, could not live peaceably, and as became loyal and dutiful Subjects: Yet the said Persons having retired unto *Holland*, and the Dominions of the Estates of the united Provinces, and forgetting their Duty and his Majesty's Favour, did resume, continue, and prosecute their former seditious and disloyal Practices, with as much Malice and greater Boldness than formerly, conceiving they were out of his Majesty's Reach, Authority, and Justice; and ever since they retired out of his Dominions, have made it their Work to hatch, plot, and contrive most horrid, bloody, and treasonable Designs, against his Majesty and Government, and for disturbing the Peace and Quiet of these Kingdoms, and involving again, and embruing their native Country in Blood, Combustion, and the dreadful Calamities of a War, civil and intestine, and Rebellion, under which it has laboured and groined for many Years, and has been the Subject of Compassion even of Strangers: And in order thereunto, having framed divers seditious and treasonable Books and Pamphlets, the ordinary Trumpets and Engines of Sedition and Rebellion, and in special *Nephthali*, *Jus populi vindicatum*, they sent the same home to this Kingdom to be divulged: Likeas, they were divulged and dispersed, of purpose to confirm those they conceived to be in their Principles and Perswasion, and to poison, deprave, and seduce others to the same. They did most seditiously stir up the Estate where they lived, and some of those who had Interest in their Government, to a War against his Majesty; and for their Engagement did promise and suggest to them, that they might expect Assistance, at least Diversion, from a Party of their Friends here: They, at least some of them, were, and did traffick and practise in *England* to the same Purpose, and did send home, or at least endeavour to get sent home to this Kingdom, Arms in order to their Designs foresaid; and for promoting and effectuating the same, they had and kept Correspondence with disloyal and seditious Persons, and in special with divers who had been sentenced and forfeited, or at least declared Fugitives, for their Accession to the late Rebellion; and, in order to this, have their Wives, Friends, and Emisaries living here within this Kingdom, under the Warmness of his Majesty's Authority, and yet like Vipers endeavouring the Destruction of their Country. Amongst which, the said Mr. *Andrew Kennedy* was employed, and in the Year 1670 or 1671. had sent home to him, and did receive some of these seditious and treasonable Books, Libels, Pamphlets, and Letters, and did disperse the same, and did give Returns to the said Letters, kept Correspondence with them, and otherwise promoted the said Designs, or did know and conceal them. Wherefore the said Mr. *Andrew Kennedy* has Art and Part, and Accession to the said Crimes of Treason; and was lawfully charged, August 3^d last, to compear before the Justiciary;

1673. 'Justiciary; and, not compearing, he is decerned to be our Sovereign Lord's
'Rebel, and ordained to be put to the Horn, and his moveable Goods and Gear brought
'in for his Majesty's Use, as Fugitive. Which was pronounced as *Doom*.'

Remarks upon
this.

It is almost needless to make Reflections on this Procedure. The Libel seems rather to be against the banished Ministers than Mr. *Kennedy*, and stuffed with virulent and invidious *Innuendo's* upon them, every way groundless and ill founded, as the Reader no doubt hath observed in the former Part of this Work: Yea, there are some plain Falshoods advanced against them, as that Story made up at *Edinburgh*, That they had stirred up the States to War, and promised Assistance in *Scotland*; which is so evidently false, that it needs no Refutation; and when Mr. *Kennedy's* Part comes, it is evidently strained. The Ministers, from whom perhaps he might have Letters, were not intercommuned, and nothing can be more forced than the Charge on him about the prohibited Books: And yet he is, in Absence, found Art and Part in Treason, and denounced and declared Fugitive.

List of Fines
for Noncon-
formity, im-
posed upon
Gentlemen in
the Shire of
Renfrew.

I shall conclude this Account of Hardships this Year, on the Score of Nonconformity and Conventicles, with an Abbreviate of the Fines imposed about this Time, upon the Heritors of the Shire of *Renfrew*, which is none of the largest of our Counties, for withdrawing from publick Worship, keeping of Conventicles, disorderly Baptisms and Marriages.

	L.	s.	d.
Sir <i>George Maxwell</i> of <i>Newark</i> , his yearly valued Rent in this Shire being Sixteen hundred Pounds <i>Scots</i> , is decerned in the Eighth Part of his Rent, for each Sabbath's Absence from the Church, which is Two hundred Pounds <i>Scots</i> . This, in the Year, counting Fifty two Sabbaths, extends to Ten thousand four hundred Pounds, and he is fined for Three Years Absence in	31200	00	00
The same Gentleman, conform to the Valuation foresaid, as guilty of a Conventicle weekly, for the Space of Three Years, which by Act of Parliament is the Fourth Part of the yearly Rent, is fined in	62400	00	00
Item, for a disorderly Baptism yearly, ilk of the said Three Years, (the Gentleman, for Noncompearance, being held as confess on all the Parts of the Libel) a Fourth Part of his yearly Rent, which is Four hundred Pounds, <i>inde</i> in Three Years Time,	1200	00	00
This Gentleman then, for those Delinquencies, during Three Years, which is the Term of the Act of Parliament, in Whole is fined in	94800	00	00
The Laird of <i>Douchal</i> (now <i>Porterfield</i> of that Ilk) his yearly valued Rent being Fourteen hundred Pounds, and holden as confess upon the whole Libel, is decerned as guilty of the foresaid Delinquencies, for the Space and Causes foresaid (though Particulars I pass after this, and give the total Sum for Shortness) is fined in	84400	00	00
<i>William Cunningham</i> of <i>Carncurran</i> , his yearly Rent being Two hundred thirty three Pounds, Six Shillings, Eight Penies, and holden as confess for the Crimes foresaid, is fined in	15833	06	08
<i>John Maxwell</i> of <i>Dargavel</i> , for the Causes and Time foresaid, in	18900	00	00
<i>John Erisbane</i> of <i>Freeland</i> , for the Causes and Time foresaid, in	3900	00	00
<i>Gavin Walkinshaw</i> of that Ilk, in	12429	00	00
Sir <i>George Maxwell</i> of <i>Nether-pollock</i> , in	93600	00	00
<i>Matthew Stuart</i> in <i>Merns</i> , in	6399	00	00
<i>John Pollock</i> of <i>Falside</i> , in	3510	00	00
<i>James Hamilton</i> of <i>Langtoun</i> , in	18427	00	00
Mr. <i>James Pollock</i> of <i>Balgray</i> , in	15833	06	08
Total is	368031	13	04

Remarks upon
these Fines.

This is a terrible Sum from Eight or Ten Gentlemen, and most of them of the smaller Set of Heritors in this Shire. It must be owned, that these Sums in which they were decerned, were not all uplifted, otherwise the Gentlemen had been entirely ruined; yet they were compounded for, and the Heritors were harassed until the Composition (which in some of their Cases was very high) was paid exactly. I cannot indeed fix the precise Time when these Gentlemen were thus fined: This Year is the Third from the Acts of Parliament appointing those Fines, and the Abbreviate before me, wanting a Date, I insert it here. Perhaps it might be after this, at the End of the next Three Years, which were added to the Period of the

the Acts of Parliament last Session: But the Matter of Fact is certain, they were thus decerned; and what an unexemplified and unreasonable Practice was this, to oppress so great Numbers of the best Subjects the King had, merely because their Conscience did not allow them to quit their Principles, and submit to the Yoke of Prelacy; while, in the mean Time, none of them could be charged with the least Branch of Rebellion or Disloyalty? I know the same Fines were imposed upon vast Numbers of Gentlemen in all the neighbouring Shires, *Dumbarton, Lanerk, Air, Galloway, and Dumfries*; but having met with no particular Lists of them, I leave this Head. The Reader will easily frame a Notion of the prodigious Sums imposed at this Time on the West and South, from this small Part here set down.

1673.

Those Hardships upon Gentlemen and Ministers this Year, and the Course of this Persecution, had various Consequents. Some of the Ministers who had conformed to Prelacy, began to open their Eyes, and take up the Evil of their Way. We heard last Year of the Two excellent Brothers, *Mrs. Alexander* and *John Carmichaels*; and, I think, 'tis this Year the Reverend Mr. *Thomas Forester* breaks off from Prelacy, an Account of which shall be given next Year, when his Persecution begins for preaching the Gospel. Great Numbers of Presbyterian Ministers, and some Gentlemen, withdrew from their Habitations, and several went off the Kingdom, and were declared Fugitives, and intercommuned.

Those Hardships open the Eyes of some Conformists.

Such Ministers who continued in the Country, and had no Freedom to subject themselves to the Council's Orders in confining themselves, were under no small Difficulties. Some of them, about Eight or Ten, met together, and drew up their Reasons why they could not comply with the Council's Orders, but the Paper was never presented; and since it is already printed, *History of the Indulgence*, P. 48 & 50. I shall not insert it. I have a Double of this Paper before me, signed *Hugh Smith, John Burnet, Robert Fleming, John Blackader, David Hume, Alexander Jamison, George Campbell, Donald Cargil*.

Reasons of Ministers undrawn, why they comply not with the Council's Orders.

The Method the Reverend Mr. *John Burnet*, Minister of the Gospel at *Kilbride* near *Glasgow*, took at this Time, was more noticed. When he was cited in to the Council, Sickness prevented his appearing; and therefore he sent a Letter to the Chancellor, with the Reasons why he could not accept the offered *Indulgence*, nor enter into his Confinement. The Draught of the Reasons were formed to have been delivered to the Council, and his Sickness hindered his altering the Tenor of it. The Reader will find both in *the History of the Indulgence*, Pag. 42, &c.

Mr. John Burnet writes to the Chancellor, and sends his Reasons why he accepts not the Indulgence.

Mr. *Burnet* was a Minister of great Solidity and Learning; and though he had no Freedom to fall in with the *Indulgence* himself, yet he was very opposite to Division upon that Score, and both heard the *indulged* Ministers, and pressed his People at *Kilbride*, among whom he lived, to do so. He had been singularly useful in that Parish, where there were a great many *Quakers* and *Separatists*; and yet, by his painful and excellent Preachings and other Labours, he reclaimed most Part of them.

Mr. Burnet's Character.

I find, Mr. *Burnet* died in full Assurance, and great Peace, *December 22^d, 1673*. The last Words he was heard speak, were, *Glory, glory, glory*.

Thus Matters stood this Year in *Scotland*; but in *England* Affairs took a great Turn. There the Parliament, in *April*, address against the Liberty allowed to Papists. The King saw fit to take away this, and yet to continue the *Toleration* to Dissenters for a little, to please the Commons, when the *Dutch War* was very unpopular, as well as unsuccessful. The Duke of *York* was married to the Duke of *Modena* his Daughter, and the CABAL who managed all at Court for some Time, were divided and scattered, *Clifford, Arlington, Buckingham, Ashley-couper, and Lawderdale*. *Ashley-couper*, or the Earl of *Shaftsbury*, left the Court, and struck in with the Country-party. The House of Commons impeach *Buckingham*; and *Lawderdale*, now mightily in Favour with the King, was voted by them to be a Grievance to *England*, and unfit to be employed in any Office: Whereupon he makes the best of his Way to *Scotland*.

Great Changes in England this Year.

Here, in *December*, he holds his Fourth Session of Parliament. The open Differences which fell in among them, prevented their meddling with Church-affairs, and the suffering Presbyterians; and therefore I shall say very little about them. The King's Letter to this Session is in Print; and *Lawderdale* makes his Majesty speak therein with considerable Warmth against Presbyterians, probably to secure to himself the Bishops and their Dependents, that he might the better oppose the Duke of *Hamilton* and his Country-party, who were now openly broken with *Lawderdale*. Thus the King is made to say in his Letter, 'That one of the principal Reasons of keeping this Session of Parliament, is, That effectual Courses may be laid down, for punishing and curbing the insolent Field-conventicles, and other seditious Practices.' The *Indulgence* is insisted upon, as what mightily aggravates the Evil of these; the former Laws are commended, and the Want of Execution of them complained of; and 'tis added, 'We must now therefore, once for all, lay down such solid and effectual Courses, that the whole Kingdom may see that both you and We are in earnest, and that if Fairness will not do, Force must compel the refractory, to be peaceable, and obey the Law.' This Letter the Duke seconds with a Speech to the same Purpose, which is likewise printed. Yet Providence put a Stop to their falling upon the Presbyterians.

Lawderdale Commissioner to the Parliament which meets in *December*.

The King's Letter.

1673.

Remarks upon this Juncture, by the Author of the Grievances under the Duke of Lawderdale's Ministry.

The Author of the *Grievances under the Duke of Lawderdale's Ministry*, hath several Reflections upon the Strain of this Letter: He remarks, That if the LORD had not beat down this Man to the Earth, when breathing such Threatnings and Slaughter, we would have been an *Aceldama*. He says, the Introduction of a *Service-book* into Scotland was at this Time designed, and the Form of it prepared, and the Commissioner charged to carry it through, this Parliament. In short, he notices the Inconsistency of this minatory Letter, with the Duke's coming to take Sanctuary in Scotland, and his professed Kindness to Nonconformists.

Duke Hamilton and his Party oppose a Supply to the King, till the Grievances of the Country be redressed.

Whatever were the Commissioner's Projects, they were all frustrated; for when he proposed a new Supply to his Master, and that this Matter should be referred to the *Articles*, the first Stand that was offered to the Measures of the Court, since the *Restoration*, is made; and the Duke of *Hamilton* moves, That the Grievances of the Country might first be represented to the King; and, after that, declared he was willing to go into a Supply. Warm Debates arose in the House, and when the Commissioner appeared with some Briskness for the Supply, one of the Members asked, *Whether this was a free Parliament or not?* Sir *Patrick Hume of Polwart*, and several other Gentlemen, spoke with abundance of Freedom and Plainness.

The Acts of this Parliament, and their Adjournment till March.

There are Three or Four Acts, about trivial Matters, passed, which Duke *Hamilton* and his Party did not oppose; but nothing of Moment got through: So *Lawderdale* had no other Shift but to adjourn the Parliament to *March* next. The Earl of *Argyle*, *Kincardin*, Sir *James Dalrymple of Stair*, were at this Time upon the Commissioner's Party, with all the Bishops.

A short Account of Affairs in Scotland, handed about at this Time.

Before the Sitting down of the Parliament in *November*, a short Account of Affairs in Scotland was drawn up by a considerable Lawier, probably to be communicated to Friends through the Country, and in *England*. It relates mostly to Civil Affairs; but because I have not seen it in Print, and it gives a View of the State of Things at this Time, I have insert it, App. N^o. 59.

App. N^o. 59.

Some of both Sides go to London after the Parliament.

Upon the adjourning the Parliament, both Sides send up their Confidants to Court. Of the Country-party, Duke *Hamilton*, the Earl of *Dumfries*, and others go up. They complained that the Duke and his Brother *Haltoun* had engrossed to themselves and Friends, all the profitable Places and Posts in the Kingdom. The other Party answered all; and Duke *Hamilton* and his Friends had but a cold Reception. There was not a Word concerning Religion from any Side. Next Year, some further Account of this may come in, as likewise of the Projects and Grievances the Prelates designed to have laid before this Session, but were prevented by the Differences among our great Men.

I promised, at the Close of this Year, to take Notice of some other less material Things, which came not in upon the former Generals, and shall very quickly dispatch them. Upon *January* 9th, I find a Remission is read in Council, to Mr. *Archibald Beeth* Curate in *Ar-ran*, for his Accession to the Slaughter of *Alan Gardiner* Merchant in *Irwin*. Mr. *Beeth*, and one *Donald McGibbon*, who lived in a remote Place of the Island, made it their Work to oppress People who put in there. Upon the 27th of *April*, 1671. after professed Kindness, Mr. *Beeth* shot the above designed Person, and was seized; and, in *July*, I meet with him pannelled before the Justice-court for Murder: After many Dilators, *June* 24th, 1672. he is, by an Assize, found guilty, and sentenced to be hanged at the Crofs of *Edinburgh*; but the Day left to themselves. They delay naming the Day from Time to Time; and, about the Beginning of this Year, his Remission comes down.

Mr. Row Curate of *Balmaclellan*, transported to *Stainkirk*, and turns Papist.

Mr. *John Row* Curate of *Balmaclellan*, after he had got the Fine laid upon the Parish, for the pretended Riot, was, last Year, by the Council, *September* 13th, transported to the Parish of *Stainkirk*, in the Shire of *Wigtoun*; and the Council write a Letter to the Laird of *Gartland*, Patron there, to grant him a Presentation. This Year, *March* 7th, a Complaint is made in Council, that when he came to *Stainkirk*, the Kirk-locks were spoiled, and he had not Access, and was likewise hindred from possessing Manse and Glebe. The Council order Enquiry to be made into it; but I meet with no Prosecution following. I suppose it might be about this Time he turned Papist. *April* 2^d, I find one *James Baxter* ordered by the Council, to be prosecuted by the Advocate, for his confest Accession to the Riot committed upon the House of Mr. *David Cunningham* Incumbent in *Cambuslang*. These Riots are now much at an End.

Mr. Kincaid, Curate in *Barnwell*, removed, to make way o. an indulged Minister.

July 10th, the Council having a Design to plant the Parish of *Barnwell*, in the Shire of *Air*, with one of the outed Ministers, as soon as Mr. *Robert Kincaid*, present Incumbent, is provided for elsewhere, they order a Letter to be writ to the Earl of *Galloway*, that he may present him to the Parish of *Kirkmabro*. Probably it was the President got this Favour to his Neighbours in *Barnwell*. I imagine Mr. *Kincaid* would not be so welcome to the People in the South; however the Council must be obeyed.

Patrons had little or no Power under Prelacy.

By the way, upon this Head, I cannot but observe, that I have frequently heard it noticed, That the Power of Patrons, except in point of doing Hurt, was almost as little in the

Hands

Hands of Gentlemen and Noblemen under Prelacy, as since the *Revolution*, when it was rescinded. They were never permitted almost to follow their own Inclinations, in giving Presentations, but perfectly imposed upon by the Prelates, and sometimes the Council, or at least some of the Managers, whom they durst not disoblige. 1673.

In *December* this Year, the Council issue out a very good Proclamation against Papists, which is printed, and very long. Had the Prelates concurred in their Capacity, it might have been better executed; but, I find, *December 6th*, that same Day the Proclamation is agreed to, the Council, with a Regret of their former Negligence, renew their Appointment upon the Archbishops and Bishops, as in the former Years, and require Accounts of such as have made Desertion, and of the Bishops Diligence in excommunicating those; and order this to be done yearly. And, *December 23^d*, upon Information that one *Whiteford*, a Lieutenant in the Guards, is a Papist, the Council appoint him to be dismissed, and that he serve no longer there.

A good Proclamation against Papists.

By a Copy of a Letter before me, from Doctor *Burnet*, Professor of Divinity at *Glasgow*, to the Duke of *Lawderdale*, dated *December 15th*, 1673. which I have insert, App. N^o. 60. I find that the Breach between the Commissioner and him was begun about this Time, which afterwards, in the Year 1675. issued in the Doctor's being an Informer against the Duke, before the House of Commons. I come now forward to the following Year.

CHAP. IX.

Of the State and Sufferings of Presbyterians during the Year 1674. 1674.

THIS Year affords some more Matter for the History I am upon, than the former. Conventicles were not prevented through the Kingdom, by the *Indulgence* to a few Ministers in the West: The Persecution of the outed Ministers, for not confining themselves to Places appointed to them, put many of them to wander up and down; and they could not there resist the importunate Cravings of Multitudes longing for spiritual Food. This Increase of Conventicles was accompanied with severe Fines, and other Persecution from the Council. The Parliament likewise was dissolved; the Attempts made against *Lawderdale* and his Party came to nothing; several of those who opposed him in the Council, are turned out, and a new Council named: Abroad we had a Peace made up with *Holland*, and at Home some Tumults and Riots, and no small Debates among the Bishops and Clergy. These Things will fill up Two Sections. In the First, I shall take a View of the Procedure of the Council with relation to Conventicles, and such as were concerned in them; and in the other, I shall gather up what other Things I find observable through this Year. General View of this Year.

S E C T. I.

1674.

Of the Actings of the Council, this Year, about Conventicles.

Presbyterian
Ministers
where the In-
dulgence did
not reach.

The State of
Conventicles
through Scot-
land at this
Time.

Procedure of
the Council
against Con-
venticles.

Letter from
the King,
dated May 19.

A Committee
of Council,
with a Council-
Power, ap-
pointed for
Trial of Con-
venticles, and
other Church-
Irregularities.

The Chancel-
lor and others
ordered to ap-
prehend
Preachers at
Conventicles,
particularly the
Persons with-
in written.

WHEN the Parliament was adjourned in the Entry of the Year, and the Animosities 'twixt our different Parties of Statemen were going on, Presbyterians took a little Liberty to preach and hear the Gospel, in Places where the *Indulgence* did not reach, as what they reckoned both a civil and religious Right; and it was thought that none of the contending Parties were much dissatisfied at their Increase.

Now a considerable Part of the Kingdom was filled with Conventicles in Houses and the Fields, but Ministers were not so fond of the Fields as to refuse Invitations to vacant Churches from the Heritors and People concerned. House-conventicles were the less noticed, that Field ones were so common. Many of the Episcopal Incumbents had indeed so disgusted their Hearers, that their Meetings were but thin. In the West, where the *Indulgence* was granted, there was no need of Conventicles. In many Parts of the North there were but few Favourers of Presbyterians; and yet in *Ross, Murray*, and other Places, there were some; but in *Fife, Perth, Stirling, Dumbarton, Lothian, Merse, Teviotdale*, the Border, *Annan-dale, Niddale*, and other Places, Field-meetings were frequent. Convenient Places were pitched upon in Mountains, Mosses, and Muirs, and considerable Numbers gathered to them. At these Meetings many Souls were converted and edified, and not a few who had been profane or indifferent, and well enough satisfied with the Incumbents, entirely left them.

This did not a little affect the Prelates, who used their utmost Efforts to restrain those Field-meetings; and the Council were not wanting. I shall give here then a Detail of what I have noticed in their Registers to this purpose.

Their Procedure; in the Beginning of the Year, against Mr. *Forester*, and some other particular Ministers, I shall leave to the following *Session*, and begin with the Actings of the new made Council June 4th. The Members of this Court were generally very hearty in this Work, and *Lawderdale*, from particular Views, pushed them on by Letters from the King.

Accordingly, at their First Meeting on the foresaid Day, a Letter is read from his Majesty, dated May 19th, complaining, 'That, notwithstanding the Indemnity lately granted, and the Lenity shewn, unlawful Conventicles, yea, Field-meetings were kept, and the Pulpits of orthodox Ministers invaded in some Places. Upon the Whole, the King requires the Council to use their utmost Endeavours for trying and apprehending of Preachers at Field-conventicles, Invaders of Pulpits, and the ringleading Heritors at such Conventicles and Invasions, and to make use of the standing Forces and Militia for that end, leaving the Punishment of the other Transgressors to the ordinary Magistrate, according to Law.'

After Consideration of this Letter, and to answer the Demand of it, the Council appoint the Lord Chancellor, the Archbishop of St. *Andrews*, Duke *Hamilton*, Earls of *Argyle, Linlithgow, Kinghorn, Wigtoun*, and *Dundonald*, the President, Treasurer-depute, Register, Advocate, Lord *Collington*, or any Five of them, to meet, with a Council-power, when and where they please, and consider and make Trial anent Field-conventicles, Invasions upon Ministers and Pulpits since the Indemnity dated March 24th last, with Power to apprehend whom they think meet, and give Orders to the Army and Militia. They are to advise with the Council in difficult Cases, and make their Report, and to offer their Opinion for preventing these Disorders. This I take to have been the Beginning of what was afterwards termed the Committee for publick Affairs.

At the same Time the Council order the Chancellor to send out Parties to apprehend all Conventicle-preachers, or such as pray at these Meetings, according as he is informed about them; and particularly, to apprehend the Persons of 'Mrs. *John Welsh, Gabriel Semple, Robert Ross, Samuel Arnot, Gabriel Cuninghame, Archibald Riddel, John Mosman, John Blackader, William Wisheart, David Hume, John Dickson, John Rae, Henry Forsyth, Thomas Hogg, Robert Law, George Johnston, Thomas Forester, Frazer of Brae, John Law, Robert Gillespie*. And any of the Guards who shall apprehend Mr. *John Welsh*, or Mr. *Gabriel Semple*, are promised Four hundred Pounds *Sterling*, and for each of the rest a Thousand Merks. The Council further declare, that the Soldiers and their Assistants are hereby indemnified of any Slaughter committed in apprehending any one of them, conform to 1st Act, Session 2^d. Parl. 2^d. Char. II. entitled, *Anent Conventicles*. The said Persons are appointed, when apprehended, to be brought into *Edinburgh*: And the same Orders are granted to the Earls of *Athole* and *Linlithgow*.

This

1674.

The most remarkable Conventicles at this Time.

Decreet against the Heritors of Cramond, for a Conventicle at the Church there.

Oliphant of Langtoun law staged for a Conventicle.

Proclamation June 18. obliging Heritors for their Tenants, and Masters for their Servants, App. N^o. 61.

Remarks upon it.

Act for apprehending Rebels and others.

App. N^o. 62.

Town of Edinburgh fined in 100 Pounds Sterling.

Decreet against Conventicles in Fife, whereby a great many Gentlemen are fined.

This Spring Conventicles were numerous. That diligent, fervent, successful, and unwearied Preacher Mr. *John Welsh*, made a Perambulation, at the earnest Desire of many, through *Fife*, and there preached frequently, sometimes in vacant Churches, and sometimes in the Fields, to very numerous Auditories; and other vacant Churches were preached in by Presbyterian Ministers, upon the pressing Desire of the Inhabitants. At *Wolmet* Chapel great Numbers met, to which one Day the Archbishop of *St. Andrews* was an Eye Witness. Mr. *William Weir* preached at another Time to a very full Auditory in *Magdalene* Chapel in *Edinburgh*; but the Meetings which were most noticed, were those by Mrs. *Johnstoun* and *Kirkcoun* in the Church of *Cramond* near *Edinburgh*.

Accordingly, *June 11th*, The Council give out a Decreet against the Heritors of *Cramond*, of which I need only set down the Abstract. 'Whereas, notwithstanding the Acts against Conventicles, in *April* or *May* last, Mr. *George Johnstoun* and Mr. *James Kirkcoun* kept a Conventicle in the Kirk and Kirk-yard of *Cramond*, and Mr. *John Inglis* of *Cramond* compearing, confesses, that he was Six Times at the said Kirk when Conventicles were there: The Council fine him in the Fourth Part of his valued Rent, *toties quoties*, extending to the Sum of 1036 Pounds *Scots*, and appoint him to be carried to Prison, there to ly till it be paid, and longer, during the Council's Pleasure.' I find afterwards he produces a Receipt of the Payment of his Fine, and is let out of Prison. The same Day, the Lord *Balmorino* and Sir *John Young* of *Leny* compeared, and denied that they had been present at any of those Conventicles: The Council, for their assoiling, order them upon their Knees to take the Oath of Allegiance, which they did, and were dismissed without any further Trouble.

At the same Diet, Mr. *Charles Oliphant* of *Langtoun-law*, One of the Under-clerks of the Session, was convened before the Council, where he acknowledged he was present at one Conventicle at *Pilmor-brae*, but declared he went thither merely out of Curiosity, and promised never more to go to Conventicles, and professed he held them unlawful Assemblies. The Council ordain him upon his Knees to take the Oath of Allegiance, which he did, and was dismissed without any further Censure for the first Fault.

Thus our new named Council go very briskly to Work, upon the Keepers of Conventicles within their Reach; and further to quash them, they emit Two Proclamations, *June 18th*. The first is, *Proclamation obliging Heritors for their Tenants, and Masters for their Servants*, which I have insert, App. N^o. 61. It speaks for it self the Temper of our Managers at this Time, and needs very few Remarks.

After an invidious and ill-grounded Representation of House and Field-conventicles, all Masters are required to dismiss such as haunt them, from their Service, and all Heritors are to oblige their Tenants to sign the Bond annexed to the Proclamation. In case Tenants refuse, they are to be put to the Horn, and their Escheat is given to their Masters: Further, Heritors are required in Time to come, to oblige their Tenants in their Tacks, or in separate Bonds, that they abstain from Conventicles: And an unlimited Power is given to Magistrates of Towns, to charge all they think fit, and whom ever they suspect, to give Bond for their good Behaviour. These unprecedented and unreasonable Impositions, need only to be named to shew their Injustice and oppressive Nature.

This Proclamation secured some way against Hearers, but another was found needful against Preachers at Conventicles. The Substance of it I have already noticed upon the 4th of this Month of *June*; now a new Act, offering a Reward to any who shall apprehend some Rebels and others, is passed. It is printed *June 16th*, but in the Records it comes in after the former. I have annexed it, App. N^o. 62. By this every one who seizes Convocators to Conventicles, or such who have been at them, so as they may be convicted, are to have their Fines, and in case of Contumacy, their Escheats: And whoever seizes any Minister at Conventicles, is to have 1000 Merks, and 2000 Merks for Mrs. *Welsh*, *Semple* or *Arnot*.

After these Proclamations the Council are not wanting in their Prosecutions; 'tis but some few of them I can have Room for here. Upon the 24th of *June*, they fine the Town of *Edinburgh* in a Hundred Pounds *Sterling*, for a Conventicle, as they are pleased to reckon it, in *Magdalene* Chapel in *April* or *May* last, at which Mr. *William Weir*, Mr. *George Johnstoun*, and some other outed Ministers had preached.

On the morrow, *June 25th*, they pass a Decreet against Keepers of Conventicles in *Fife*. The Tenor of such Papers hath been already insert; and so I give only an Abstract of it. The underwritten Persons are before the Council, and charged with being present at Conventicles held by Mr. *John Welsh*, Mr. *Samuel Arnot* and others: They confess their being at Conventicles, and are fined as follows; Sir *John Kirkcaldy* of *Grange* in 550 Pounds *Scots*, the Laird of *Reddie* in 850 Pounds, *George Scot* of *Pitlochrie* in 1000 Pounds, *Pitcairn* of *Pitlour* in 1050 Pounds, *Pitcairn* of *Latestoun* in 200 Pounds, *Charles Cowan* of *Corstoun* in 333 Pounds, *Robert Calvil* in *Balvaird* in 100 Pounds, *Robert Schaw* Portioner in *Auchmouty* in 49 Pounds, *James Hamilton* of *Innerdivot* in 150 Pounds, . . . *Maxwel* Provost of *Auchtermouty* 250 Pounds, Mr. *George Heriot* of *Ramorney* 983 Pounds. And because it appears that the Laird of *Reddie* harboured Mr. *John Welsh*, a declared Traitor, in his House, the Council fine him in 2000 Merks. *Pitlochrie*, for his alledged impertinent and extravagant Carriage

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Decree against
a Conventicle
in *Stevenson's*
Garner-house.

riage before the Council, is fined further in 500 Merks. All of them are ordered to ly in Prison till they pay the said Sums. To this Diet Forty or Fifty more were cited, and, not compearing, are ordered to be denounced.

In the Registers of this Day's Date, I find another Decree by the Council against the Keepers of Conventicles in a Garner-house of the Laird of *Stevenson*, in the House of *Mrs. Douglas*, Relict of *Mr. Robert Douglas*, and in a House alledged to be made up on purpose for Conventicles, by *Mr. Robert Hodge* Bailie of *Lamington*. The Preachers at these Places are *Mrs. David Williamson*, *Robert Gillespie*, *Alexander Knox*, *George Johnstoun*, and *James Donaldson*. *Pringle of Wood-head*, for being at some of them, is fined in a Fourth Part of his yearly valued Rent, and some others; and a good many of the meaner People, for Noncompearance, are ordered to be denounced. I find *John Pringle of Wood-head* is liberate from Prison, *July 16th*, upon paying 277 Pounds *Scots*.

King's Letter,
June 23^d.
App. N^o. 63.

Upon the 30th of *June*, the Council receive a Letter from the King, of the Date, *Windfor June 23^d*. A Copy of it the Reader will find, App. N^o. 63. In short, 'Invading of Pulpits, Conventicles, and irregular Peritions are complained of; they have Thanks for the Committee that they named, the Oath of Secrecy they took, and Orders given *June 4th*. (N.B. That none of these are to be found in the Registers of that *Sederunt*) and the King doubts not, but the Contempt of his Authority is countenanced by some who do not appear, and acquaints them he hath ordered some Troops in *Ireland* to be in readines, if need be, to come over.' There are several other Things in the Letter, which will come to be noticed in the following Section. It is obvious this Letter is penned with a Design to reflect upon *Duke Hamilton* and his Party. I only notice further, that there are plain enough Insinuations made, that ground had been given to Presbyterians to expect further Ease and Favour. This was in part the Occasion of the Liberty they took this Year; and their numerous and frequent Meetings to hear their own Ministers proceeded not from Insolence, but they reckoned it a Branch of their civil Liberty, as well as religious, not to be imposed upon in hearing the Gospel: And they were the more open, though very peaceable in their Meetings, that the Government might see the Need of a far more extended Liberty to Presbyterians, when they could not but notice them so numerous on the South-side of *Tay*, that they could never be accomodate by the few Ministers indulged to preach.

Remarks upon
it.

Council's Re-
turn to it
July 2^o.

The Council in a Day or Two make a Return, and, *July 2^d*, signify, 'That they had received his Majesty's Commands in his Letter *May 19th*, (above noticed) and *June 23^d* last, and had very seriously applied themselves to curb those Disorders which did lately break out, and secure the Peace thereof, and refer his Majesty to an Account sent with this to the Duke of *Lawderdale*. They add, And now we find that by your Majesty's hearty and serious minding thus the Interests of this Church, and your strict Commands to punish those Disorders, and what hath been done in obedience to these Commands, that the Insolence of that Party is at a Stand, and their seditious Practices in a great Measure abated. And we hope, by putting the Laws in Execution against the Committers of these Disorders, we shall in a short Time reduce those who have been seduced, to their former Quiet and peaceable Submission to the Laws: Mean Time we shall do our utmost Diligence to find out and punish the Ringleaders of these Disorders; nor shall any Thing upon our Part be wanting, whereby we can witness our Zeal to obey your Majesty's Commands in these, and all other Particulars which your Majesty shall be pleased to lay upon us.'

Letter to the
Duke of *Law-
derdale*, con-
taining a Sum-
mary of the
Procedure of
the Council.

Together with this, the Council send up a Letter to the Duke of *Lawderdale* the same Day, which, because referred to in the former, and contains an authentick Account of the Actings of this new Council, I have insert here.

May it please your Grace,

THE King's Majesty, by his Letter of the 19th of *May*, having required us to use our utmost Endeavours for trying and apprehending the Preachers at Field-conventicles, and Invaders of Ministers, as also the ringleading Heritors at such Field-conventicles, and Invasions of Pulpits and Ministers, and for that Purpose to make use of the standing Forces and Militia, if it should be needful: And by another Letter of *June 23^d*, his Majesty renewed his positive Commands to us, vigorously to prosecute the Trial of Conventicles, and punishing of the Contemners of his Majesty's Authority, and to give an Account of what is done by us; we have returned an Answer to his Majesty's Letters, which relating to a particular Account sent to your Grace, we offer the same as follows.

Upon the Receipt of his Majesty's first Letter, we did immediately appoint a Committee to take that Affair into Consideration, to which we gave ample Powers; and they being informed of several Field-conventicles that had been, and were to be kept in *Fife*, *Stirling* Shire, and other Places, did give Orders to the Officers of his Majesty's Forces, to suppress these Conventicles, and seize the Preachers at the same, and to apprehend certain outed Ministers contained in a List, who had lately preached at Field-conventicles; and Orders were given to quarter more Troops of Horse, and some Companies of Foot, in such Places

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ces as we thought most convenient: For these Ends, and the Encouragement of his Majesty's Forces, and others his good Subjects, to seize the Ministers who preach at Field-conventicles, we have passed an Act, whereby Assurance is given of a Reward of Two thousand Merks, to such as shall apprehend any of these Ministers who are forfeited or excepted, and One thousand Merks for others of them, and allowing the Fines of such who shall be at Field-conventicles, to such as shall apprehend any of them. We have likewise issued Citation against divers Heritors, who were present and heard outed Ministers who invaded Pulpits, and against such as were at Field-conventicles, and proceeded against them according to Law: And particularly, there being about Forty Persons in the Shire of Fife, (almost all of them Heritors) cited upon the account of Field-conventicles, at some of which Mr. *John Welsh*, a forfeited Person, did preach; divers of them appearing, and being found guilty, were fined and imprisoned, conform to the Act of Parliament; and the rest being absent, Certification is granted against them, and they ordained to be denounced.

Likeas, Notice being given to us, that a Party sent to dissipate a Conventicle kept in the Lowmounts, did meet with Resistance, Orders are given to seize some Persons who were informed to have been present at that Field-conventicle, that Knowledge might be had who were the Persons that were present, and who made the Resistance; and accordingly, Four Persons being brought over, and examined thereanent, it could not be found by their Depositions, who were the Persons who made the Resistance.* Warrant was likewise granted for citing those outed Ministers, and others, who are informed to have kept Field-conventicles, since the Date of his Majesty's gracious Proclamation. And 'tis thought fit, for securing the publick Peace, that the Militia Forces should be in a readiness to receive such Orders as should be directed to them. We have ordered the Colonels of Foot, and Captains of Horse, on this Side of *Aberdeen* Shire, to have frequent Rendevouzes, and to be careful that the same be punctually kept, and that the Soldiers Arms be in good Condition, fit for his Majesty's Service; and have given Orders for securing the Militia Arms, in some Shires of the Kingdom. We have likewise, by missive Letters to several Sheriffs, required them to put the Acts of Parliament and Council in Execution against Conventicles, and have given the like Orders to the Magistrates of several Royal Burghs, where Conventicles of late are informed to have been most frequent, with Warrant to them to apprehend the Preachers at these Conventicles; certifying both the Sheriffs and Magistrates, that in case of their Remissness herein, we will proceed to fine them conform to the late Act of Parliament.

* I am informed, this anent the Resistance was a mere Story and Lie, suggested by the Primates, to quicken the Council to greater Violence.

A Proclamation is also emitted, ordaining Masters of Families, that they shall be answerable for their Servants, that they shall abstain from Conventicles, and Heritors, to that effect, for their Tenants; or otherwise, declaring the Heritors and Masters liable to the Fines incurred by their Tenants and Servants, through their contravening the Law. We had also called before us the Magistrates of *Edinburgh*, and fined them in a Hundred Pounds *Sterling*, for the Conventicle kept in *Magdalene* Chapel: We are proceeding to the Trial of that Conventicle, for which several Persons are imprisoned. Enquiry has also been made concerning the Petition offered in a tumultuary way by some Women, of whom divers being cited, these appearing, and refusing to give their Oaths as to the Points interrogated upon, are imprisoned, and Certification is granted against such as were absent. We have likewise fined one of the Heritors concerned in Field-conventicles, in the Sum of Two thousand Merks, as having confessed he had refet Mr. *John Welsh* in his House. But seeing there are some Doubts arise as to the Council's Procedure against Persons guilty of that Crime, we have transmitted a Paper herewith, and desire your Grace to acquaint his Majesty of it, that we may know his Pleasure therein.

Those Proceedings, we have found, have so good Effects, and so good Success, that we now hear little either of Invasions of Pulpits, or of Field-conventicles, even in these Places where they were most numerous. And as in obedience to his Majesty's Commands, we are presently going about the further Discovery of the Authors of such insolent and seditious Practices, that they may receive condign Punishment, (wherein we are resolved to use all Diligence) so we are very hopeful, by the due Execution of the Law against Transgressors, this Kingdom will be shortly rid of those Disorders, and his Majesty's Subjects, in a good Measure, brought to a dutiful Obedience and Compliance with the Laws. We are

Your Grace's affectionate, &c.

Together with the above Letter to the Duke of *Lawderdale*, the Council sent up the following Overture, anent the Difficulties occurring to them, in taking Probation about Persons being present at Field-conventicles, which, the Reader sees, they desire he may lay before the King.

Overture sent to the King, about Probation to be taken in case of Conventicles.

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OVERTURE.

‘**T**He Probation as to the keeping, or being present at Conventicles, is very difficult, by reason that those who are convened, do refuse to declare upon Oath, as to others, and as to themselves, they pretending they are not holden in Law to declare upon Oath, and accuse themselves, seeing their Confession may import them in their Life, and be the Ground of a *Criminal Dittay* before the Justices, the keeping of Conventicles, as to some Cases and Persons, *viz.* those who preached at Field-conventicles, and those who convened to the same, being punishable by Death; and sometimes, besides conventicling, there being a Concurrence of other Crimes and Circumstances, of an high Nature, as coming to their Meetings in Arms, and by way of Convocation, the hearing and not revealing of seditious Expressions against his Majesty and the Government, the intercommuning and resetting of declared Rebels and Traitors, forfeited and excepted out of his Majesty’s gracious Declaration of Pardon, or declared Fugitives before the Justices, as Mr. *John Welsh* and Mr. *Gabriel Semple.*’

‘It is therefore humbly represented, That it is fit his Majesty’s Advocate be warranted to cause cite before the Council, such Persons as shall be informed to have been at Field-conventicles, to give their Oaths thereupon, with Certification they shall be holden as confess: And to take off the Pretext foresaid, that his Majesty, by his Letter, signify his Pleasure to the Council; and thereupon an Act of Council be made, warranting the Advocate to refer the Libel to the Oath of the Defender, and to restrict the same to arbitrary Punishment; and declaring, that any Person or Persons who, being pursued before the Council, shall declare, or be holden confess, for, and upon their being at Field-conventicles, or for hearing or resetting outed Ministers, or others not authorized by Law, though forfeited, excepted, or declared Fugitives, shall never be troubled or questioned criminally before the Justices, or any other Judicatory, for any such Deeds referred to their Oath before the Council, or for any Circumstance of the same. It is to be understood, that if the Council think fit, the Advocate may be ordered to pursue such Persons before the Justices, before they give their Oaths, or be holden as confess before the Council.’

The King approves of it, and the Council turn it to an Act.

And that I may give the Whole of this by it self; Upon the 16th of *July* the Council have a Return from the King, dated upon the 10th, which it is needless to give at whole Length. In short, he thanks them for their Diligence, orders them to go on, and requires them to give Warrant, and make an Act in Terms as above; to which they gave ready Obedience, and turn their own *Overture* into an Act, which though it be just in the above Terms, yet being the Cause of as much Trouble unto the suffering Party, as almost any other Act, it is proper to insert it in its new Shape, *App. N^o. 64.*

App. N^o. 64.

Remarks upon it.

Reflections upon this *Overture* now made an Act, might be multiplied, but I leave them to the learned in the Law. It is a natural Observation from what is above, that most of the Stretches and iniquous Impositions of this Period, came originally from a Set of Men among our selves, who put the King and those about him on these harsh Measures. To me it appears much the same to force a Person to swear against himself, when the Libel is restricted to an arbitrary Punishment, as in most Part of criminal Processess, and to hold him, upon refusing, as confess. Arbitrary Punishment is very extensive, and we shall find that arbitrary Fining in this Period, was equivalent to a Forfeiture in most Cases, yea, the Fines were just calculate to exhaust Gentlemens Estates: Besides many other additional Hardships, any Thing, if I mistake not, under the Loss of Life, or Limb, or Liberty, comes under the Notion of *arbitrary Punishment*; and it was all one to the Pannels, whether they were rendered miserable by the Council or Justiciary. If the putting the Matter of a Crime upon the Oath of a Party be illegal and unreasonable, it is equally unreasonable, if not illegal, to put a Matter of Fact, the Proof of which will ruine him as to every Thing save Life, Limb, or Liberty, upon his Oath; and if he refuse to be an Evidence against himself, to hold him as confess. Upon the Whole, it is plain by this Act, the Persecutors had a sure Game, go Mat- ters as they would: If they had Witneses, and reasonable and legal Proofs, the Advocate had Room to bring the Party before the Justices, and get him hanged; if there was no Proof, and the Man refused to break the Sixth Command, then he is reputed as confessing, and the Council can ruine him. And this was a short and easy Way with Absents, against whom they had no Proof.

Decreet against Conventicles in Fife, July 9.

But I return to my Accounts of the Severities against the Presbyterians for their keeping Conventicles this Year. Upon the 9th of *July*, the Council pass another Decreet against above Fifty Persons in *Fife*, for being at Conventicles. We may easily guess whence all this Severity against *Fife* comes: It was more than the Primate could bear, to have his once Fellow-ministers preaching Christ so near him; and those rigorous Courses, and others afterward, ripened Matters for his fatal End. None of the Persons cited compear, but the *Lady Colvill*,

Cotvil, and Interest had been made for her, and the Managers began to blush a little at their Rudeness to Ladies of Quality, otherwise 'tis probable she had not appeared. She brings with her a Testificate, from the Minister of the Parish, of her Piety; and the promises not to frequent Conventicles, and is absolved. All the rest, for their not compearing, are denounced.

A Day or Two after, the Council pass a Decree against the Town of *Glasgow*, for a Conventicle kept in it by Mr. *Andrew Mortoun* and Mr. *Donald Cargill*. The Decree, *mutatis mutandis*, is the same Form with that against the Town of *Edinburgh*; *Glasgow* is fined in a Hundred Pounds *Sterling*, and they are allowed to have their Relief off the Persons guilty, according to the Act of Parliament.

Upon the 16th of July, ----- *Livingstone* of *Greenyards*, and *Farquharson* of *Chilbrae*, are denounced; for being at a Conventicle lately held at the *Torwood*, where Mr. *John Welsh*, Mr. *Gabriel Semple*, Mr. *Samuel Arnot*, and Mr. *John Rae* preached. The same Day *Robert Ged* of *Bathbridge* being present, is fined, for being at one Conventicle, in the Fourth Part of his yearly Rent; and Sir *John Kirkcaldy* younger of *Glaime*, for being present at Two Conventicles, is fined in Five hundred and Fifty Pounds *Scots*.

And as to the outed Ministers who now and then preached at Conventicles, they make a short Work with them; and having before cited them to appear this Day before the Council, and they not appearing, they pass a Decree against them, which I shall insert, if once I had observed with one of themselves in some Papers he hath left behind him, that their Citation seems to have been given with a Design they should not compear. Summons were not sent, as is ordinarily done, to their Dwelling-houses, which were known, and to which there was *tutus accessus*, but they were cited from the Market-crofs. The Day, as to many of them, was so sudden, that it was not possible for them to have Notice, and make their Journey against the Time of their Compearance: And such of them as had Time to come in, upon Enquiry found, that they might either lay their Account with a Confinement in some ugly Prison, they knew not how long, or Banishment for Life. Upon these Reasons none of them compeared; and, upon their Absence, the following Sentence is passed, which deserves a Room in this Place.

Decree against several outed Ministers, July 16th, 1674.

ASSENT our Sovereign Lord's Letters, raised at the Instance of Sir *John Nisbet* of *Dirltoun* his Majesty's Advocate, for his Highness's Interest, in the Matter underwritten, making Mention, That where, by the 5th Act of the 2^d Session of his Majesty's 2^d Parliament, it is statute and ordained, That no outed Ministers who are not licensed by the Council, and no other Persons who are not authorized or tolerated by the Bishop of the Diocese, presume to preach, expound Scripture, or pray in any Meeting except in their own Houses, and to these of their own Family, and that none be present at any Meetings without the Family to which they belong, where any not licensed, or authorized, or tolerated, as said is, shall preach, expound Scripture, or pray, declaring all such who do in the contrary to be guilty of keeping Conventicles; and that he or they who shall do so, shall be seized upon and imprisoned until they find Caution, under the Pain of Five thousand Merks not to do so in Time coming, or else to enact themselves to remove forth of the Kingdom, and not to return without his Majesty's Licence: And further, by the said Act, that Persons preaching, praying at, or convoking Field-conventicles, shall be punished with Death. And whereas the intruding into Churches and Pulpits, which are sacred and privileged Places, is a Practice most unwarrantable, and punishable as an high Invasion and Affront on his Majesty's Authority: Nevertheless it is of Verity, That upon the First, Second, or remanent Days of April, May, or June last, the Persons underwritten, Mrs. *Alexander Lennox*, *David Williamson*, *Alexander Moncrief*, *John Rae*, *David Hume*, *Edward Jamison*, *James Frazer* of *Brae*, *William Wisheart*, *Thomas Hogg*, *Robert Lockhart*, *John Welwood*, *George Johnston*, *Robert Gillespie*, *James Kirkcoun*, *John Weir*, ----- *McKilligen* in *Ross*, *Nathanael Martin* in *Buchan*, *Andrew Donaldson* in *Dalgaty*, *John Chrystison* in *Cowpar*, *William Row*, *Thomas McGill*, *Thomas Urquhart*, *Thomas Hogg* sometime Minister at *Larber*, *William Erskine*, *James Donaldson*, *Patrick Gillespie*, *John Gray*, *James Wedderburn* in *Cowpar*, *John Wardlaw* in *Dumfermling*, *Thomas Douglas*, *George Campbell*, *Francis Irvine*, *James Wallace*, *Andrew Anderson*, *John Munniman*, *George Hamilton*, *Andrew Mortoun*, *Donald Cargill*, *Alexander Partoun*, *James Wilson*, and *Robert Maxwell* elder and younger, have, in open and manifest Contempt of our Authority and Law, taken upon them to preach, expound Scripture, or pray at Conventicles in the Fields, at the Places following, at least in the Houses after specified, where there were more Persons present than the Houses contained, so as some were without Doors; at least did convocate Numbers of People to their Meetings, and have usurped and invaded divers Churches and Pulpits, *viz.* The said Persons have kept private Conventicles in *Edinburgh*, and convoked great Numbers of Persons thereunto, at *Inverask*, Chapel of *Wolmet*, *Carstorphin*, *Restalrig*, *Borthwick*, *Kirklistoun*, *Gledsmuir*, the Laird of *Stevenson's Garner*, *Torwood*, and divers other

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other Places in the *Lothians*, or near the said Places; as likewise at *Pitcotty Muir*, *Raven-sheugh*, *Kinkell*, *Balmerinock*, *Kinnefwood*, ----- beside *Dysart*, *Glenveal*, *Sandford*, *Moonzie*, *Dumfermling*, *Dundee*, *Pittenweem*, *Lathones*, *East-barns*, *Dumfries*, ----- in *Perth Shire*, ----- in *Buchan*, *Magdalene Chapel* in *Edinburgh*, in or near the Town of *Glasgow*, and at divers other Places, or one or other of them, or near to the same; and most presumptuously have invaded, or intruded themselves into the Pulpits and Churches of *Cramond*, *Forgon*, *Kirkmabro*, &c. whereby the said Persons have directly contravened the said Acts, and incurred the Penalties which should be executed with all Rigour to the Terror of others. And anent the Charge given to the forenamed Persons, at the Market-crosses of *Edinburgh*, *Haddingtoun*, *Linlithgow*, *Stirling*, *Perth*, *Cowpar*, and *Lanerk*, by Dispensation, because they have no Places of Residence, to have answered to the forelaid Complaint, and seen and heard such Order taken thereanent as appertains, under Pain of Rebellion; and being many Times called, and not compearing, the Lords of his Majesty's Privy Council ordain Letters to be directed to a Messenger at Arms, to denounce them his Majesty's Rebels, and to put them to the Horn.

Observations
upon it.

The abovementioned reverend Minister observes, these were the Witnesses now driven to the Wilderness, and their Ministry was a Kind of Outlawry; and that some of these worthy Persons cited and denounced, were dead, and got above the Rage of their Persecutors; others of them were preaching in Churches by virtue of the Council's *Indulgence*; and some of them had never offended since the King's Indemnity. However, they were put to the Horn, and their moveable Escheats declared to be fallen to the King; but I dare say neither he nor his Courtiers would be much enriched by them.

More Gentle-
men in Fife
fined a second
Time for Con-
venticles.

Much better Hand was made with several Gentlemen at this Time. Accordingly, upon the 23^d of July, the Council fine *Hary Pitcairn* of *Larestoun* in Twelve hundred Pounds, ----- *Pitcairn* of *Pitlour* in Two thousand Merks, *George Scot* of *Pitlochie* in a Thousand Pounds, *Charles Cowan* of *Corstoun* in a Thousand Pounds, by and attour the Sums they were liable to and fined in for their being at Conventicles, upon the account of their harbouring and referting Mr. *John Welsh*. They were all cited to this Day, with some others, and whether they compeared or not it does not appear; the Council put themselves to no Trouble, Absents were held as confest, and such who were present, and refused to depone against themselves, were held as guilty, and committed to Prison until they paid their Fines.

At the same Diet of Council, the Magistrates of *Perth* are appointed to seize Mr. *Alexander Moncrief* an outed Minister, and they term him, *A noted Keeper of Conventicles in and about Perth*. *Archibald Douglas* of *Cliftonhall* is fined in Three hundred and eighty One Pounds upon his confessing he had been present at Conventicles. *James Maxwell* Provost of *Auchtermuchty* is fined in Two hundred fifty Two Pounds, for being at Conventicles; and the Council, upon the 28th of July, write a great many Letters to the Royal Burghs through the Kingdom, appointing them to put the Laws against Conventicles in strict Execution, and, in case of Failure, assuring them they will exact the Fines from them with all Rigour.

Powers given
by the Council
to several Per-
sons in several
Places, to pro-
secute for Con-
venticles.

These particular Acts of Severity by the Council themselves, did not fully satisfy the Enemies of the suffering Presbyterians; and now the Time of Vacation was drawing on, there-fore a new Project is fallen upon, for making the Persecution on the Score of Conventicles the more extensive, and a Commission is drawn in the King's Name, to several Persons in different Districts, with full Power to such as are named to execute the Laws against Nonconformity.

Their Com-
mission and
Names.

It may suffice to set down here the general Tenor of their Commission, and to give their Instructions at length, as they stand in the Council-registers. In the Commission running in the King's Name, His Majesty is made to take Notice, 'That after his gracious Indemnity March 24th, he expected a better Observation of the Laws; yet since that Time he finds that divers factious and seditious Persons have kept both House and Field-conventicles, and others presumed to invade Pulpits and Churches: Therefore, considering that the Laws in Time of Vacation may be best executed by Commission, he grants full Power to the Lord Chancellor, Earls of *Mar*, *Kinghorn*, *Kelly*, *Weems*, and *Kincardin*, the Treasurer-depute, and Laird of *Ardrors*, or any Three of them, to execute the Laws against Conventicles, irregular Baptisms and Marriages, in the Shires of *Fife* and *Kinross*, to cite, examine, fine, confine, and imprison, and to do all Things necessary for punishing Disorders: to the Chancellor, Duke *Hamilton*, Lord Privy Seal, Earls of *Argyle*, *Mar*, *Linlithgow*, *Dumfries*, to the Lords *Dundonald*, and *Ross*, or any Three of them, for the Bounds of *Stirling*, *Perth*, *Lanerk*, *Dumbarton*, *Renfrew*, and *Air* Shires: And their first Meeting is appointed at *Stirling*, August 18th. And lastly, to the Chancellor, Earls of *Caithness*, and *Linlithgow*, Lord *Belhaven*, Lord Register, Advocate, *Collingtoun*, and the Laird of *Niddry*, or any Three of them, for *Edinburgh*, *Linlithgow*, *Haddingtoun*, *Selkirk*, *Peebles*, *Berwick*, and *Roxburgh* Shires.'

Instructions
given them.

This Commission bears the Date of July 30th, and the following Instructions are given to the Commissioners.

'1st, You are to take special Care and Notice of, and proceed most vigorously against such Persons as you find to have been most eminent in keeping Conventicles, invading of Kirks and

and Pulpits, and Ringleaders thereto, and those who have convocated Persons thereto, and that you begin with the most substantial Persons.

1674.

2^{thly}. You are to proceed against some of the most substantial Persons, or others, who have been in use to frequent publick Ordinances, and of late have withdrawn.

3^{thly}. In Cases where you find Persons to have been seduced to disorderly Practices, and have not been engaged therein upon any Principles of Disaffection to the present Government, and where they are content to engage for their good Behaviour in Time coming, you are impowered to remit somewhat of the Rigour of the Law; or if you find Cause, to pass them altogether.

4^{thly}. You are to call for an Account from the Sheriffs and others, anent the signing the late Bond against Conventicles.

5^{thly}. You are impowered to call for any Part of the standing Forces or Militia, as shall be within the Bounds of your Commission, and give them such Orders and Directions as you shall think fit.

6^{thly}. You are impowered to alter or change the Quarters of the Forces in the Bounds of your Commission.

7^{thly}. You are to correspond, as you find needful, with the other Commissioners.

8^{thly}. At your first Meeting appoint one to be Convener.

9^{thly}. You shall do all Things necessary for the effectual Prosecution of the King's Service, which you shall judge most fit, and for settling the Peace of the Country.

10^{thly}. You are to call before you such of the indulged Ministers as have broken their Confinement, and take such Course with them as you shall think fit.

Jointly with this Commission and Instructions, the Council appoint the Advocate to issue out Warrants to cite all Persons concerned, before these Commissioners; and he is to restrict the Libel to an arbitrary Punishment, that so they may hold the Persons not swearing against themselves as confess.

No Accounts of the particular Procedure of these Commissioners are come to my Hand. The Reader will notice, there are none of the Bishops mixed in with them, and it is probable their Procedure was not the more severe that it was so: Their Instructions are more moderate than usual at this Time, and since I have no Accounts of their Severity, there is Ground to think more Temper hath been kept at this Time than we shall meet with afterwards.

Upon the last of July, the Council write up another Letter to the Duke of Lawderdale, giving an Account of their Procedure since their last of this Nature, and I shall insert it here, as their own Account of what I have been pointing at. It contains some Things relative to Matters of Fact, which will come to be accounted for in the following Section, but I give the Whole of it as it stands in the Records.

Council's Letter to Lawderdale, giving a further Account of their Procedure.

Letter to the Duke of Lawderdale, July ult. 1674.

May it please your Grace,

Our Letter to your Grace, of the 2^d of July, did contain a particular Relation of our Proceedings until that Day, and seeing his Majesty hath required us to give constant Accounts to your Grace of what passes here, we return this further Account of our Proceedings since that Time, to offer to his Majesty, as your Grace shall have Opportunity.

There being about Forty four outed Ministers cited before us, as guilty of keeping Conventicles, and none of them having compeared, Letters are directed to denounce them. And there being Eighty Persons or thereby, in Fife, cited for Conventicles, such as did compear, and were found guilty, were fined, and imprisoned; and the rest being absent, are declared Fugitives, and their Escheats are appointed to be taken for his Majesty's Use. Some likewise of the Heritors of Fife, who had been formerly fined for Conventicles, being procesed for resetting Mr. John Welsh, upon Confession thereof are fined upon that account, and are to continue in Prison till they make Payment of their Fines. The Magistrates of Glasgow being called for Conventicles, kept in their Burgh since the 24th of March last, were, upon their Confession, fined in a Hundred Pounds Sterling. We are proceeding in trying the tumultuary Meeting of Women, which was in the Parliament-clois: Some of them have of late been imprisoned, for refusing to depone concerning the Persons present, and other Circumstances of that Business, and the Absents are ordered to be denounced. These Burghs who were ordered to proceed against Conventicles, have, for the most part, returned a good Account of their Procedure and Diligence; and Letters are writ to the Magistrates of Burghs, on this Side of Tay, to the same purpose, requiring them to cause their Burgeses take the Bond subjoyned to the late Proclamation, and to return an Account thereof. Upon Information, that in some Shires the Oath of Allegiance was not taken by the Officers and Soldiers of the Militia, conform to the Act of

B b b b b

Parliament

1674.

Parliament, Orders were given for a new Day's Rendezvous, that the Oath might be taken, and the *Militia* Arms in the Shire of *Stirling*, which, by Order, were secured in the Castle of *Stirling*, and these of *Dumbarton* secured in the Castle of *Dumbarton*, are ordered at the Rendezvous to be restored, and the Heritors required to be answerable for them. And to the end his Majesty's standing Forces may be always in readiness to do their Duty, and to prosecute such publick Orders as shall be given them, we have ordered any Parties of them who are quartering for Excise, and others his Majesty's Dues, to be called in; and appointed that the *Militia* Forces, in Time coming, shall be only made Use of to quarter for these Dues. We have recommended to the Archbishops and Bishops, in their Dioceses respectively, to take Notice of any Persons who take upon them, without Licence, to teach publick Schools, to be Chaplains to Families, or to be Pedagogues to the Children of Persons of Quality, contrary to the Act of Parliament, and to report their Names to us betwixt and the 1st of *November*. We have caused intimate his Majesty's Pleasure, express in his Letter of the 10th Instant, to the Bishop of *Dumblain*, Mr. *Turner*, Mr. *Robertson*, Mr. *Cant*, and Mr. *Hamilton*, and required them to give Obedience accordingly. We have, for the better Discovery of the Persons guilty, and for preventing the like Disorders for the Time coming, granted Commission to some of our Number, within certain Bounds, to proceed according to Law, against Persons guilty of Conventicles, Invasions of Ministers and Pulpits, and other Disorders mentioned in the Commission, who are to meet in Time of Vacance, and to them we have given special Instructions; which Commissioners are to meet at *Edinburgh*, *Stirling*, and *Cowpar*, the 18th of *August* next.' We are

Your Grace's, &c.

The King orders more Forces to be raised.

In the Month of *August*, the Council have a Recess, and do not meet till their Members return from the several Bounds whither their Commissions above narrated carried them: But, in the Beginning of *September*, I find them together again, and a Letter from the King is read, 'commending their Diligence against Conventicles, and acquainting them, that for the strengthening their Hands under him, in maintaining the Laws and Government, he resolved to raise some more Forces, and orders them to raise a Thousand Foot, and Three Troops of Horse.' This Letter bears Date *August* 25th. Whether this was to gratify some People who could not be otherwise provided for than in an Army, in a Time of full Peace, at the Expence of the Country, or for some other end, I know not. The suffering Party were more and more harassed by this increasing of the standing Forces.

Warrant to apprehend several Persons for a Conventicle.

This same Day, *September* 1st, the Council grant Warrant to apprehend *Mungo Lockhart of Harwood*, *William Liston of Collunum Easter*, *George Tennant* and *John Brown in Calder*, who were informed against, as having been at a Conventicle lately in *Calder-muir*, and to have resisted a Party of the Guards who came to dissipate them. What followed upon this Warrant, I know not; no more about these Persons occurs in the Registers.

Hornings to be granted, upon the Decrees of inferior Magistrates, for Conventicles.

At the same Sederunt, the Council ordain Letters of Horning to be directed by their Authority, upon the Decrees of all Sheriffs, Bailies of Regalities, and all other inferior Magistrates, against Persons guilty of being at Conventicles, and other such Disorders, and grant Warrant to the Clerks for that effect.

Commissioners appointed by the Council, as above, and a new Instruction given, in case a Defence be proposed *hactenus judicata*.

Upon the 2^d of *September*, they receive the Report of the Procedure of the several Commissions granted in *July* against Conventicles, and approve the Commissioners, and add some others to their Number; and, in answer to a Difficulty proposed from some of them, they appoint, 'That whereas it hath occurred, and may hereafter occur, That Persons cited to appear before the said Commissioners, may propound their Defence, *quod res est hactenus judicata*, they having been already pursued before other competent Judges; the Lords declare, if the Defences propounded be by any other than the Party cited and compearing, they are to be repelled, and Certification granted notwithstanding thereof: But if the Parties be compearing, the Commissioners, before Answer, are to examine whether they have been fined and proceeded against according to the Act of Parliament, and if they have made real Payment of their Fines, and such other Circumstances as they shall think fit; and thereafter to sustain or repel the said Defence, as they shall find Cause.' It appears hard enough to reject the Defences given in for the Pannels, merely because they themselves were absent, having little Ground to expect they would be judged twice for the same supposed Crime: And these Commissioners were thus made a new Inquisition, after the Severities formerly exercised.

King's Letter to Council, Sept. 22. mostly about Mr. Lord Cardross.

Towards the Close of this Month, *September* 29th, the Council meet again, and have a Letter from the King, of the Date of the 22^d of *September*, read, writ, no doubt, upon Informations sent up by private Letters to Court. His Majesty expects special Diligence to be used anent a Conventicle near the Border of *West Lothian*, where some armed Men fired upon the Guards. I take it to have been the abovespecified at *Calder-muir*. It is his Pleasure they take particular Notice of the Conventicles, and other unlawful Practices at or near *Cardross*: He adds That

That he is informed that some of his Guards, by their Order, apprehended one *King*, who was set at Liberty on Caution to appear ; and seeing the Lord *Cardrofs* did, in a peremptory Petition, complain of that Man's being taken, who he owned to be his Domestick, the Council are ordered to require that Lord to bring him back to Prison, and not to give over till that Business of countenancing and keeping Conventicles, at or near *Cardrofs*, be exactly tried according to Law.

1674.

Accordingly, that excellent Person the Lord *Cardrofs* appears before them *October 1st*, and is appointed to produce Mr. *John King* against *November*. He answered, What the Council demanded was not in his Power ; and that the Council, by their Orders, had taken Mr. *King* from him ; and, after imprisoning him for some Time, liberated him, and since that Time he was not in his Service. Mr. *King* for some Time elcaped their Fury, but afterwards, as we shall hear, fell a Sacrifice, and my Lord wanted not After-harassings.

The Lord Cardrofs appears, October 1.

At the same Diet of Council, they approve the Proceedings of their Commissioners for Conventicles, and *Hugh Stevenson*, one of their Clerks, had the Fine of Five hundred Merks gifted him, which was uplifted from Mr. *John King's* Cautioner, for his Noncompearance when called, according to the Bond given for him.

In *December*, *Claud Hamilton* of *Barns*, in the Shire of *Dumbarton*, applies to the Council, for a Stop to be put to the Diligence gone out against him. This Gentleman had been fined by the Bailie of the Regality of *Kilpatrick*, in a Fourth Part of his Rent, for his being at one Conventicle in a House, and had paid his Fine. The Commissioners who met at *Stirling*, having called him before them, and he, knowing he had already satisfied the Law for that supposed Crime, did not compear, and was denounced. The Council are so just as to put a Stop to the Letters against him.

Case of Hamilton of Barns.

Upon the 3^d of *December*, *Henry Angus* and *James Jaffrey* were brought before the Council. When they appeared before the Commissioners at *Stirling*, they had no Evidence against them of their being at Conventicles, and refer the Matter to their Oath : These Two Men refused to swear against themselves, and had been remitted to this Diet of the Council. The Lords ordain them to be banished from the Shires where they live.

Thus the Reader hath a pretty full Account of the Procedure of the Managers against Conventicles this Year. I come now forward to touch at some other Occurrences in this Period.

S E C T. II.

Containing an Account of several other Occurrences this Year 1674.

IN this Section I come to glean up some further Things which fell out this Year ; most of them have a Reference to suffering Presbyterians, and any other Thing I notice shall be only what is necessary to clear up their State and Circumstances.

Subject Matter of this Section.

Some particular Hardships upon Ministers and Preachers in the Beginning of this Year, deserve the Reader's Notice. Upon the 8th of *January*, Mr. *Matthew M'Kail*, of whom some Account hath been given already, was liberate from Prison, where he had been for some Time ; upon his refusing to engage not to Preach, he was confined to the Parish of *Carlouk*, and Bond was given for him that he should appear before the Council when called.

Mr. Matthew M'Kail confined to Carlouk.

Towards the Beginning of *February*, Mr. *James Mitchel*, of whom before, was taken, and committed to close Prison. The best Account I can give of the Procedure against him at this Time, is from Two Letters writ by the Lord *Haltoun* to the Earl of *Kincardin*, and from the Council and Justiciary Registers. The first Letter runs,

Mr. James Mitchel taken in February.

Holy-rood-house, February 10th, 1674.

UPON *Saturday* Morning, one Mr. *James Mitchel*, who was alledged to have assassinated the Archbishop of *St. Andrews*, was discovered and taken by Sir *William Sharp* and Two of his Brother's Servants, and was by the Chancellor's Order made close Prisoner. This Day, by Order of the Council, he was examined by the Lord Chancellor, Lord Register, Lord Advocate and me, and stiffly denied the Assassination ; but being taken apart by the Chancellor, upon Assurance of his Life, he fell upon his Knees and confessed it was he who shot the Bishop of *Orkney*, but that he aimed at the Archbishop. The Double of the Confession signed by him and us, is here inclosed. I think his Punishment will be the Loss of his Hand, and perpetual Imprisonment in the *Bass*. I am, &c.

Lord Haltoun's Letter to Kincardin, giving Account of his Examination.

1674.

Mr. Mitchel
remitted to the
Justiciary.

By the Council-registers, *February 12th*, 'Mr. James Mitchel, who was in the Rebellion 1666. and was imprisoned for the Assassination intended against the Bishops of St. Andrews and Orkney, is remitted to the Justiciary, and the Advocate is ordered to pursue him.' The other Letter of my Lord *Haltoun* refers to this, and I insert it here.

Holy-rood-house, *February 12th*, 1674.

Another Letter,
Haltoun to
Kincardin, about
his Sentence.

THIS Day Mr. *Mitchel*, who assassinated the Archbishop, was examined again in Face of Council, and said nothing but what he said to us in the Committee. He is remitted to the Justice-court to receive his Indictment and Sentence, to have his right Hand cut off at the Cross of *Edinburgh*, and the Forfeiture of his whole Goods and Posterity. This last Part is not to be put in Execution till His Majesty be acquainted, because Assurance of Life was given him upon his Confession. The cutting off his Hand is to be executed by the Hand of the Hangman. I am, &c.

Mr. Mitchel's
Indictment.

App. N^o. 65.

From the Justiciary-records, I find Mr. *Mitchel* is brought before that Court upon *March 2^d* this Year, and an Indictment and Libel is produced against him and read, which I have insert, *App. N^o. 65*. The Substance of it, and Reasonings upon it, will come in Four Years after this, at his second Process; and I shall here say no more of it, but only that Mr. *Mitchel* denied his Libel, and offered himself to Probation, knowing it could not be proven, being advised not to lay too much Weight upon the Assurance of his Life given him. The Lords of Justiciary continue this Affair until the *25th* of *March*.

Mean while, upon the *12th* of *March*, the Council have this Matter again before them, and come to pass the following Act; which as giving a short View of this Matter, and what afterwards was refused, tho' it stands yet in the Registers from which I extract this Copy faithfully, is proper to be insert here.

Edinburgh, March 12th, 1674.

Council's Act
about Mr. *Mitchel*,
March 12,
afterwards re-
fused when
pleaded in his
Process.

The Lord Commissioner his Grace, and Lords of his Majesty's Privy Council, having appointed a Committee of Council to examine Mr. James Mitchel Prisoner in the Tolbooth of *Edinburgh*, the said Mr. James being brought before the said Committee, did make a free and voluntary Confession of his Accession to the Rebellion, and rising in Arms in the West; and that after he had Notice of the same, he went from *Edinburgh* with Colonel Wallace and others, and joyned the Rebels there, and from thence came alongst, and was with them until the Night before the Fight at *Pentland-hills*; and that at the Desire of Captain Arnot he came then to *Edinburgh* to speak to some Persons there concerning them: And being examined upon the Attempt made upon the Person of the Archbishop of St. Andrews, and who shot the Pistol at the said Archbishop, when the Bishop of Orkney was hurt, in the Month of July 1668. he did declare, that at that Time, and in the Day the said Attempt was made, he was in the Town of *Edinburgh*, and that he had bought the Pistol which was about him, charged with Three Balls when he was apprehended, at that Time the Bishop was shot, from Alexander Logan Dogmaker in *Leith-wynd*; but refused that he was the Person who made the said Attempt, until having retired with one of the said Committee, he did confess upon his Knees he was the Person, upon Assurance given him, by one of the Committee, as to his Life, who had Warrant from the Lord Commissioner and Secret Council to give the same, and thereafter did freely confess before all the Lords of the said Committee, that he shot the said Pistol at the said Archbishop, and did subscribe his Confession in Presence of the said Committee, which is also subscribed by them. And thereafter the said Mr. James, in Presence of the Commissioner his Grace, and Council, did renew and adhere to the said Confession, both as to the Accession to the Rebellion, and the Attempt foresaid, and acknowledged he made the said Attempt, because he thought the said Archbishop had a Hand in troubling and persecuting those that were in the Rebellion. Nevertheless, being brought before the Lords of the Justiciary, and asked if he did own the Confession foresaid, he did altogether refuse to answer and adhere to the said Confessions, notwithstanding he was told by the Lords Commissioners of Justiciary, that if he would adhere to the said Confessions, he should have the Benefit of the said Assurance, and if otherwise, he should lose the same: Therefore the Lord Commissioner his Grace, and Lords of his Majesty's Privy Council, do declare that they are free, and that the said Mr. James ought not to have the Benefit of any such Promise or Assurance, and that the same is altogether void, and the Lords of the Justiciary and the Assize ought to proceed without any Respect to the same. And further declare, that the said Mr. James Mitchel is the Person intended, and meant in the Proclamations in the Year 1666 and 1667. discharging any Intercommuning with the Rebels therein mentioned, and excepting the said Mr. James and other Persons therein from his

his Majesty's Favour and Indemnity, and no other under the Name of Mr. James Mitchell, though there had been any other of that Name involved in the Rebellion. 1674.

Matters being thus prepared for the severe Procedure of the Criminal Court, upon the 25th of March Mr. Mitchell comes again before them, and now he must adhere to his judicial Denial of all libelled against him; and there being no Probation besides his foresaid Confession now retracted, the Lords of Justiciary, with Consent of his Majesty's Advocate, desert the Diet, and Mr. Mitchell, after continuing some Time in Prison, is sent to the Bass, and his Business is still put off from Time to Time until January 1678. when we shall meet with him again.

The last particular Prosecution in the Entry of this Year which I name, is of the pious and learned Mr. Thomas Forester, since the Revolution Professor of Divinity in the University of St. Andrews, whose Memory is favourable in this Church, and who being dead yet speaketh, by his solid and learned Writings against Episcopacy. This excellent Man had for some Years been under Difficulties to joyn with the present Constitution of the established Church, and the longer he made his Observations upon the Procedure and Practices of the Prelates and their Underlings, the greater his, and several other worthy Mens Scruples anent Conformity, came to be: And last Year he came to part with them, and this Year his Persecution begins.

Mr. Forester had his pastoral Charge at Alva, in the Presbytery of Stirling, and since the Beginning of the last Year he had deserted their Meetings; whereupon their Clerk, by their Order, sends the following Letter to him, dated August 7th, 1673.

Reverend Sir,

YE being absent Yesterday on whom the Addition lay, notwithstanding the Presbytery was informed, that ye was in the Town the Night before, and have been several Days absent from the Presbytery formerly; the Presbytery hath appointed you the Exercise the next Day, and that upon Coloss. 3. 12. and hath ordained me their Clerk to advertise you thereof, and of the Diet of the Presbytery, which is Yesterday come Twenty Days, or the Twentieth and Sixth of August Instant: With Certification, if ye do not keep the said Diet, or give not a reasonable Excuse for your Absence, the Presbytery will take such Course, because of your Contumacy, as is incumbent. Thus much from,

Sir,

Your humble Servant,
Mr. Alexander Murray Pr. Clerk.

To this Letter Mr. Forester made a Return upon the 26th of August, which I give from a large manuscript Account, which passed 'twixt him and the Conformists, left by this excellent Person, and kindly communicated to me by his Son the Laird of Dunaven. And it follows.

To the Moderator and Brethren of the Exercise at Stirling.

IN answer to your Letter of the Date August 7th, about my keeping the Exercise, and your noticing and threatening me anent my withdrawing from the Meetings now some considerable Time; I have resolved, (instead of that full enlarged Account, which I have ready in a Paper by it self) at this Time, to give you by these a Hint of my Reasons in general. First, It is evident by the present standing Acts touching Religion and Church-government, that all Power or Jurisdiction in the Church, or its Assemblies, either diathecick, critick, or dogmatick, is fountained in, derived from, and ultimately referable unto the Magistrate's Civil Power, which Frame I judge to be contrary to the Word of God, the Confessions of Reformed Churches, and our own Church's Judgment, consequently the keeping of the Meetings, (a Badge of the Acknowledgment of the Lawfulness of this Frame) to be unlawful; this Frame of Church-government being clearly proven unlawful, by such as have written against *Eraastianism*. Secondly, I find, since our first Reformation, several Oaths, Vows, and solemn Engagements upon this Church and Nation, against the Prelatick Frame of Government, the Obligation whereof I could never find convincingly disproved, but upon some Search am perswaded, that the same are still binding on the Nations and Posterity. Thirdly, Upon some Search into the Controversy of Church-government, I have for a considerable Time entertained the Perswasion of the Unlawfulness of the Prelatick Frame, as contrary unto the Prescriptions in point of Government set down in the Word. If these Foundations hold, the Unlawfulness of the Meetings cannot be questioned; and so long as I am thus perswaded, I cannot attend them in Faith: He that

1674. ' but doubteth, is damned if he eat, and such as walk in Darkneſs know not whither they
' go, and will lie down in Sorrow in the Evening of their Day. Upon your Demand, I ſhall
' exhibit theſe Grounds ſomewhat enlarged in a Paper I thought to have ſent incloſed, where-
' in, if upon Peruſal, ye ſhall diſcover Miſtake, either as to Matter of Fact, or Conſequen-
' ces therefrom deduced, I ſhall heartily embrace the Conviction thereof. So remitting the
' Premiſſes to your ſerious and impartial Conſideration, reſts'

Alva, Auguſt 26th, 1673.

Yours in all Duty,

Thomas Foreſter.

His larger Pa-
per.
App. N^o. 66.

The Paper referred to here, is too large to be inſert in the Body of this Hiſtory; but coming from ſo good a Hand, and at ſuch a Juncture, it deſerves a Room in the *Appendix*, and ſtands N^o. 66. There are Two Copies of it before me much to the ſame Purpoſe, the one deſigned for the Presbytery of *Stirling*, and the other enlarged a little, by way of a *Teſtimony to the Work of Reformation*, when he was forced to leave his Flock. That which is annexed will give the Reader a full View of this Matter. This Paper was never called for by the Brethren of the Exerciſe.

He leaves his
Parſh, and
joyns the per-
ſecuted Mini-
ſters, and
preaches with
much Succeſs.

His quitting their Meeting brought him very ſoon under the perſecuting Spirit of this Time, and Mr. *Foreſter* was obliged to quit his Charge at *Alva*, and he joyned in with the perſecuted Presbyterians, and preached, *that is*, kept Conventicles as Opportunities offered, and had perhaps as many Seals of his Miniſtry, and as much ſenſible Succeſs in Conversion, in *Stirling* Shire, *Dumbarton* Shire, and other Places, as many Miniſters in this Church.

He is taken in
Stirling, February
this Year, and
ſent into *Edin-
burgh*, where he
continues in
Prison till the
Indemnity.

In February 1674. he preached in ſome private Houſes in the Town of *Stirling*, and the Magiſtrates there found a way to diſcover where he was, and to apprehend him, of which they immediately diſpatched Accounts to *Edinburgh*. February 19th, the Council write a Letter of Thanks to the Magiſtrates of *Stirling*, for diſcovering a Conventicle kept there, and taking Mr. *Thomas Foreſter* at it: A Guard is likewiſe ſent to bring him Priſoner to *Edinburgh*, whither he came; and as the greater Compliment to theſe zealous Gentlemen at *Stirling*, the Council ſend Blanks to them to be filled up with Names and Charges, to bring in whom they pleaſe to *Edinburgh*. In *Edinburgh* Priſon Mr. *Foreſter* continued until the Indemnity in March, and upon the 26th he petitioned the Council, and was liberate.

The Synod of
Dunkeld pro-
ceed againſt
him.

When the State had indemnified this good Man, the Prelates and their Underlings begin their Attacks upon him; and the dioceſan Synod of *Dunkeld*, in April this Year, paſs a Sentence of Depoſition againſt him, which was intimated by a Meſſenger at Arms to him, and another Copy fixed to his Church-door. It deſerves a Room here.

Dunkeld, April 29th, 1674.

Their Sentence
of Depoſition,
April 29. 1674.

W^Hilk Day the Moderator and remanent Brethren of the dioceſan Synod of *Dunkeld*, taking to their ſerious Conſideration the contumacious, diſorderly, and ſchiſmatical Carriage of Mr. *Thomas Foreſter* Miniſter at *Alveth*, in abſenting himſelf of a long Time from the Meetings of this Synod, and from the Meetings of the Presbytery of *Stirling*, whereof he is a Member, and under his Hand, in a Letter to the ſaid Presbytery, diſowning all our Church-judicatories, and declaring them to be unlawful, and their Exerciſe of Government and Diſcipline to be *Eruiſtian*, and that the politick Form of Government is contrary to many Oaths, Vows, and Engagements, which he is perſwaded are binding upon the Nations and Poſterity, which is contrary to his Engagements at his Ordination extant with us; and withal conſidering his unchriſtian and unnatural forſaking his Flock, and deſerting his Duty among them theſe Seven Months bypaſt, and that he ſeditiouſly and ſchiſmatically preacheth at Conventicles, within the Bounds of other Mens Charges, contrary to the Laws of God, and to the warrantable Laws, both Civil and Eccleſiaſtick, of this Church and Kingdom; for which ſeditious and wicked Practices he has been already apprehended and imprifoned by the Civil Magiſtrate, and being formerly cited to appear at the Meeting of our Synod in *October* laſt, as alſo legally ſummoned to compear before this Synod at this Diet, and being often called and not compearing: Therefore the Moderator and Brethren of the Synod, moved with Zeal to the Glory of God, and Care to ſuppreſs Schiſm, and to promote the Succeſs of the Goſpel of Chriſt, and the Peace of the Church, and to diſcountenance Diviſion and diſorderly Walking, and out of Pity of that poor People now of a long Time deſerted by him, and left to ſtarve and ſtray, and become a Prey to the Devil and his Inſtruments, do by theſe Preſents ſimply depoſe the ſaid Mr. *Thomas Foreſter*, from the Exerciſe of all Parts of the holy Function of the Miniſtry of the Goſpel, and declare the Church of *Alveth*, in which he formerly ſerved, to be now vacant; and ordain this our Sentence to be intimated.'

Mr. G. Haliburton Moderator.
Mr. Henry Malcom Clerk.

To

To this, in the Copy left with him, was annexed the Bishop's Ratification, which I likewise add.

1674.

WE Henry, by the Mercy of God Bishop of *Dunkeld*, having seen and seriously considered the above written Act of our Synod, deposing Mr. *Thomas Forester* Minister at *Alveth*, and the Grounds and Reasons thereof. We find the said Grounds very weighty and relevant, and the Sentence founded thereupon to be just and legal: Therefore we do ratify and approve the said Sentence, and interpose our Authority thereto, by these Presents subscribed with our Hands, at *Meigle*, the 4th of *May*, 1674.

Bishop's Ratification

Henry, Dunkeld.

When this Sentence came to Mr. *Forester's* Hand, he made large Remarks upon it and the Bishop's Ratification, by way of *Queries*, in several Sheets of Paper, which are so ample that they would take up too much Room even in the *Appendix*, but I find them compendized by himself in a Paper which he sends, 'twixt and the next Synod, to one of the Members thereof, and this I have added, *App. 66. N^o. 2.* This Paper gives Occasion to some Letters betwixt that Member of the Synod and Mr. *Forester*, in which this Matter is further handled. Those I must leave, as also some Letters, which in the Year 1678. passed 'twixt Mr. *James Ramsay* Bishop of *Dumblain*, and Mr. *Forester*, 'concerning the Lawfulness of Presbyterian Ministers their Preaching in their persecuted Condition, and the People's adhering to them, wherein the Bishop's Charge of Schism upon this Practice is examined, and countercharged upon the Prelatick Party, and the Consistency of those Things with all due Obedience to the Civil Magistrate is cleared and vindicated;' which contain a very distinct State of the Controversy betwixt Presbyterians and *Scots* Prelatists, and I wish they were more known.

Mr. Forester's Remarks on these.

App. 66. N^o. 2.

But I come to take a little more general View of Affairs this Year, as they relate to Presbyterians. Upon the 25th of *January*, the Council, by Order from above, in a Proclamation, adjourn the Parliament, after it had been called to a precise Day, and the King had signified it was shortly to meet.

The Parliament adjourned.

As soon as this Adjournment is known, Duke *Hamilton*, *Tweddale*, *Dumfries*, the Lairds of *Polwart*, *Bonington*, and some others, went up to Court, to deal with the King about the Grievances the Country was under. None of the Sides spoke any Thing of the far more valuable Interests of Religion, and so the Sufferers interested themselves very little in their Quarrels. The King blamed Duke *Hamilton* and his Party, for raising Heats in the Parliament at such a Juncture; yet he dismissed them fairly, with Promises that the Parliament should sit down in *March*, and all their Grievances be considered.

Duke Hamilton and others of his Side go to Court.

This Winter, and Beginning of the Spring, was an extraordinary Season for Frost and Snow, and generally People were hindred from Plowing till the 24th of *March*; and the third Part of the Cattle in *Scotland* were destroyed for Want. Those who went to *London*, hasted Home, to be present at the Parliament in *March*; but when they were met, the Commissioner *Lawderdale*, to their great Surprise, produced a Letter from the King adjourning the Parliament till *October*, and after this the Duke durst never venture upon another *Scots* Parliament.

An extraordinary Frost and Snow.

The Parliament adjourned in *March*, and did not meet for many Years.

Great and many were the Hopes and Projects of the Bishops at this Parliament; being encouraged by the King's Letter taken Notice of last Year, they had prepared several Papers, containing Grievances and Complaints against Presbyterians, to be laid before the Parliament, relative to their Preaching and administering Sacraments, and they expected to have got more severe Laws made against them.

The Prelates further Designs, against Presbyterians at the Parliament, broke.

Matter was not indeed wanting, for what the Prelates and their Party reckoned Grievances; At this Time, and since the last *Indulgence* Conventicles did grow sensibly; and altho' the Design of the Favour was to divide Presbyterians, yet the very Name of an *Indulgence* and Favour, was some Encouragement, and therefore the Bishops fretted at all *Indulgences*.

None of these Papers of Grievances, of which I am told there was great Care taken to gather up vast Numbers from all Corners, have come to my Hand, save the Paper drawn up by the Synod of *Glasgow*, at their Meeting, *October 22^d* last, as I suppose. The Copy I have wants the Date of the Year; but from the Matters of Fact complained of in it, and some other Circumstances, I have Ground to think it was drawn last Year, and designed for the Parliament in *December*, and when that failed, for this in *March*. I shall observe several Untruths in it afterwards, but it containing several Matters of Fact, I have not elsewhere met with as to the State of Presbyterians at this Time, and being a new Evidence of the Virulence of the Clergy against Presbyterian Ministers, the Reader will not grudge it a Room in this Place.

Grievances formed by the Diocesan Synod of *Glasgow* last Year in order to be tabled before the Parliament.

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The Grievances given in by the several Presbyteries of the Diocese of Glasgow, to the Synod, October 22^d, and by them humbly represented to my Lord Commissioner his Grace, and Parliament, or their Lordships of his Majesty's most Honourable Privy Council.

I. **T**Hat the Conventicles still abound more publickly and avowedly, notwithstanding of all the Acts and Laws made against them; and these are kept both by Men that are indulged, and others who are not; yea, some who never entred upon Trials before any Church-judicatory, viz. In *Glasgow*, by Mr. *Andrew Mortoun*, Mr. *Robert Law*, Mr. *Bartoun*, Mr. *Maxwel*, Mr. *Cargill*, Mr. *James Bell*, Mr. *John Burnet*, Mr. *A. McLean*, Mr. *James Wilson*, and others, all indulged, and confined to other Places, yet residing within the Town of *Glasgow*; and Mr. *Alexander Jamison* late Minister at *Govan*, who keeps Conventicles every Lord's Day at *Haggs*, within the Parish of *Govan*: Also by Mr. *Robert Maxwel* younger, Mr. *Matthew Crawford*, Mr. *James Wodrow*, Mr. *William Gilchrist*, Mr. *Robert Corbet*, and others resident in *Glasgow*, who never passed their Trials in order to Preaching: Also in *Paisly* Presbytery, Conventicles kept in *Eastwood*, by Mr. *Hugh Smith* formerly Minister there, who hath settled himself beside the Church of *Eastwood*, and constituted Elders, administres Sacraments, and performs all the Ministerial Offices: Also in the Parish of *Killellan*, Mr. *James Wallace*, who kept still Conventicles there, till the indulged Minister came in, and has now laid in his Provision at *Inchinnan*, where he was some Time Minister, notwithstanding he was confined to *Neilston*, and labours by all Means, to break the Ministry of the present Incumbent there. In the Presbytery of *Air*, Mr. *John Osburn* every Lord's Day keeps Conventicles at *Enterkin's* House in *Torboltoun*, though he be confined to *Dundonald*; and by Mr. *Anthony Schwarz* at *Knockdallen's* House in *Calmonel*; he adventured also lately to preach at the Church of *Balantree*, though he be confined to *Paisly*: Also in the Presbytery of *Dumbarton*, Conventicles are kept by Mr. *Thomas Melvil* in the Parish of *Kilpatrick* Easter, by Mr. *Hugh Smith*, Mr. *John Dickson*, Mr. *John Law*, Mr. *Matthew Crawford*. Mr. *James Hogg* at *Armonack*, in the Parish of *Kippen*, goes about baptizing, administrating the Lord's Supper, through all the Bounds of the neighbouring Parishes of the Presbytery of *Dumbarton*. In the Presbytery of *Lanerk*, Conventicles are kept by Mr. *James Greg* at *Boghall*, though confined to *Carstairs*; by Mr. *Patrick Anderson* at the same Place, though confined to *Longdregghorn*; and Mr. *John Menzies*, some Time conform Minister at *Carlaveroch*, at *Crawford-lindsay*.

II. Indulged Brethren keep not the Rules given by the Council, but travel through the Country, baptize, catechize, marry, administrate the Sacrament of the Lord's Supper to the People of our Charge, without Testimonials from us, and some of them baptize all the Children of neighbouring Congregations; as in *Torboltoun* and *Barnwell*, Mrs. *John Hutchison*, *Hugh Campbell*, *James Veitch*, as also these who officiate at *Eglisbam*, *Paisly*, and Mr. *James Hutchison* of *Killellan*, Mr. *Simpson* at *Kilmacomb*, Mr. *Stirling* at *Kilbarchan*. And Mr. *John Law*, Mr. *John Baird*, Mr. *William Eccles*, baptize Children and marry Persons from the Presbytery of *Dumbarton*; Mr. *Anthony Murray* at *Coulter*, Mr. *John Crawford* and Mr. *William Bailly* at *Lamingtoun*, Mr. *John Hamilton* at *Carmichael*, Mr. *Robert Miller* at *Ochiltree*, Mr. *John Reid* at *Muir-kirk*, Mr. *Alexander Stevenson* at *Dalmellington*. These Two last are continued in their Charges by Connivance.

III. There are some Conventiclers have erected Preaching-houses, viz. at *Glasgow*, the House of Mr. *Blackwel* the Calender, sometime hired Soldier to *Cromwel*; Mr. *Drew* in the said City; in the *Barony* Parish, and in *Newtoun* in *Gabriel Thomson's*, and another in *Kippoch* in *John Baxter's* House.

IV. A Conventicle lately kept at *Kilsyth*, in *Thomas Russel's* House, where the Preacher cursed the King, and his Council, and the whole Royal Family, saying, *David* did not sin in cursing his Enemies; and therefore, neither do we in praying that God would destroy our King, and pull him off his Throne. He was apprehended therefore, and some of his Hearers gave Bond and Caution to produce him upon Demand.

V. It is universally regreted, that Noblemen and Gentlemens Sons Governors are ill principled, and abuse the Youth, not only withdrawing themselves, but their Pupils also from Ordinances; and when they are challenged here at *Glasgow*, they take away their Pupils to *Edinburgh* and other Colleges. The like is done by Chaplains, who pervert the Families they officiate in.

VI. Generally, not only Conventiclers, but indulged Ministers preach *Sedition*, and pray to the same Purpose; and, in their Apologies at their Entry, avow publickly that they owe neither to the King nor his Council their Entry to their Charges; as Mr. *Nasmyth* at *Glasford*, Mr. *Stirling* at *Kilbarchan*, Mr. *Wallace* at *Larges*, and others.

VII. Heritors

VII. Heritors and Elders generally refuse to joyn with the conform Ministers, in administering Discipline, and collecting for the Poor.

VIII. Quakers do generally abound in *Wester-Leinzie*, and have Meetings every Lord's Day, both there and at *Glasford*, and other Places.

IX. Diets of Catechizing are not kept, but generally slighted: Ministers in their Visits to the sick, are not admitted, and offering to examine, are denied; and that even by some, who, out of the Example of the Recusancy of others, are worn atheistical, and disown Ordinances altogether.

X. Sheriffs, Bailies, Magistrates of Burghs, when desired, do not concur to cause scandalous Delinquents give Obedience to Church-discipline.

XI. Suspensions are frequently granted after Hornings given for the Payment of Ministers Stipends, without Consignation, as in the Case of the Minister of *Dalrymple*.

XII. That Fabricks of Churches are like to go to Ruin, unless Heritors be obliged to see timeously to it.

XIII. That the Church of *Barnwell* is ordered to be suppressed by a Decreet of the Commission for Plantation of Churches, without a Report of Perambulation of the Bounds, for the Conveniency of the People, by the Bishop and Presbytery, or any Regard had to the Settlement of Mr. *Kincaid* present Minister there; though he compeared by Mr. *John Kincaid* his Procurator, and protested to the contrary, which is not noticed in the Extract of the Decreet, though it was appointed to be done by the Commission.

XIV. That not only the indulged Ministers do not preach on the 29th of May, but sundry others unconformed, who have continued in their Places by Connivance, and obeyed the Law formerly, this last Year have forborn, through the Example of the indulged Brethren.

XV. Several horrid Crimes are committed at Conventicles, as *Incest*, *Bestiality*, *Murder* of Children, in the Presbyteries of *Air* and *Lanerk*, besides frequent *Adulteries*, and other Acts of Wickedness, as our Registers at more length bear; particularly, one who was apprehended, and confest *Bestiality* at *Lanerk*, and was let go without any Punishment.

XVI. And there is nothing more grievous than that Papists are daily increasing, without Controul, or Execution of the Law against them, especially in the Presbytery of *Hamilton*, as that Register at full length bears.

And to sum up all, we cannot but mourn, and do heartily testify to all the World, but more especially to your Lordship, that all Laws made heretofore against these, would not have been so contemned, were it not for the irregular Ministers, and Multitude with whom we have to do; so that in the Issue they have proven, to the great Dishonour of God, and our Disadvantage, altogether ineffectual; and this only from a perverse Principle of habitual Disobedience in the Ministers and People, which, as we wish God to remove, so we heartily pray and beseech your Grace to consider.

The Spirit of Bitterness which appears in the Conclusion of this Paper, as well as in other Parts of it, may be enough to preserve the Reader from crediting a Party of Men who were willing to believe every Thing that was ill of Presbyterian Ministers and People, and save me the Trouble of making Remarks upon this Collection of Grievances. The Title of the Paper shews, that one way or other the Clergy were resolved to have this Libel before the Government. The first Article contains an evident Untruth, That Conventicles were kept by severals who never passed their Trials in order to Preaching, such as Mrs. *Maxwell*, *Crawford*, *Wodrow*, *Corbet*, and others. 'Tis very true these Persons did not pass their Trials before the Bishop or his Presbytery, but 'tis as certain they were examined and licensed by the remaining Presbyterian Ministers, according to the Acts of General Assemblies, and the Rules of this Church; and several of their Licences I have seen, and they can yet be produced, to give the Lie to this Paper. I have no Doubt but the Fourth Article is equally false; and doubtless if it had been true, the Name of the Person would have been given, and somewhat more than this general Account of no Body knows who. The Fifth Article is very improbable, That universally these who had the Care of Noblemens Children and Gentlemen, were all Presbyterians. The Fifteenth is altogether calumnious, and brings to my Mind the Reproaches cast upon the Meetings of the primitive Christians by their virulent Persecutors. It is from such *Innuendo's* as are cast together here, that that viperous Pamphlet, *The Spirit of Popery speaking out of the Mouths of Phanatical Protestants*, was patched up some Years after this; to which I have seen a very full Answer in Writ, by the Reverend and Learned Mr. *Matthew Crawford* beforementioned, wherein the wicked Forgeries and Lies at this Time and afterward, palmed upon Presbyterians, are fully exposed and refuted. In short, many of these Articles, Part of the First, the Second, Third, and others of them, are owned by the suffering Presbyterians, as Practices upon which they did suffer, and what they

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Remarks upon them.

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reckoned agreeable to their Principles. Other Articles do not at all concern them, and some are absolutely false and calumnious.

Whether this Paper of Grievances was presented, I do not know; it could not come before the Parliament, and if it was laid before the Commissioner and Council, nothing was done at this Time. The Broils and bold Steps now taking in *England*, and the Divisions 'twixt the Two Dukes in *Scotland*, were Rubs in the Way of gratifying the persecuting Clergy: Neither of the Parties were reckoned friendly to Presbyterians, and yet it was believed both of them connived at the Growth of Conventicles, hoping to blame each other, as the Cause of this, to the King.

Mean while, the Dissatisfaction of the common People, at the Incumbents forced in upon them in several Places, began to appear. Upon the 12th of *March*, I find the Council order some Persons in the Parish of *Libbertoun*, to be pilloried in *Edinburgh* and at *Libbertoun*, for a Riot, alledged by them to be committed upon some Ministers ordaining a Minister to that Kirk. And much about the same Time, an Attempt was made upon Mr. *Alexander Gatherer*, as going to preach in the Kirk of *Girvan*, in the Shire of *Air*; of which I find a Complaint made to the Council, but no Account of the Issue. And upon the 19th of the same Month, several Prisoners in the Tolbooth of *Edinburgh*, put in for Disorders, are gifted by the Council to Captain *James Hay*, to be Recruits to a Regiment he was concerned in in *France*. Whether these Disorders were Church-irregularities, I know not; but 'tis not improbable they were, since it was these that filled Prisons mostly now, and after this.

Before *Lawderdale* left *Scotland*, and quit this misgiving Session of Parliament, he was pleased to compliment the Nation with an Act of Grace and Indemnity from the King his Master, upon the 24th of *March*. A Copy of it is annexed, App. N^o. 67. This was published at *Edinburgh* with a great deal of Solemnity, by the Heralds, and the Magistrates attending in their Robes.

In the forementioned Paper, entituled, *Scotland's Grievances by reason of the Duke of Lawderdale's Ministry*, several Remarks are made upon this Indemnity, as illegal and injurious, which need not a Room here. It is plain this Favour is cramp, and not at all full: However, the common People in *Scotland* lookt upon it as an Encouragement as to the Time to come, as well as a Remission for what was past, in their following Conventicles; and it may be the Duke designed somewhat of this by it. It was confidently talked, That his Grace, before he left *Edinburgh*, did secretly encourage Conventicles, and promised Presbyterian Ministers a full and ample Liberty without Restrictions and Exceptions; and this was the real Spring of their taking so much Liberty this Year. And yet when he got up to the King, the Blame of them was laid upon the other Party who stood by Duke *Hamilton*; and Letter upon the Back of Letter, as we heard, was sent to the Council, to bear them down.

After the Adjournment of the Parliament, the Commissioner goes up to Court, and Duke *Hamilton* followed him, and got Access to the King, to whom he spoke very freely of *Lawderdale's* Mismanagements, and begged a Day might be appointed wherein he might lay before the King a larger Detail of what he had to say against him, and anent the Grievances *Scotland* was groaning under, and begged the Duke might be present, and as many others as his Majesty thought proper. The King heard all, and desired the Duke of *Hamilton* to give in Writing what he had to say, and promised to consider it; but declined to hear Reasonings and Discourses upon these Heads. This was a plain Dilator, and the Duke having no Scots Lawiers with him, and being uncertain how far Expressions in Writ might militate, or be improven against him, took his Leave, and moved no further at this Time.

Lawderdale continued so well with the King, that upon the 19th of *May* a Proclamation comes out, dissolving the Parliament: The Reason given, is the Peace now concluded with the States of the United Provinces; but such was the Sense of Liberty that wrought among Members, and so deeply laid was the Design of freeing themselves from the Burdens the Country was under, that the Duke durst not venture upon any more Scots Parliaments, and we had none for many Years. Towards the End of *May*, he procured a new modelled Council, and there were even Changes made in *England*, and *Ashley-cowpar* who had accused him to the King, the Earl of *Carlisle*, and some others upon that Lay, were turned out. In the new Commission for Counsellors, which was opened *June 4th*, several of Duke *Hamilton's* Party were left out, as *Tweddale*, *Queensberry*, *Yester*, *Dumfries*, *Roxburgh*, and some others. In their Room were put in *Kinghorn*, *Mar*, *Wigtoun*, *Collingtoun*, *Craig*, *Ross*, and some others. Duke *Hamilton* himself was kept in, but came little to the Council for a long Time, and was never much in Favour this Reign or the following.

The Proceedings of this new Council have been pretty largely accounted for upon the former *Session*, and I shall not resume them. Upon the 18th of *June*, I find a very long Letter of Approbation of the Duke of *Lawderdale's* Proceedings, recorded in the Council-registers. Thus for a while he carried all before him, and the Party who opposed him were forced to be silent.

When

Dissatisfaction
of People with
the Incumbents
forced in upon
them.

King's Indemnity,
March 24.

App. N^o. 67.

Remarks upon
it.

Lawderdale and
D. Hamilton go
up to Court,
the last com-
plains to the
King, and
meets with
Dilators.

Parliament dis-
solved, and
Changes in
Council.

When the Council met, *June 4th*, an Incident happened which made a great deal of Noise, and was one Article in most of the Letters which came from the King to the Council this Summer, the tumultuary Meeting of Women in the Parliament-clois. The Matter was thus, This was a Time when Men durst not appear in petitioning the Council, unless they resolved to go to Prison, and to have Quarrels picked with them; and therefore a good Number of Women in the City of *Edinburgh* resolved to appear for the Gospel, and try how far a Petition from them might have Weight, at least to discover the Inclinations of many for some Liberty to Presbyterian Ministers; and accordingly drew up and signed the following Petition.

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The tumultuary Meeting of Women in the Parliament-clois, *June 4.*

Unto the Right Honourable the Lords of his Majesty's Privy Council,

The humble Supplication of several Women of the City of Edinburgh, in their own Name, and in the Name of many who adhere thereto,

Humbly sheweth,

That whereas your Petitioners being long deprived of the Blessing of a faithful publick Ministry, and of the Purity of Worship and Ordinances that God hath commanded, and after much sad suffering for Attendance thereupon in private; yet for some short while bygone, and in the Time when his Majesty's Commissioner was amongst us, your Lordships Petitioners have, without Molestation, enjoyed some small Liberty by his Majesty's gracious Connivance: Yet now we are sadly alarmed, that through the malicious and false Information given in by some of those who side with and serve the Bishops, your Lordships may be induced, to the Grief of the Hearts of many Thousands in this Land, to trouble the quiet Meetings of the Lord's People at his Worship.

The Women's Petition.

May it therefore please your Lordships to grant such Liberty to our honest Ministers, that are through the Land and in this City, that they may lawfully, and without Molestation exerce their holy Function, as the People shall in an orderly way call them; that we may, to the Comfort of our Souls, enjoy the rich Blessing of faithful Pastors, and that our Pastors may be delivered from any sinful Compliance with what is contrary to the known Judgment of honest Presbyterians. In doing whereof your Lordships will do good Service to God, and the King's Majesty, and deeply oblige all honest People in the Land. And your Petitioners shall ever pray, &c.

The severe Clauses in the King's Letter *May 19th*, formerly noticed, relative to Conventicles, put these Women in this Alarm they speak of; and about Fifteen of them, mostly Ministers Widows, engaged to present a Copy each of them to the principal Counsellors. Accordingly, when the Counsellors came up, they found the Parliament-clois almost filled with Women. The Primate came up with the Chancellor, and was in no small Confusion when he saw the Gathering, but stuck close by the Chancellor. Some of the Women called him *Judas*, and others *Traitor*, and one of them laid her Hand upon his Neck, and said, *Ere all was done that Neck behoved to pay for it*; but no further Violence was done. That good Woman *Mrs. Livingstone*, Relict of *Mr. John Livingstone*, of whom before, presented the Petition to the Chancellor. The Earl received it with Civility enough, and read it in the Place where it was delivered, and patiently heard what she had to add, for the Gentlewoman spoke very well and handsomly. He talked a little with some of the rest, and jested with them, and seemed not altogether displeased at the Fright the Bishop seemed to be under.

They present it to the Counsellors.

When the Counsellors got in, and found the Petition signed, it was voted a Crime and unwarrantable, and they called in about a Dozen of the Subscribers one by one. Upon Examination they all declared, that no Man had any Hand in the Petition, that they were moved thereto from the Sense of their perishing starved Condition, under the Want of the Gospel, having none to preach to them but ignorant and profane Men, whom they could not hear. Then they were put all together in a Room, and the Provost of *Edinburgh* was sent out to dismiss the rest, and oblige them to remove from the Doors: But they were peremptorily resolved not to withdraw till their Friends were sent out to them, and declared themselves willing to take one Lot with them. The Council when they heard this, were pleased to send the rest out; and so this Tumult, about which so much Noise was made, ended.

It is voted criminal and unwarrantable.

Next Council-day the Subscribers were all called, and upon their Noncompearance denounced, except *Mrs. Margaret Johnstoun*, a Daughter of the excellent Lord *Waristoun*, *Mrs. Cleland*, and *Lilias Campbel*. These Three, whether upon their answering the Citation, or otherwise, were seized, and cast into Prison. And I find the Council, *June 25th*, appointed the Earl of *Lintirbgow*, the Earl of *Marishal*, and some others, to examine them, and consider their Case, and report. And, *July 7th*, the Council order out Summons to some others they alledge had a Share in this Tumult. And, *November 12th*, *Mrs. Elizabeth Ruthersford*,

The Subscribers called next Council day, and *Mrs. Margaret Johnstoun*, *Mrs. Cleland*, and *Lilias Campbel*, imprisoned and some of them banished out of *Edinburgh*.

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ford, Mrs. Margaret Johnstoun, Lady Mersington, and several other Women concerned in the Tumult in the Parliament-clofs, are by the Council banished the Town of *Edinburgh* and Liberties thereof.

Many brought to Troubles and fined for Conventicles, and many denounced.

The Severities of the Managers this Summer, upon such as were alledged to have been at Field-conventicles, have been already narrated; and indeed every Week almost Letters came down from Court urging a violent Prosecution of them, and all the Blame of them was laid upon the Country-party, whereas 'tis generally thought that *Lawderdale* himself had as much encouraged Conventicles as any Body. Multitudes were fined through all the Corners of the Country. Many considerable Gentlemen in *Fife* were roughly handled; one paid Two Thousand Merks Fine, because his Lady had lodged Mr. *Welsh* one Night in his House, tho' the Gentleman knew nothing about it, and was abroad upon Business. And many were fined for being once present at Sermons in the Fields, when it may be they were very near their Houses. When this rigorous Way came to be known, not a few absented, and upon Non-compearance were denounced, and their moveable Escheat fell to the King. One Day a Paper was fixt upon the Parliament-house Door, containing upwards of an Hundred Persons whose Escheats were to be sold to any who would purchase them, and among them about Thirty Ministers, whose Escheats would not very much enrich the Courtiers. Such a Multitude of them had they upon their Hand, that they knew not what to do with them.

Quarreltoun confined to Paisly.

Some Hints of more particular Hardships of some Gentlemen, Ministers, and others, have come to my Hand, mostly from the Council-registers this Year, and shall give them in so many Words. Upon the 26th of *March*, the Laird of *Quarreltoun*, upon his Petition, gets his Confinement and Prison altered from *Dumbarton* to *Paisly*, and is allowed to walk Abroad, as above. *Thomas Lennox* and some others, who had been in Prison for Conventicles, the same Day are liberate, I suppose by virtue of the *Indemnity*.

Upon the 14th of *July*, Mr. *Robert Law*, who had been sometime Prisoner in *Glasgow*, for keeping of Conventicles, that is, preaching now and then in Houses, is ordered to be brought into *Edinburgh*; and the Council give Warrant to apprehend Mr. *John King*, Mr. *John Wallace*, and Mr. *Andrew Barton*, outed Ministers; and the Earl of *Atbole* is ordered to bring in the last to *Edinburgh*. *July* 21st, Mr. *James Drummond*, who had been some Time imprisoned in *Edinburgh* Tolbooth for Preaching in Families, is set at Liberty. *July* 28th, Mr. *Robert Law*, Mr. *John Law*, Mr. *John King*, Prisoners in the Tolbooth of *Edinburgh*, for Preaching, appear before the Council, and are discharged to keep Conventicles, under Certification of being reputed, punished, and pursued as seditious Persons, and are obliged to give each of them Bond and Caution for Five Thousand Merks, to appear when called.

September 29th, *William Drummond* of *Cromlicks*, sometime ago a Major-general, is ordered to enter Prisoner into *Dumbarton* Castle. I do not know what the Managers had to lay to his Charge, but I hear it was Converse with intercommuned Persons, and he was reputed to have a warm Side to the persecuted Party. In *January* next, he petitions the Council, complaining of his close Imprisonment, and they permit him to walk about in the Day-time, but order him still to return at Night. *December* 1st, *George McCartney* of *Blacket*, Prisoner at *Dumfries* for alledged Accession to the Rebellion 1666, is ordered to be brought into *Edinburgh*.

Perhaps it was in answer to one of the Grievances abovenarrated, that the Council, *July* 28th, 'considering that by --- Act, 2 Sess. Parl. 2. Char. II. None must preach or teach 'without the Bishops Licence, recommend to and require the Archbishops and Bishops to enquire what Persons in their Dioceses take upon them to be Chaplains in Families, or teach 'in publick Schools, or be Pedagogues, without their Licence, and report.' I find not much Persecution as yet following upon this Order; but, next Year and the following, many excellent Youths, very capable of their Trust, were brought to abundance of Difficulty.

Towards the End of *September*, a Letter comes down to the Council, restoring the late Archbishop of *Glasgow*. Bishop *Leighton* had demitted, and about this Time or a little after died in a very retired Place in *England*. The King's Letter will speak best for it self. It is inserted Word by Word in the following Act of Council made upon the Receipt of it.

Edinburgh, September 29th, 1674.

FORASMUCH as the King's Majesty, by a Letter under his Hand to his Privy Council, of the Date of the 7th Instant, has signified, That upon the Dimission of Alexander Archbishop of *Glasgow*, 1669, his Majesty did commend to Robert Bishop of *Dumblain* the Care of the Diocese of *Glasgow*, and afterward did nominate and present the said Robert to the Archiepiscopal See of *Glasgow*, unto which, as his Majesty is informed, he was not formally translated; and that now by the Dimission of the said Robert, the said Archbishoprick of *Glasgow* is become at his Majesty's Gift and Presentation, his Majesty has thought fit on just and important Considerations, and for the Good of his Service in the Church, to restore, and doth restore the said Alexander to the Possession and Enjoyment of

Mrs. *Law*, *King*, *Wallace*, *Barton*, Ministers, brought to *Edinburgh*.

Major General *Drummond* confined, and *Blacket* brought into *Edinburgh*.

Recommendation, Council to Prelates, about Chaplains and School-masters.

King's Letter and Act of Council, restoring M. *Barnet* the late Archbishop of *Glasgow* upon Bishop *Leighton*'s Dimission, who shortly after died.

of the said Archbishoprick of Glasgow, and all the Rents, Privileges, Benefits, and Immunities, Superiority, Casualties and Profits whatsoever thereto belonging, in as full and ample a Manner as the same are expressed and contained in his Majesty's first Gift unto him under the great Seal of the Kingdom; willing and declaring the said Gift and Disposition to be in as much Force in all Time coming, during his Life, to all Intents and Purposes, as he had never made a Dimission; and ordains this Letter to be recorded in the Books of Privy Council, and them to pass an Act thereupon, that all concerned may yield ready Obedience. The Lords of his Majesty's Privy Council ordain accordingly in all Points.

1674.

We have heard before, how and from what Springs this Restoration was brought about. Upon the 3^d of December, he was admitted a Privy Counsellor; and the reviving of the Severities in the West Country, against the Presbyterians for some Years, are very much chargeable upon him.

Archbishop
Burnet admitted
a Counsellor.

Little other Thing offers it self, directly relative to the Sufferings of this Church, this Year. In June and July, there were no small Heats fell in among the Bishops and their Clergy about the National Synod; but because this Chapter hath already run out to so great a Length, and it was September next Year before they came to any Issue, I'll refer them till next Year.

Debates this
Year about
a National
Synod.

The Business of the Advocates, who were this Year and the following laid aside for a mere Opinion in an abstract Question of Law, made no small Noise. It does not at all concern my Design, and I should have left it entirely to Civil Historians, were it not another Instance of the arbitrary and oppressive Procedure of this Reign. The Question was, Whether Appeals from the Lords of the Session to the Parliament, were lawful? Sir John Cunningham and Sir George Mackenzie, as topping Lawyers as in the House, with a considerable Number of Advocates, happened to differ in their Opinion in this Point from some of the Managers; and this was made a Crime, and that Party were obliged to lie by from their Office. When the Sentence against them was forming, Sir John Nisbet demurred a little upon it, and desired the President might put in some Law or Act of Parliament as the Foundation of the Sentence. It is confidently affirmed, that my Lord Haltoun replied, *We need not seek Law for it, here is the King's Letter, and that is sufficient.* The Matter was patched up next Year, in a Submission of the nonconforming Advocates.

The Affair of
the Advocates,
who this Year
were laid aside
for their
Opinion in an
abstract Point
of Law.

I shall end my Accounts of this Year with a short Hint at the Procedure of Presbyterian Ministers this Year and the following, for keeping as good a Correspondence among themselves as possible, and licensing young Men to be serviceable when the elder Sort were dropping off; and I shall give all the Accounts I have for these Two Years together in this Place, from some Papers drawn up by their Meetings, which have come to my Hand, and will be a Specimen both of their Care and Prudence at this Juncture.

Presbyterian
Ministers have
Meetings, and
license Per-
sons to be Pro-
curators.

Presbyterian Ministers, indulged and not indulged, frequently met among themselves as they best could, and put several promising young Men, who had prosecuted their Studies in private some Years, upon their Trials, and, upon finding them qualified, licensed them to preach the Gospel; and, as they had Opportunity, sent them to preach in those Places of the Country where they were most wanted, and excited vacant Congregations to call them; and, upon the People's Call, ordained them with all the Solemnity the Illness of the Times allowed.

I cannot give a better Account of the Pains these worthy Ministers took to preserve a Succession of Ministers in this Church, and to keep up the Purity and Harmony of it, than from their own Papers and the Rules they agreed upon; and this does not appear to me altogether improper for a History of this Nature.

The First Meeting I find for these Purposes, is at *Edinburgh*, in *June* this Year. The Presbyterian Ministers in every Corner of the Church sent more or fewer Delegates to *Edinburgh*, to reason and agree upon Rules and Overtures, which were to be transmitted to the several Meetings of Ministers up and down the Country: And the Product of this Meeting will be best known by the Paper of Overtures they agreed upon, and transmitted to their Brethren, which I here insert.

Overtures and
Rules trans-
mitted by a
Meeting at
Edinburgh, to
Presbyterian
Ministers in
the Country,
this Year in
June.

OVERTURES agreed upon in a Meeting of delegate Ministers from several Places of the Kingdom, June, 1674.

- I. The Brethren did unanimously agree, that there be a serious Endeavour for a Succession of Presbyterian Ministers, and recommend it to the several Societies to think of the most effectual Way to make this practicable.
- II. Some Brethren present were desired to write unto Brethren in several Places, to associate themselves in their respective Bounds; and that Brethren meet by Correspondents who live in the Bounds of one Synod, for the greater Harmony in Actings.
- III. That there be a Care had in the several Meetings, as they have Access, to send Preachers where the Necessity and Desires of the People require them, and, as they travel among the People, to warn them faithfully of the Evils and Dangers of the Time, and to exhort

1674.

‘ exhort them to seek for Things that make for Peace, and whereby they may edify one another.’

‘ IV. That it be carefully provided, that no Offer from the State, in order to Church-affairs, be rejected or accepted by any particular Brethren, till Advertisement be given to the several Societies of such an Offer, that their Thoughts thereupon may be returned by their Delegates or Letters, as they shall think expedient; and that Ministers therein, as in other Things, subject themselves *communi presbyterorum consilio*.’

‘ V. That we endeavour to keep Correspondence with Gentlemen and judicious Elders, as they are to be had.’

‘ VI. That neither actual Ministers, nor licentiate young Men, settle with a People without Consent of the Meeting in the Bounds.’

‘ VII. That Ministers, as they have Access, have a special Respect to their particular Flocks, without Prejudice to the common Concernment and Work.’

‘ These preceding Articles the Brethren thought fit to recommend to the Consideration of the several Societies, without imposing upon their Judgments, that they may send their Thoughts of these Overtures with their Delegates to the next Meeting, upon the Third Wednesday of October next, 1674.’

Materials of an
Address to
Government
likewise trans-
mitted.

Joynly with these Overtures, the Materials of an Address to the Government were transmitted to the several Associations of Ministers, that their Judgment might be returned thereupon, and the Reader probably will be satisfied to have it, as what contains the Sense of several worthy Ministers at this Time, upon the Circumstances of this Church, though, as far as I can find, it was never brought to any Bearing.

Materials of an Address.

‘ **A**fter too long Silence, being much pressed with the present Condition of the Church of God through the Land, we cannot but adventure, with all Humility and Submission, to offer to your Lordships Consideration, some few of the many heavy Pressures under which she and we groane, beseeching your Lordships to have Compassion upon us, and by your Authority to relieve and help us from under them.’

‘ I. It cannot but be grievous to us, that although we are not conscious to our selves of any Disloyalty, either in Principles or in Practice, yet we and others of our Perswasion have been, these Years past, kept under a Cloud of Disfavour, whereby we have been exposed to many sad Inconveniencies and Sufferings.’

‘ II. We regret, that by the lamentable Alterations that have been made upon this Church, in the Change of the Government thereof, and introducing of Prelacy, contrary to the Word of God, and our solemn Covenants and Vows to the most high God, Atheism, Profanity, and Looseness have much abounded, and Religion in the Practice thereof hath been exceedingly shaken, and the tender and conscientious People of the Land, who could not subject thereto, have undergone, and to this Day are lying under many sad Things.’

‘ III. We humbly crave Leave to represent to your Lordships, how afflicting it hath been to us, that our Readiness to acknowledge the Civil Supremacy of the Magistrate, not only in Things Civil, but also as to Things Ecclesiastick, according to the Scriptures, and Confessions of the protestant Churches, is not taken off our Hand as a sufficient Test of our Loyalty, unless we give to him that which we cannot grant, as we would not be found guilty of encroaching upon the sovereign Authority of *Jesus Christ*, the alone King and Head of his Church, which we humbly conceive is grievously encroached upon.’

‘ IV. We with much Sorrow bewail the great Obstructions that have been laid in the Way of preaching the Gospel, by Ministers called to that Work by the Church of *Scotland*, (who find themselves under a Necessity to preach the Gospel upon all Hazards) from which it is that Ignorance and Looseness have abounded, with many other Evils; and others, who (from single Respect to the Gospel, and not from any the least Disrespect to Authority) have adventured upon Preaching and Hearing, not without an encouraging Blessing, have been exposed to many and great Mistakes, and sore Troubles.’

‘ V. That a great Number of young Men, whom God hath fitted for the Work of the Ministry, by whose Labours many Souls might be gained to *Christ Jesus*, are kept useless now when the Harvest is great, and that only because they cannot subject to the Trials and Ordination of Prelates.’

‘ VI. That although there be an observable and prodigious Growth of *Popery* and *Quakerism*, (which is upon the Matter a renouncing of Christianity) yet there are few or no Endeavours or effectual Means used to restrain the Seducers, or reclaim their deluded Followers.’

‘ We

‘ We humbly therefore beseech your Lordships, by the Love you bear to *Jesus Christ*, before whose Tribunal we must all quickly stand, to remove these and other sad Evils, under which the Lord’s Servants and People heavily grone, that so the Gospel may have a free Course, and the starving Souls of the poor People may be relieved with the Bread of Life, and may bless your Lordships, when they have Access with Peace and Freedom, after their wonted Manner, to enjoy their Souls Food. This, we doubt not, will contribute much to the Establishment of his Majesty’s Throne, and will bring many Blessings upon your Lordships and your Families, and will encourage us more and more to deport our selves with all Affection and Loyalty to his Majesty, and will not a little make way for your Lordships Peace, in the Day when the Lord will come to call every one of us to an Account.’

These Materials and the above *Overtures* were transmitted up and down the Country, and were generally fallen in with by Ministers, and Additions and Amendments made to them. The only Copy I have met with of the Return of particular Meetings, unto the next general Meeting, is from *Paisly*, and I think it deserves a Room in the *Appendix*, as containing a further View of the Sentiments of some very worthy Men at this Juncture; and so it stands, N^o. 68.

These were the Thoughts of the Brethren of *Paisly* upon what was sent them. I have not seen the Sentiments of any others, neither do I know whether the Meeting of Correspondents had Liberty to meet at *Edinburgh* in *October*, as they designed: Perhaps they did not, at least I have seen no Accounts of their Procedure, and we will just now find another Meeting pressed by the Ministers of the West Country. This Business then of agreeing upon general Rules, for Management at this difficult Juncture, seems to have insensibly dropt into the Hands of the Ministers in the Bounds of the Synod of *Glasgow*. Indeed the greatest Number of Presbyterian Ministers was there, and in other Places they scarce had the Liberty to meet together; and the Brethren in the West Country I find following out this good Work the Beginning of the next Year. Because the Subject is the same, I bring it in here, that the Whole relating to this may be together.

There was a Meeting, for a *Synodical Correspondence*, at *Glasgow*, *January 20th*, 1675. and they give their Sense of the forementioned Articles, remitting them further to the Presbytery’s Consideration. What was done at *Glasgow* will best appear from a Copy of their Minutes, which I have added, *App. N^o. 69.*

These Resolutions and Recommendations are the Sense of a good Number of Ministers met at *Glasgow*; yet they are remitted to the further Consideration of particular Associations. I know not whether they met at *Strathaven* in *June*, as was appointed. All I have further on this Subject, is a few Exceptions against what is above, by a particular Minister, and the Presbytery of *Paisly*’s Sense of them at Two Meetings; both which I give, that the Reader may have all come to my Hand upon this Head. The First stands, *App. N^o. 70.*

Those Exceptions seem to be from a Minister who hath been dissatisfied with the *Indulgence*, and not so cordial for an Union with the Brethren who had Freedom to embrace it. I end this Account with the Sentiments of the Brethren in *Paisly*, at Two different Meetings this Year, and they are added, *App. N^o. 71.*

From those we may understand the great Care and Caution exercised by the remaining Presbyterian Ministers, to have Matters as near the Constitution of this Church, and managed with that Unity, Harmony, and Caution, as their Circumstances would bear. According to these Regulations they generally acted, till piece by piece their Liberty was retrenched, and Divisions and Jealousies broke in among themselves.

I only add further, that as they took Care of Things among themselves, so they took Hold upon every Handle that offered, for the bettering of the Manners and Practice of this dissolute Age, and putting a Stop to the Profaneness that was now so rampant, and so little curbed by the established Clergy. They went as far this way in their Sessions and other Meetings, as their Circumstances allowed them, to exercise Discipline: And to help what was wanting in this, where they had Gentlemen in their Congregations who would joyn with them, they constituted them Reformers of Manners, in the Terms of the above-mentioned Act of Parliament. I shall annex here the Tenor of the Commission for this effect, given by Mr. *Thomas Wylie* and the Session of *Finwick*, to *Rowallan* younger, from the original Copy before me, and with it end this Chapter.

At *Finwick*, *December 2^d*, 1674.

‘ The whilk Day, the Heritors and Kirk-session of *Finwick* convened, by virtue of the 22^d Act of the 3^d Session of the 2^d Parl. of King *Charles II.* entituled, *Act against Profaneness*, of the Date *September 1672.* did, according to the Appointment of the foresaid Act, nominate, likeas, by these Presents we do nominate *William Muir* of *Rowallan* younger, Residenter within the said Parish, as most fit to execute the Penal Sta-

1674.

Presbytery of
Paisly their
Remarks on
them.

App. N^o. 68.

This Matter
of Rule for
the Procedure
of Ministers,
falls into the
Hands of the
Ministers of
the Synod of
Glasgow.

Their Meeting
Jan. 1675.
with the Ar-
ticles they a-
gree to.
App. N^o. 69.

Exceptions
by a particular
Minister a-
gainst what is
agreed to a-
bove.

App. N^o. 70.

Presbytery of
Paisly’s Sense
of the Synodi-
cal Overtures.
App. N^o. 71.

The Care of
the remaining
Presbyterian
Ministers, to
have Matters
regularly set-
tled.

Their Con-
cern to sup-
press Profane-
ness.

Session of
Finwick’s Com-
mission to
Rowallan, to
be r down
Vice.

1674. 'tutes of several Acts of Parliament against Cursing, Swearing, and other Profanenesses
'expressed in the foresaid Act, and other Acts therein specified: And did, likeas, by those Presents
'do appoint, and earnestly desire Sir *William Muir* of *Rowallan* elder, to present this unani-
'mous Nomination of the said *William Muir* younger of *Rowallan*, to the effect foresaid,
'to the right honourable and noble Lord the Earl of *Eglintoun*, Bailie of *Cunningham*,
'and to intreat his Lordship to grant Commission in Terms of foresaid Act, and a Deputa-
'tion to the said *William Muir* of *Rowallan* younger, for convening the Persons Trans-
'gressors of the foresaid Statutes against Profaneness, and to judge them according to Law.
'In Witness of the Premises, we have subscribed these Presents, &c.'

It is Time now to go on to what is more directly the Subject of this History, and to come forward to the Account of the Persecution in the following Year.

CHAP. X.

1675. *Of the State and Sufferings of Presbyterians during the Year 1675.*

Contents of
this Chapter.



THIS Year produceth no great Alteration in the Circumstances of the suffering Party in *Scotland*. Conventicles continued, yea, grew, and the Bishops and Council were not wanting in their Efforts against them; and the new and illegal Experiment of Garisons up and down, begins to be executed in this Period. A good many Ministers are intercommuned, and several Gentlemen and others are persecuted, not so much for their Breach of the Laws, as for their adhering to the Presbyterian Interest, and Liberties of their Country. In *England*, no small Endeavours were used with the King to make him quit *Lawderdale*, but in vain; and in *Scotland*, the Debates among the Episcopal Clergy, which began last Year, are brought to a Period. These, with some more transient Things falling in, may be the Subject of Two Sections. In the First, I shall bring in the proper Sufferings of Presbyterians this Year; and in the other, glance at other Incidents which may give some Light to the History of this Time, till it be set in its due Light, and likewise in some Measure clear up the Circumstances of Presbyterians.

SECT. I.

Containing an Account of the Persecution for Conventicles this Year, and the harsh Treatment of Presbyterian Noblemen, Ministers, Gentlemen, and others.

Notwithstanding of the rigorous and unprecedented Laws, made in the former Years, against Preaching and hearing the Gospel in Houses and Fields; yet this Year, Meetings to hear Presbyterian Ministers were very numerous, especially in the Fields; and unless in *Edinburgh* and some other Towns, there were but few Sermons in Houses. In most Places up and down the Country, there were not Houses capacious enough for the Numbers that now came to hear; though I shall not say, but, in some Places, there might be a Kind of Affectation to be in the Fields, where there was not an absolute Necessity, People being easier there in the Summer Time: But, generally speaking,

Field-meetings
frequent this
Year.

ing, the Violence of the Soldiers, and the Numbers of the Hearers, forced them to the open Fields.

It must be owned, even by Adversaries, that much Success, and many remarkable, yea, extraordinary Conversions and Changes did accompany the Labours of Presbyterian Ministers, at this Time, up and down the Country. Many were pricked at the Heart, and cried out, *Men and Brethren, what shall we do to be saved!* And their After-practice evidenced their Repentance was not to be repented of; and the LORD gave Testimony to the Word of his Grace. Sometimes People of Years would come to Ministers, and bemoan their Want of Baptism, and, after Instruction, received it, to the Edification of many. Others had their secret Sins set in Order before them, and would come to Ministers and confess them, and offer publick Satisfaction for them. Now and then conformist Ministers came, and, after the Forenoon's Sermon, offer themselves, and, as Circumstances allowed, actually did profess their Sorrow for joyning in the present Course of Defection. In several Places they forlook their Churches, changed their Way, and, upon their candid Acknowledgments, were received by the Ministers preaching in the Fields, and were as welcome to the People as any.

Indeed the Laws and their Execution were so severe, that not many Gentlemen of Estates ventured to come to these Field-meetings, this being present Ruin to their Families: But their Ladies, and not a few of very good Fashion, were daily Attendants, and the common People were very numerous. Several Ministers and Preachers joyned these named in the former Years; and the Work of the Gospel did very much advance for Two or Three Years, and Multitudes of Souls were gained to *Christ*.

These Meetings were so numerous and frequent in many Places, that our Statesmen could not reach them all, and found it necessary to overlook what they could not help. The Bishops indeed violently pushed Prosecutions, and, we shall hear, got somewhat done. They had several of the Soldiers, and some others up and down the Country, whom they kept in Pay; and their Business was, to catch, if possible, Ministers who preached in the Fields, or some of the most active of the Hearers. There were Spies at some Meetings, and, as they found Opportunity, essayed to catch at the next Meeting, especially in coming or going.

This obliged many to come to hear the Gospel with Arms, for their own Defence; and some Scuffles ensued in several Places; so that the Country resembled War as much as Peace. And when sudden Attempts were made by Soldiers and Spies, 'tis little Wonder some Indiscretions fell out among the suffering People. Indeed it was Matter of Wonder there was no more of this than was, if, upon the one Hand, we reflect upon the Violence and Injustice of the Attackers; and, upon the other, that Ministers preached without Judicatories to overlook them, and might thus be in Hazard to deliver their own Opinion in difficult and emergent Cases, with somewhat of their own Spirit mixed with it, at least so as People might mistake them; and no doubt there were Mistakes of this Kind, and some ran Lengths far beyond any Thing preached to them. Yet it is certain there was very little of this at this Time, and for some Years, until the Differences among Presbyterians were heightened, and the Flame blown up, partly by Enemies, and partly by the Warmth of some Friends; and at length some Hearers inclined to set up for Judges and Directors in Controversies, more than Disciples, as may be noticed in its own Place.

However, the Gospel in the Hands of the outed Ministers had a free Course at this Time; and many were turned unto Righteousness: Through many Places on the South-side of *Tay*, People were almost as much watered, and the Gospel as generally preached, by the Indulged in the Churches, and their Brethren in the Fields, as if Presbytery had been settled.

Mean while their Adversaries were not idle, and the Council take several various Methods to stop and discourage Conventicles; and some Ministers and others were severely enough treated, and some very exorbitant Fines exacted in some Places. I come now to Particulars, and shall first run through the Procedure of the Council, and then the more particular Sufferings and Prosecutions.

It was in *March* this Year, that Complaints are tabled by the Prelates to the Council, of some Conventicles in *Edinburgh*, near *Bathgate*, and in other Places. Orders are given to the Lord *Ross* his Troop, to march in different Parties, and suppress them, and seize all they can meet with, in the Terms of former Acts. It seems the Ministers got out of the Way, at least no Accounts of any taken at this Time are come to my Hand.

The Town of *Edinburgh*, upon the 11th of *March*, are fined in a Hundred Pounds *Sterling*; for Conventicles alledged to be kept within their Liberties; and the Magistrates, by virtue of the Bond they gave at their Election, are obliged to pay it, and have Repetition off the Houses where they were kept. And upon the 12th of *March*, the Council order Four Companies of Foot, and a Troop of Horse to quarter at *Glasgow*, for the easier suppressing of Conventicles.

Towards the End of *May*, a Party of Soldiers, who had seized Mr. *John King* near by the House of *Cardross*, were set upon by some country People, and he rescued, which made a great Noise, and was the Occasion of a great deal of Trouble to my Lord *Cardross*, which I

1675.

Great Success attends the Preaching of the Gospel at them.

Not many Gentlemen of Estates attend them, but a good many of Rank and Fashion did.

Spies and Informers kept in Pay by the Prelates, to discover and catch such as frequented Conventicles.

This obliged People to come to them in Arms.

The Gospel very generally preached on the South-side of *Tay*.

The Procedure of the Council against Conventicles this Year.

Soldiers ordered in different Parties to dissipate them.

Mr. *John King* rescued from a Party of Soldiers.

1675.

King's Letter,
June 12.

I shall afterwards more fully narrate in its own Room; here I shall only notice the Consequents of it from the Government, which were not small.

Accounts were soon transmitted to Court by the Prelates, and a Letter came from the King to the Council, dated June 12th, complaining of this Attempt upon his Forces, and the Rescue of Mr. John King, and of the Increase of Conventicles in Teviotdale and East Lothian; that the indulged Ministers keep numerous and disorderly Communion; that lately there was a Meeting of the indulged and outed Presbyterian Ministers, who issued out Orders for keeping of Fasts, and other illegal Injunctions, as if they had been a Judicatory: And requires the Council to enquire into these Disorders, and to summon all the Counsellors to be present that some Order may be taken anent them.

Remarks upon
it.

That the Indulged kept Communion I have no Question, but have learned nothing of this Meeting of Presbyterian Ministers here mentioned, unless it be a Meeting of the indulged Ministers in the Shire of Air, of which afterwards. I find this Summer was most threatening to the Fruits of the Ground; and it is very probable, Ministers would give it as their Mind, that the Lord was to be applied to by Fasting and Humiliation in this extraordinary Case, by these who would joyn with them in their Congregations. Probably somewhat of this may have given Rise to the Council's appointing a Fast in July, the Act appointing which I have insert in the App. N^o. 72. as being what some of my Readers may be willing to see.

Proclamation
for a Fast.App. N^o. 72.Committee of
Council to
consider his
Majesty's Letter,
and the
Advocate ordered
to form
a Libel against
the Lord Cardross.

According to this Letter, the Council order the Archbishop of Glasgow, Lord Privy Seal, Earls of Argyle and Linlithgow, the President and Advocate, to meet and enquire into all these Heads in his Majesty's Letter, with very large Powers; and I find, next Council-day, no doubt by a Proposal from this Committee, the Advocate, June 22^d, is ordered to form a Libel against my Lord Cardross and others, for Mr. John King's Rescue. And this same Committee fall upon the Overture, which proved afterwards so troublesome to the Country, to set up Garisons, of which more just now. The best Account I can give of the Council's Procedure, will be from their own Narrative in a Letter to Lawderdale, July 15th this Year, which I here insert.

May it please your Grace,

Council's Letter to
Lawderdale, July 15.
giving a Detail
of their Proceedings
since June.

IN obedience, and conform to his Majesty's Letter directed to us of the 12th of June last, we did appoint a Committee of our Number to consider the same, and to propose the most effectual Expedients for preventing the Disorders mentioned therein, and others of that Nature; who having had frequent Meetings thereupon, and made a Report to us of their Procedure and Opinion, we did conclude and pass the Acts following.

Ministers inter-
communed.

Whereas there being divers outed Ministers and others, since his Majesty's late Proclamation, March 24th, 1674. denounced Fugitives for not comparing before the Council, to answer for Preaching or being at Field-conventicles, we ordered that Letters of Intercommuning should be directed against all these Persons, seeing all other Courses hitherto taken had been ineffectual.

Chaplains and
Pedagogues
enquired into.

Whereas the Council, by an Act 28th of July, 1674. in pursuance of the 4th Act of the 2^d Session of his Majesty's first Parliament, did ordain the Archbishops and Bishops in their respective Dioceses, to enquire what Persons had taken upon them to be Chaplains in Families, or to teach any publick Schools, or to be Pedagogues to the Children of Persons of Quality, and to report; in regard the said Report has not been made, we have renewed our former Act, and ordained a Report to be made 'twixt and the first Council-day in November next.

Garisons appointed.

Having conceived, that it may be a most effectual Expedient for preventing of Conventicles, and the like Disorders in Time coming, that Garisons should be appointed in several Places; we have ordained Garisons to be at the Places underwritten, viz. at the House of Bridghouse in Linlithgow Shire, at the House of Cardross, at the House of Glentirring, at the House of Merns in Renfrew Shire, at the House of Newhouse in Kinross, or at the House of Douchill in Kinross, at the House of Dean in Kilmarnock, at the House of Airdry in Lanerk Shire, at the House of Branksham or Newark, at the House of Huntbill, at the House of Blane in the Merse, at the House of the Laird of Riddel, and at the Castle of Dumfries: And have issued out several Orders and Directions for the Provision and Accommodation of the Soldiers in the several Garisons, in the Manner at Length specified in the Report made by the Committee, and approved by us; wherefore a Copy is sent herewith.

Mr. John Forest,
indulged
at Tillincaulry,
transported to
Carmichael.

Being informed that the Kirk of Carmichael, at which an indulged Minister was allowed to preach, is now vacant by the Decease of that Minister, and upon other important Considerations, we have ordered that Mr. John Forest, who is indulged to preach at Tillincaulry, should be transported to the said Kirk of Carmichael.

Town of
Queensferry, and
some indulged
Ministers, pro-
secuted.

Information being given, that the haill Magistrates and People of Queensferry, except a very few, withdraw from publick Worship; we have given Order to his Majesty's Advocate to process them: We have also ordered him to process several outed Ministers, for disorder-

ly Communion, in *Tweddale*, and some other Places; and some indulged Ministers in the Shire of *Air*, for assuming the Authority to appoint Fasts, giving Ordination, and contravening the Instructions given them at their Indulgence, of which a particular Account shall be given to your Grace at the Event of the Process.

1675.

Having considered the Act of Parliament against Conventicles, passed upon the 13th of August, 1670. and another Act of the said Parliament, passed upon the 20th of that Month, against Separation, we find the same were to endure for Three Years, unless his Majesty should think fit to continue them longer; and by Act 4th, 1672. they were prolonged: We desire your Grace may offer it as our Opinion to his Majesty, that it will be necessary his Majesty prorogate these Acts Three Years further, or to ordain them to continue in Force, say and while his Majesty declare his further Pleasure thereanent, and that a Proclamation be ordered for that Effect. We are

Acts against Conventicles prorogate.

Your Grace's assured Friends, &c.

The Appointment of Garisons was the Fountain of so much Trouble to the Country, and these Soldiers in them the Authors of so much of the following Harassings of Presbyterians, that I must insert here the Act of Council about them, of the Date July 13th this Year.

Act of Council appointing Garisons, July 13.

Act appointing Garisons in some Places.

The Lords of his Majesty's Privy Council, considering that it may be a most effectual Expedient for preventing of Conventicles, and the like Disorders in Time to come, that Garisons were appointed at the Places underwritten; do ordain and appoint Garisons to be at the Places aftermentioned, viz. at the House of Bridghouse in Linlithgow Shire, at the House of Cardross in Perth Shire, at the House of Glentworth in Stirling Shire, at the House of Merns in Renfrew Shire, at the House of Douchill in Kinross Shire, at the House of Dean at Kilmarnock, in the Bailiary of Cunningham and Shire of Air, at the House of Airdry in the Shire of Lanerk, at the House of Newark in the Shire of Selkirk, at the House of Hunthill in the Shire of Roxburgh, at the House of Blane in the Shire of Berwick, at the Laird of Riddel's House in the Shire of Roxburgh, at the Castle of Dumfries in the Shire of Dumfries.

And ordain that in ilk Garison there be a Company of Foot and Twelve Horse, and that ilk Two Garisons next adjacent have one Captain to command them; and remit it to Major General Monro, as he shall find the Places of the Two several Garisons more or less convenient, to put the fewer or greater Number in either of them, for the more Convenience: And that the General Major ordain the Officers to keep and remain at their respective Garisons, and not leave their Duty and Charge, under the Pain of being cashiered: And that it be not in the Power of any Officer to grant Furlough to any Soldier, during the Time they are in Garison. And do ordain that the Officers and Soldiers, betwixt and the First of August next, be at the several Garisons foresaid; and that the Officers take special Care that no Prejudice be done by the Soldiers to the Houses or Planting, but when they shall be appointed to remove, they shall leave them in as good Condition as they found the same.

And further, ordain the Sheriff of the Shire, Bailly of the Regality, or Steward of the Stewartry, in which the Garisons are, to convene any Three or Four of the Commissioners of the Excise of the Bounds, that they may, with the Officer who is to command at the respective Garisons, sight the said Houses, that the same may be made ready to receive the said Garisons at the said Day, and the said Sheriff, Bailly, or Steward shall convene the said Commissioners, and Three be a Quorum, who are hereby required to cause furnish the respective Garisons with Bedding, Pots, Pans, Coal, Candle, as is ordinary, and set down Prices for the Corn, Hay, and Straw for the Horses, as soon as the same comes off the Ground, and cause carry in and deliver to the Garisons such Quantities as are necessary for the Horses, at the said Prices, upon the Payment of the Price.

And for the Provision and Maintenance of the said Garisons, the Lords of Council recommend to the Lords of Treasury, to ordain Sir William Sharp his Majesty's Cash-keeper, to provide Meal to the Soldiers, at Leith, and other Places, and to deliver the same by Weight to the Officers, who are likewise ordered to deliver the same to the Soldiers by Weight, and that the Officers shall have Allowance from the Cash-keeper of Two Shillings Scots a Mile for the Carriage of each Horse-load.

The Council, upon August 6th this same Year, make another Act anent the Garisons, which I insert likewise here. After a Narrative of the same Nature with the Act above, they ordain,

Another Act about Garisons August 6.

1675.

That the General Major see that the Officers be careful that no Disorders be committed by them, or any under them; and that they endeavour to keep good Intelligence in the Country about them, in order to prevent all disorderly Meetings; and in case any Conventicle be held, whereof they shall be informed, ordain them to use their Endeavours to apprehend the Minister, or other Person preaching thereat, and any considerable Persons present at the same: And likewise to secure any Ministers, who by Sentence of Council are declared Fugitives, conform to a particular List to be given under the Hand of one of the Clerks of Council. And upon Information of any Number of Men in Arms, if they find they can give no good Account of themselves, that they endeavour to dissipate them, and seize on them; and likewise any Persons known to have been in the Rebellion 1666. and who have not accepted of the Benefit of his Majesty's gracious Act of Indemnity. And for the better Execution hereof, the Officers of the said Garisons are to keep Correspondence among themselves, that no Inconvenience fall out. Of which, and of every Thing of Moment that shall fall out, they shall give timely Advancement to the Major General, or, in his Absence, to the next commanding Officer, who are to acquaint his Majesty's Privy Council, or give such Orders as they shall find convenient.

This Appointment of Garisons was not only unprecedented, in Time of Peace, but, by many, thought plainly contrary to Law, and the Liberty of the Subject: For any Thing I can see, it was purely owing unto the Virulence of the Bishops, and their Party in Council, and enacted without any Order from the Court, or so much as acquainting the King with so extraordinary a Step, until it was done. They were indeed approved by an After-missive, but the Country owed this Oppression merely to the arbitrary Managers; and, we shall hear just now, that some Gentlemen refused to pay their *Quota* to the Support of these illegal oppressive Garisons. The Rules laid down, to prevent Prejudice to the Places and Country about where the Garisons were, did not at all answer the End; their Powers are very large, and they soon found Pretexes to insult and attack any in the Neighbourhood they pleased: Beside, the Charges of maintaining them, and bringing in what went under the Notion of Provision to them, was a terrible Burden to the Country; and considering the plain Design of their setting up, and the Narrative of the Council's Act anent them, bearing, They were appointed for bearing down of Conventicles, *that is*, the pure Dispensation of the Gospel, and for the apprehending of honest Ministers and others, a good many conscientious Persons refused to contribute to their Support; and this became new Matter of Persecution. In short, this Method was most oppressive and unjust, to send so many rude Soldiers to live, as it were, at Discretion, and nestle in a great many loyal and peaceable Gentlemen and Noblemen's Houses, to their great Disturbance and Loss. It was pretended, they would guard them and their Tenants from the Hazard of Conventicles; but this was very hard upon Persons who neither wanted nor desired such Guests. In the followning Years they were altered and changed, as the Persecutors found most answerable to their Projects; and some Parishes who were reckoned disaffected, *that is*, most inclinable to Presbytery, had Two of them; such as *Lesnabago*, in the Houses of *Blackwood* and *Corehouse*. At length it appeared so illegal and unreasonable, that peaceable Gentlemen and Subjects, who ought to be protected by a Government, should be quartered upon, like Enemies, in Time of Peace, that it was challenged at Court; and, after our Bishops had defended it a while, they were forced to drop it. However, the Country groined under them in various Shapes, less or more, for many Years.

But to go forward in my Account of the Council's Procedure this Year: Upon the 6th of August, Letters of *Intercommuning* against many Ministers were given out, which I shall consider when I come to the particular Sufferings of Ministers this Year; and, the same Day, a new Commission, of the same Tenor and Powers almost with that granted last Year, above-narrated, is given, for suppressing of Conventicles and Church-irregularities, to the Earls of *Wintoun*, *Linlithgow*, and *Wigtoun*, Lord *Belhaven*, Treasurer-depute, Register, Advocate, Lord *Collingtoun*, Laird of *Niddry*, Major-general *Monro*, or any Three of them. And at the same Diet, the Acts against Conventicles are prorogated for Three Years, and ay and till the King see Cause to put a Stop to them, and that by a Proclamation, as was proposed in their last Letter to *Lawderdale*.

At the same Time, the Council write to the Earl of *Murray*, to execute the Laws against Keepers of Conventicles in the Shire of *Elgin*, and neighbouring Places, and report. I have seen but very few Accounts from that Country, and therefore perhaps it may be not unacceptable to insert here a well attested Narrative of a considerable Reviving the small Handful who adhered to the Purity of the Gospel in that Corner, had about this Time, which probably gave Rise to this Letter of the Council.

There were but a few Presbyterian Ministers remaining benorth *Tay*, and Two or Three who laboured in the Work of the Gospel, in the Shires of *Ross* and *Elgin*, now and then.

Mr.

Observations
of this Ap-
pointment of
Garisons.

August 6. the
Council grant
a Commission
to prosecute
Conventicles.

The Council
write to the
Earl of Murray,
to bear down
Conventicles
in the Shire of
Elgin.

Presbyterian
Ministers in
Ross and Mur-
ray.

Mr. John McGilligen, Mr. Anderson, Mr. Frazer, Mr. Thomas Ross, were this Summer very frequent, and much owned of the LORD in their Work. I shall have Occasion next Year to give a larger Account of Mr. McGilligen, when he was seized; I only here give a Hint at a Communion he celebrated in September, which was wonderfully countenanced with the Divine Presence, from some Papers before me, of a very good Hand.

1675.

Mr. McGilligen was, with others of the Presbyterian Ministers of that Country, intercommuned by the Council in August; yet the Accounts of this did not discourage him or them in their Work. Many serious Persons were longing much to partake of the Sacrament of the Supper; and having been at much Pains in publick Preaching, and from Houe to Houe, to prepare them for it, in September this Year he administrated that holy Ordinance at *Obisdale*, in the House of Lady Dowager of *Fowlis*. There assisted him Mr. Hugh Anderson Minister of *Cromarty*, and Mr. Alexander Frazer Minister at *Teviot*, afterward at *Abbotsball*. Mr. Anderson preached the Preparation Sermon, from II. Chron. 30. 18, 19. Mr. McGilligen preached the Action Sermon, from Song. 5. 1. last Clause. Mr. Frazer preached in the Afternoon, from Ephes. 5. 16. And Mr. McGilligen preached the Thanksgiving Sermon, from I. Chron. 29. 18. At this last Sermon there was a plentiful Effusion of the Spirit upon a great many present; and the eldest Christians there, declared they had not been Witnesses to the like. In short, there were so sensible and glorious Discoveries made of the Son of Man, and such evident Presence of the Master of Assemblies, this Day and the preceeding, that the People seem'd to be in a Transport, and their Souls filled with Heaven, and breathing thither while their Bodies were upon the Earth, and some were almost at that, *Whether in the Body, or out of the Body, I cannot tell*. Even some Drops fell on Strangers: There was one poor Man, who had formerly no Profession of Religion, but came to *Obisdale* perfectly out of Curiosity, who was sensibly wrought upon. At his Return, one of his Neighbourshaving got Notice where he had been, said to him, *He was a great Fool to lose his Cow and his Horse*, which were all he had to sustain him, and assured him they would be taken from him. The other answered, *You are more to be pitied, who was not so happy as to be there; for my Part, if the LORD would maintain in me what I hope I have won to, I would not only part with these, but my Head likewise, if called to it*.

Mr. McGilligen celebrates the Sacrament of the Supper, at *Obisdale*, with much of the Divine Presence.

At this Communion, they were very providentially kept from Disturbance. The Design of this Solemnity having taken Air, the Sheriff-depute, Sir Roderick Mackenzie of *Findon*, a moderate Gentleman if left to himself, by the Instigation of the Bishop, sent a Party to apprehend Mr. John McGilligen; and expecting he would have dispensed the Sacrament at *Alnes*, the Place of his Residence, the Party came thither upon the Lord's Day, and missing him, they fell a pillaging his Orchard, which kept them so long, that before they could reach *Obisdale*, the Forenoon's Work was over, and, upon Notice given, the Ministers retired. When the Party came and missed Mr. McGilligen, whom they had only Orders to take, they went off; and so the Ministers and People met again in the Afternoon, and had no more Disturbance. Thus the LORD had a Work in that Corner, and Satan raised up Opposition to it. Mr. McGilligen was forced to abscond, and we shall meet with him next Year.

A very remarkable Preservation of the Ministers at this Occasion.

No more offers to me as to the Managers Proceedings in general, but what will come in upon the particular Accounts, unless it be, that, in December, the Council make a new Remit, and grant a Commission much of the Nature of the former, unto the Archbishops of *St. Andrews* and *Glasgow*, the Earls *Seaforth* and *Dundonald*, the President, Advocate, Treasurer-depute, and Earl of *Lintithgow*, anent Conventicles. What was done by the former, and this Commission, if any Thing was done, is not come to my Hand. So I quit the general Account,

Commission against Conventicles granted in December.

And come to end this Section with some Particulars of the Sufferings of some Ministers, Gentlemen, and others, this Year. I begin with Ministers. The Sufferings of the *Indulged*, whose Circumstances were not very easy, I may hint at upon the next Section. As to others of the outed Ministers; upon the 9th of March, I find Mr. John Greg before the Council, for keeping a Conventicle at *Leith-mills*. He confessed the Charge, and was sent Prisoner to the *Bass*. This Island was now turned the common Shore whither all in these Circumstances were sent. Such who would not satisfy the Bishops, were ordered to this barren Rock, where not a few died, particularly that worthy Minister Mr. John Blackader, and glorified God in the Island, by his Death: So at length few or none compeared, finding that the *Bass* was the least they could expect, unless they would comply with the Bishops. After Mr. Greg's lying in Prison Eight Months, about November the Council liberate him, and confine him to the Parish of *Carstairs* in *Lanerkshire*.

Sufferings of Ministers.

Mr. John Greg

Mr. John King was seized in the End of May, but was rescued, as we have heard. November 4th, I find that Mr. Thomas Ross, a Presbyterian Minister in the Shire of that Name, is apprehended for Conventicles, and imprisoned in *Tain*. I have no more about him, only he was brought to the *Bass*, and continued some Time there, with others of his Brethren.

Mr. Tho. Ross

But our Managers, unsatisfied with this small Game of picking up a Minister here and there, give a general Stroke to most Part of the outed Ministers, and when they cannot reach

1675. reach the Persons of poor Ministers and others, resolved to make their Lives as bitter and uneasy to them as may be, and to expose them, and such who shall converse with them, to all Hazards and Difficulties that follow an *Intercommuning*. Many of them, with some Gentlemen, yea, Ladies, had been last Year declared Fugitives, but now they go further.

Letters of Intercommuning,
Aug. 6
App. N^o. 73.

And upon the 6th of *August*, Letters of *Intercommuning* are given out by the Council against more than a Hundred Persons, whereof Sixteen or Eighteen are Ministers. The Letters themselves I have insert in the *Appendix*, N^o. 73. The Ministers are, Mrs. *David Williamson*, *Alexander Moncrief*, *William Wisheart*, *Thomas Hogg* in *Ross*, *George Johnston*, *Robert Gillespie*, *John McGilligen*, *John Ross*, *Thomas Hogg* in *Stirling* Shire, *William Erskine*, *James Donaldson*, *Andrew Anderson*, *Andrew Mortoun*, *Donald Cargil*, *Robert Maxwell* elder and younger, *James Frazer* of *Brae*, *John King*: And with these a good many Gentlemen and Ladies were joyned; Sir *John Kirkcaldy* elder of *Grange*, *Durham* of *Largo*, *Hamilton* of *Kinkel*, *Arnot* of *Pitdrum*, *Lady Balcanquhal*, *Lady Colclerny*, *Lady Pittendreich*, *Lady Whitebanks*, *Lady Pittalpie*, and many others to be seen in the Letters themselves.

Observes upon them.

These Letters of *Intercommuning* were the utmost our Managers could go upon Non-compearance; and by our *Scots* Law every Person who harboured, entertained, or conversed with them, was to be habite and repute guilty of their Crimes, and prosecuted accordingly. Perhaps it was every way without a Parallel, that so many Ladies and Gentlewomen married, should be put in such Circumstances; but this was to strike the greater Terror on their Husbands and other Gentlewomen. The Ministers here named, are such who had been delated as most active in preaching the Gospel, and the Gentlemen and others were such as had supported them most. We heard, the Soldiers have Commission to pick them all up, where they can hear of them; and after *Bothwell-bridge* great Numbers were added to this large Roll; and Converse with, and Reset of them, was one of the great Pretexts of harassing the Country, and debauching their Consciences with Oaths.

The Trouble the Lord Cardross meets with this Year. Riot upon his House and Family at Cardross.

I come now to the Hardships put upon my Lord *Cardross*, that pious and excellent Nobleman, and some Gentlemen this Year. To begin with the Trouble that noble Lord met with, we have heard, that towards the End of *May*, when my Lord was at *Edinburgh*, a Party of the Guards, under Sir *Mungo Murray*, came to the House of *Cardross*, under Cloud of Night, and committed a most evident Riot, and seized Mr. *Robert Langlands*, after the *Revolution* Minister of *Elgin* of *Murray*, whom we shall afterwards meet with, at this Time Governor to my Lord *Cardross* his Brother, the honourable Colonel *Erskine* of *Carnock*, yet alive, whose bright Character his Modesty will not allow me to enter upon. And they broke up Chests, and broke in upon my Lord's Closet and Papers. What their Orders were, or from whom, is a Secret; for they would produce none, but their Pretext was to seize Mr. *John King*, upon some Information or other they had got of his Preaching.

His Petition to the Council.

As soon as my Lord had Notice of this, being at *Edinburgh*, he applied to the Privy Council by a Petition, complaining of this illegal Attempt upon his House. The Petition, which in all Points my Lord was ready to make good, gives the best Account of this Matter, and withal shews the Injustice of these Times, when, instead of Redress, my Lord had a Libel formed against him, and a most unjust Decreet pass. The Petition follows.

To the Right Honourable the Lords of his Majesty's most Honourable Privy Council,

The humble Petition of Henry Lord Cardross,

Sheweth,

‘ That I your Petitioner being in *Edinburgh*, and having left my Wife at Home all alone, Sir *Mungo Murray*, accompanied with *Walter Stuart*, *Henry Graham*, *George Murray*, *James Spotswood*, *Andrew Hume*, and others, did, in a most riotous and tumultuary Manner, come into my House of *Cardross* under Silence of Night, and there commanded the Gates to be opened to them, threatening to break up the Gates, and to burn the House; and tho’ their Names were soberly desired to be known, which was very necessary in that Part of the Country, which in effect is in the Highlands, and at Midnight, your Petitioner and his Servants being from Home, and there being only a Lady with Child in the House, yet they would give no other Answer but that they were *Scotsmen*, which Answer was so far from obliging any to Obedience, that it justly occasioned Jealousy.’

‘ Notwithstanding

1675.

Notwithstanding of which, the Gates being at last opened to them, they did, in a most tumultuary Manner, enter the same, and abuse the whole House, affrighting your Petitioner's Wife, who was with Child, and extending their Incivility to such a barbarous Height, that they forced her to rise from her Bed, that they might search her Chamber; and albeit it they knew, as shall be proven, that the little Room off the Dining-room was your Petitioner's own Clofet, and that your Petitioner himself was at *Edinburgh*, and my Wife assured them, upon her Word of Honour, that there was nothing there but Papers, lying so open, and in such a Confusion, that she could suffer none to enter, especially at such a Time of the Night, and in such a Number; yet they threatned to break open the Door, and so did enter where your Petitioner's Papers of greatest Importance were exposed to the greatest Danger.

Likeas, they having seized upon the Persons of Mr. *John King* my own Chaplain, and Mr. *Robert Langlands* Governor to my Brothers, who were his Majesty's free Lieges, neither acted nor denounced for any Fact or Crime, and who were not hiding themselves, but peaceably lying in their Beds, they carried them most insolently from your Petitioner's House, who was answerable for them, and absolutely refused to shew any Order: And though your Petitioner's Wife did most earnestly desire that they would not carry away her Servants till she should come down Stairs and speak with them, yet they did refuse her that small Favour, which was possibly very necessary for her Service, upon some domestick Considerations.

This being the true State of the Case, it is humbly referred to your Lordships Consideration, what a sad Condition his Majesty's Subjects are in, when they are prostitute to such illegal and unwarrantable Acts, never formerly practised in *Scotland*, nor so much as known to our happy Neighbours; so that we find the Effects of War under a profound Peace, and must pay such as oppress us.

But that your Lordships may the better reflect upon this unwarrantable Act, you'll be pleased to consider, 1st. That none of his Majesty's Guards, nor none else can apprehend the Persons of free Men, except in the Case of Treason; and the most they can do is to secure them under Caution: For Execution can in no Law precede Sentence, and Imprisonment is the severest of Executions, because it ruins a Man's Affairs, and deprives him of Liberty, which is the best and noblest Part of Property. 2^{do}. Though they might apprehend, as they cannot, any single Man's Person, yet to be sure they cannot threaten to break up Doors, nor invade Houses under Silence of Night; for even Letters of Caption cannot warrant to do that, unless it be first proven to a Judge that Entry in his Majesty's Name was refused. 3^{io}. Whatever might be said for the apprehending of Fugitives, for whom none is answerable, and where there may be Hazard in the Delay, yet as to Servants, for whom your Petitioner was answerable, conform to the late Act of Council, it is certainly without all Warrant to apprehend any such; and it were strange that Heritors must both give Bonds, and must yet be liable to have their Houses made open at such unseasonable Times. 4th. Your Petitioner craves Leave to plead so far a Privilege common to him with your Lordships, as to alledge, that the Houses of Noblemen, who have the Honour to be born his Majesty's Counsellors, and who are privileged by our old Laws, cannot be summarily searched, nor have their Servants taken from them; and if your Lordships will consider the Consequences that will arise from this Practice, to your selves and Successors, and other Peers, you will certainly find, That as this has never been practised in *Scotland*, so it were dangerous and dishonourable that any Soldiers or others should have it in their Power to force an Entry into your Houses, to force your Ladies from their Bed, to search into your Closets where your Papers of Importance lie open, in your Absence; so that, in the midst of your greatest Solemnities, or when you desire most to be private, you shall never be able to be Master of your own Houses, or quiet, but that insolent Soldiers shall be allowed to disturb your Solemnities, and pry into your Secrets at their Pleasure. 5th. Though this were allowable, as it is not, yet they should have shewed their Names and Orders before they entred, else Robbers may enter upon such Pretexes, and the Subjects will be brought to that fatal Necessity, as either to allow an Entry to every Vagabond, or fall under the Compass of disobeying his Majesty: But to seize upon any Person without shewing special Order, was that which wanted all Warrant and Example, and shall, as I hope, want all Countenance and Allowance. 6th. Though a Warrant had been enough, as it was not, yet there could not be a Warrant to seize Mr. *Robert Langlands*; and so conscious were they of their own Guilt in this Particular, that they dismissed him, but not till they had carried him Ten Miles, and kept him a Day and a Night Prisoner; and sure he was either unlawfully taken, or, if lawfully taken, unlawfully dismissed; and if this be lawful, then it must be lawful by the same Rule to take any of the Lieges, when most concerned about Things most important, as going to be married, when going to redeem a Wadset, or transact an Affair of the greatest Moment: So that any Body may be affronted and ruined in an arbitrary Way by private Soldiers.

1675.

‘ May it therefore please your Lordships to consider a Riot aggregated by so many
 ‘ illegal Circumstances, a Riot which can have no Pretext, and which sheweth
 ‘ openly so much Malice, that it needs neither be enforced upon your Lord-
 ‘ ships, nor can it be answered by the Actors: And that your Lordships will
 ‘ let People see, in the Severity of your Punishment, that you will protect the
 ‘ People not only by his Majesty’s Guards, but by his Laws; and that those
 ‘ Guards are publick Servants, and not absolute Masters; and that as you
 ‘ would punish those that oppose them, so you will punish them when they
 ‘ oppress others.’

From this Treatment of a Nobleman’s House and Family, we may easily guess what arbitrary Methods the Officers and Soldiers took with the common Country-people and Houses; and indeed their illegal and ensnaring Steps with them, were so many and odd, that I cannot insist upon them. Some Instances here and there may come in afterwards.

Notwithstanding of the Force of Matter of Fact and Reasoning in this Petition, so great was the Iniquity of these Times, that this Matter was turned to a Handle for prosecuting this noble Lord. Some Country-people who had profited by Mr. *John King’s* Conversation and Sermons, hearing he was seized, did gather together, and forcibly took Mr. *King* from the Soldiers. The Circumstances of this Rescue are not come to my Hands, but the Consequents of it were very heavy upon the noble Family of *Cardrofs*.

When the Soldiers came in, and represented the Attempt made upon them, and no doubt magnified it, the Council perfectly neglected the Consideration of the above Petition, and apply themselves to avenge the Affront the Soldiers got, upon my Lord and his Tenants. And a Committee is named, as hath been noticed, and the best Way they can find, is to draw a counter Libel against that noble Lord, and upon the severe Laws now in being, and the Testimony of the Soldiers, they could not want Pretexts, and lodge all this Matter upon my Lord, tho’ at the Time of the Riot and Attempt upon the Soldiers he was in *Edinburgh*.

And upon the 5th of *August*, this Matter comes to a Hearing before the Council, and they pass a Decree against *Henry Lord Cardrofs* in common Form. In short it bears, ‘ That
 ‘ whereas Mr. *John King*, an irregular Preacher, upon the --- of *May* last, having been ap-
 ‘ prehended by a Party of Soldiers, was in the Day-time rescued from them; they find *Hen-*
 ‘ *ry Lord Cardrofs* Art and Part in that Attempt upon his Majesty’s Forces, because some of
 ‘ his Servants were there. They likewise find the Lady *Cardrofs* to have been present at ma-
 ‘ ny Conventicles, and that my Lord had kept Mr. *John King* a Rebel in his House, and
 ‘ therefore they order the Lord *Cardrofs* to enter the Castle of *Edinburgh*, and there to be
 ‘ confined during his Majesty’s Pleasure, and fine him in a Thousand Pounds *Sterling*, and
 ‘ over and above fine him in one Thousand Three hundred and fifty Pounds *Scots*, being the
 ‘ Total of the Sums, at two Hundred and fifty Pounds *Scots* per Piece, his Tenants were
 ‘ found liable to, they being absent, and libelled for being at Conventicles; and that in respect
 ‘ my Lord did not cause his said Tenants give Bond not to keep Conventicles in Terms of
 ‘ the last Act of Council thereanent, referring him for Relief to his said Tenants.’

Thus they are pleased to overlook the vile Riot committed upon the House of a Nobleman, and to stretch their own harsh Laws to the uttermost. I cannot find that Mr. *John King* was a Rebel in Terms of Law. We have heard he had been before the Council, and liberated, and my Lord owns he entertained him as his Chaplain, and pleads he was the King’s free Liege, and he would answer for him: But no Innocence could stand before the Hardships of this Period, and this excellent Person continued for some Years in Prison, till he paid vast Sums of Money, as we may afterwards hear, and at length was forced sometime after to leave his native Land, and go to *Carolina*, whence he came to *Holland*, where he continued till he made a happy Return with the Prince of *Orange*, at the late glorious Revolution.

After the Writing of what is above, I have, by the Favour of the right Honourable the Earl of *Buchan*, the State of his excellent Father’s Process, drawn up by himself and his Lawiers at this Time, which I have added App. 73. N^o. 2. as containing a full and just Account of this Affair.

Two other worthy Gentlemen were attacked this Year, tho’ upon Reasons differing from the Lord *Cardrofs’s* Case, and at this Time they were properly Sufferers for Liberty. I begin with Mr. *Stuart*, Son to Sir *James Stuart* formerly mentioned, whom we shall afterwards meet with. He was at this Time noticed for his extraordinary Abilities in Law, tho’ there was no Access for one of his Piety and Principles to act publicly; but after the Revolution he was a Honour to his Country, and to the Gown in the Office of King’s Advocate, for many Years. This Gentleman was jealous of the Managers for writing, at least having a Share in publishing the known Paper, entituled, *An Account of Scotland’s Grievances, by reason of the Duke of Lawderdale’s Ministry, humbly tendered to his sacred Majesty.* This Account galled the Party, and fretted them exceedingly, and yet I do not find that they were able, or ever essayed to answer the Matters of Fact alledged there against them.

Upon

Observes from it.

Mr. John King rescued from the Party.

Complaint by them against the Lord Cardrofs.

Decree against Lord Cardrofs, August 5.

State of Lord Cardrofs’s Process.

App. 73. N^o. 2.

Mr. afterwards Sir James Stuart brought to Trouble for the Grievances, &c.

count of the Vacancy, to trouble the Petitioner or the Petitors for the same, and ordain Letters of Forging to be directed hereupon in Form as effects. Extract by me

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THOMAS HAY.

In those Terms a good many of them got their Warrants ; but at length, upon some Pretext or other, the Prelates prevailed in *March*, that the Council made the following Order. *March 9th*, Ordered that no indulged Ministers get Warrants for their Stipends, without Testificates from the Sheriff or Magistrates in the Bounds, that they have not kept Conventions since *March 24th, 1674.* But this Restriction did not affect many of them.

Restriction on their Warrants, *March 9.*

But in the Month of *July*, a forer Storm broke upon them: Complaints were given to the Council, we may easily guess by whom, against most of the indulged Ministers, that they broke their Instructions, and did several other Things contrary to Law ; and the Advocate is ordered to send out Summons, that they might compear before the Council in *July*. A principal Copy of the Letters and Citation given to Mr. *James Veitch* Minister at *Mauchlin*, being in my Hands, I shall insert a Copy of it here.

Letters against Mrs. James Veitch, John Gemble, and Hugh Campbell.

LETTERS, King's Advocate, for summoning Mr. James Veitch, &c.

CHARLES, &c. To Our Lovits, Messengers, &c. Whereas it is humbly meant and shown to Us, by Our well-beloved Counsellor, Sir *John Nisbet* of *Dirletoun*, Our Advocate for Our Interest, in this Matter underwritten, That where, by the 9th Act of the 3^d Session of Our 2^d Parliament, it is statute and ordained, that no Person or Persons whatsoever presume to appoint or ordain any Person to the Office and Work of the Ministry, except these who have Authority, approved by the Laws of this Kingdom for that Effect ; and by the said Act, both the Persons pretended Ordainers, and these who shall pretend to have received Ordination, are appointed to be seized upon by the Sheriff, or other ordinary Magistrate of the Place, and to be committed to Prison until they be delated unto the Lords of Our Privy Council, who are by the said Act authorized and ordained, after Trial, and finding the said Persons guilty, to sentence them, by Confiscation of all their moveable Goods, and banishing them, and causing them to find Caution not to return to Our Dominions. And whereas by the common Law and Practick of this Kingdom, if any Person or Persons presume to usurp and assume any Authority, Civil or Ecclesiastick, belonging to Us, or those to whom it is entrusted by Us, ought to be severely punished ; and that albeit the indicting or appointing of a Fast to be kept by any of Our Subjects, doth belong only to Us, or to those who have Power and Authority from Us to that Purpose : And whereas, by an Act of Our Privy Council, dated *September 3^d 1672.* confining several outed Ministers to the Parishes therein specified, they are indulged the Liberty to preach within their respective Parishes, they observing the particular Instructions following, *to wit, &c.* (I do not insert them, being above set down)

Notwithstanding, it is of Verity, that Mr. *James Veitch*, who is confined unto the Parish of *Mauchlin*, Mr. *John Gemble* confined unto the Parish of *Symington*, and Mr. *Hugh Campbell* confined to the Parish of *Muirkirk*, with Indulgence to preach at their own Kirks upon the Observance of the said Instructions, they and every one of them have contravened the Tenor thereof, in so far as upon the First, Second, Third, or remanent Days of the Month of *January*, or some or other of the Months of Years 1674, or 1675. have taken upon them to baptize Persons or marry People in other Parishes, and have not celebrated the Communion in one and the same Day, but at divers and distinct Times, and admitted Persons of other Parishes thereto, without Testificates from the Ministers thereof, and have preached in Church-yards and other Places without the Kirk, and have not remained within the Parishes foresaid, to which they were confined, but have departed forth thereof to other Parts and Places, at their own Pleasure, without Warrant or Licence of the Bishop of the Diocese : They have also taken upon them to meet together, and to appoint and ordain several Persons to the Office and Rank of the Ministry, without any Authority from Us : As also the said Persons have highly usurped Our Authority, in so far as they and several others, being, upon one or other of the Days of the said Months, convened at the Town of *Air* and several other Places, they did presume to appoint a Day or Days of Fasts ; whereby the foresaid Persons have directly contravened the Tenor of the said Act of Parliament and Instructions abovewritten, and thereby have incurred the Pains therein contained, and are guilty of usurping Our Authority, in indicting and keeping of Fasts in Manner foresaid ; for which they ought to be exemplarily punished in their Persons and Goods, to the Terror of others to do the like in Time coming. OUR WILL IS, That ye command and charge the said Mr. *James Veitch*, Mr. *John Gemble*, and Mr. *Hugh Campbell*, personally, if they can be apprehended ; and failing thereof, at their Dwelling-houses, and by open Proclamation at the Market-cross of the Head Burgh of the Shire where they dwell ; and that ye

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‘ deliver to them personally, or leave at the Places foresaid, full Copies of these Our Letters, to compear personally before the Lords of Our Privy Council, at *Edinburgh*, or where it shall happen them to be for the Time, the 29th Day of *July* instant, to answer to the Pre-misses, and to hear and see such Orders taken thereanent, as appertains, under the Pain of Rebellion, and putting them to Our Horn: With Certification to them if they failie, Our other Letters shall be direct to put them to Our Horn, according to Justice, &c. Given under Our Signet at *Edinburgh*, the 15th Day of *July*, and of Our Reign the 27th Year, 1675.’

Per Actum Dominorum secreti Concilii.

‘ *I* Robert Leich Messenger, by virtue of the abovescribed Letters, in our Sovereign Lord's Name and Authority, command and charge you Mr. James Veitch, to compear before the Lords of His Majesty's Privy Council, Day and Place abovescribed, to the effect, for the Causes, with Certification above express.’

Robert Leich Messenger.

The Prosecution dropt.

Those Three abovenamed were cited, and several others; but, from the Registers, I cannot find they compeared: If I mistake it not, the Matter was made up by my Lord *Stair*, and some other of their Wellwishers, nothing being to be laid to their Charge, that could easily be proven, but their appointing a Fast in their respective Congregations, when the *Lord* was visibly contending as to the Fruits of the Ground: And it would have been hard to have prosecuted them on this Head, when the Council themselves appointed a Fast; and the Matter of Ordination was so cautiously managed, that it was difficult to get it proven. Thus this Storm blew over, and they had some Quiet from the Government for some Years: Yea, by the Interest of some Persons concerned, upon the Death of the Minister indulged to *Carmichael*, the Council were prevailed with to send another thereto, being, as they say, *A Parish allowed to have an indulged Minister*, as hath been noticed upon this Chapter already.

The indulged Ministers brought to Trouble for not paying the Bursar and Clerk of the diocesan Synod.

However, towards the End of this Year, and the next, there was a very small Matter like to prove uneasy to them, and that was the Payment of the Bursar and Clerk of the diocesan Synod, their *Quota's* for the Parishes where they preached. Upon the 3^d of *September*, the Whole of the *Indulged* got a Charge of Horning, to pay the Dues ordinary, to *Lodovick Fairfoul* Clerk to the Synod, and Mr. *David Clunie* Bursar. Some hastily went in to the Payment of them, and others stood out, and applied for a Suspension; in which they found no small Difficulty, because the Payment of these was one of the Things imposed upon them by the Act of Council, for their *Indulgence*. These who refused to pay were of different Sentiments, some of them reckoning it was lawful to pay these undue Impositions, when forced and distressed in Law, being a Part of that passive Obedience they reckoned lawful, and what had been generally gone into, as to the Stipends of Curates, by Gentlemen of their Perswasion: Others of them reckoned it simply unlawful in any Case. This Matter came not to an Issue till some Time after this, and I shall have Occasion to give an Account of it in the following Years.

Lawderdale the Mover of the Bishops Bill in England.

The Duke of *Lawderdale* was now the great Wheel by which all our little Wheels moved, and no small Pains were taken in *England* to make the King part with him. The Attempts this way I shall much leave to the Civil-Historians. I find it noticed, that the Duke was the first Adviser to bring in the *Test Bill*, by some called the *Bishops Bill*, containing an Oath to be imposed upon all, that they should endeavour no Alteration of the Government in the Church. This was a counter Part of our *Scots Declaration*, and proceeded from a Cry formed with a peculiar Design, and frequently made Use of since, *That the Church was in Danger*. *Lawderdale* proposed this to ingratiate himself with the High-fliers, then called the *Church-party*. But this Bill was found contrary to the Liberties of Parliament, and many fine Speeches were made in the House of Peers against this Imposition; and the Earl of *Halifax* had a Speech much noticed upon this Subject. His Lordship observed, ‘ That as there was really no Security to any State by Oaths, so also no private Person, much less Statesman, would order his Affairs as relying upon them: No Man would ever sleep with open Doors or unlocked Treasure, should all the Town be sworn not to rob; so that the Use of multiplying Oaths, had been most commonly to exclude or disturb some honest conscientious Men, who would never have prejudiced the Government.’

Dr. Burnet's Examination as to him.

App. No. 74. The Commons

The Party who opposed the Duke, got Dr. *Gilbert Burnet*, so well known to the World, called before the Bar of the Commons, to declare what he knew anent the Duke of *Lawderdale's* Administration and Practices; and I have added a Copy of his Examination, App. No. 74. From this Examination the Commons could not form what some among them projected. However, in *May* or *June*, they drew up and presented an Address to the King, that

the Duke might be removed from all his Employments, and from his Majesty's Presence and Council for ever, as being a Person obnoxious and dangerous to the Government. A Copy of this Address the Reader will find, *App. N^o. 75.*

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Address against him
App. N^o. 74.
Defence of the Duke in the King's Return.

The Two Heads the House of Commons insist upon, are, His passing an Act in the Parliament of *Scotland*, for levying Twenty thousand Men to march, at the King's Command, to any Part of his Dominions, where his Honour and Interest shall require: And his having laid at the Council-table at *London*, That the King's Edicts were equivalent to Laws. The Reader will find what Answers were given to both the Allegations, in his Majesty's Answer to the House of Commons Address, *App. N^o. 76.*

App. N^o. 76.

He continues in Favour.

Notwithstanding this Attack upon the Duke, he continued firm in the King's Favour, and that of the Duke of *York*; and, for some Time, he and his Brother managed all in *Scotland*, and their Party carried every Thing they pleased, in the Council and Treasury.

Differences among the Episcopal Clergy.

The former Year and this, the Differences among the Episcopal Clergy were not small; and since no Account of them hath, that I know of, been given to the Publick, I shall insert here what I can gather from any Papers, relative to this, come to my Hand, though indeed it is but lame. Bishop *Sharp* and his Party resolved to oppress and bear down some who set up themselves for some further Advances in *Reformation*, as they took what they pressed for to be. And the Primate's Carriage in this Affair will be a new Instance of that antichristian Spirit of Persecution and Pride he was possessed with, in so great Measures, not only toward Presbyterians, whom he had deserted, and resolved by all Methods to ruine, but also to those of his own Kidney, when they came not up to every Thing that was his Pleasure, as if he had been an infallible and visible Head of the Church, and Vicar of *Christ*, or another *Antichrist* in *Scotland*.

This Business began last Year, and ended in *September* this Year; and I put it all together, as far as it has come to my Hand. In *May* and *June* 1674. not only some of the inferior Clergy, but even some of the Bishops themselves, began to complain pretty openly, That the Church was not governed in an Ecclesiastical Way, but in a most arbitrary Method; and that Archbishop *Sharp* acted as a *Pope*, and, in Council and out of it, managed the Affairs of the Church, without so much as noticing the rest of the Prelates: And that though there was a Law for a National Synod, yet none had been permitted, by his Influence, to meet, for a common Course in Ecclesiastical Affairs, compiling of Canons, and Exercise of Discipline.

Complaints of Bishop *Sharp* his arbitrary Government of the Church.

Bishop *Sharp*'s Defences.

Bishop *Sharp* and his Friends alledge, That these Complaints were groundless, and flowed from the *Country-party*, as it was called, in the State, in order to heighten the Clamour and Differences under the Duke of *Lawderdale*'s Administration. How far the Persons dissatisfied with the Duke's Management, might play there Game here, I am not to determine: But Desires for bettering Things in the Church, were not unreasonable, as Things stood; and if there was any thing in this Matter of Partying, it was carefully improven by the Primate, to make the Duke essay to imbarck his Majesty in his own Faction, and to bear down the other Side.

All the Account of this Matter I am able to give, to set the Papers following in the fuller Light, is, That these Complaints, and the Motion for a National Synod, was pretty openly given into by Bishop *Lawry* of *Brechin*, and Mr. *James Ramsay* Bishop of *Dumblain*. When the Bishop of *Brechin* came to *Edinburgh*, he was prevailed upon by his Friends, to conform himself to Archbishop *Sharp*'s Sentiments; and accordingly he quit the other, and left him to manage the Affair alone: Yea, it is said, he dropt some Representations he had in Trust from his diocesan Synod, pressing a National Synod. Bishop *Ramsay* stood out for some considerable Time, and insisted upon the joynt Desires of the Clergy of his Diocese, and in other Places, for a National Convocation of the Clergy.

Bishops of *Brechin* and *Dumblain* move for a National Synod.

Among the inferior Clergy some appeared likewise very active in this Matter, particularly Mrs. *Turner*, *Cant*, *Robertson*, and *Hamilton*, in the Diocese of *Edinburgh*. Their Diocesan being utterly averse from a National Synod, they and some others agreed upon a Petition to him, that, if possibly they could prevail with him, he might deal with the Primate to interpose for the indicting of one. Last Year the Petition was formed, but when it was presented, I cannot say. A Copy of it lies before me, said to be taken in Haste, and Characters, when the Petition was read; and I give it here as I have it.

And some of the inferior Clergy.

To the Reverend Father in God, the Lord Bishop of *Edinburgh*, the humble Petition of some of the Ministers of the Diocese of *Edinburgh*.

That whereas your Lordship is perfectly acquainted with the Disorders and Confusions of this Kirk, and the Contempt the Ministers and Ordinances of the Gospel by under the present, and that the Protestant Religion it self is thereby exposed: We do humbly and earnestly desire, that your Lordship will intercede with the Lord Primate in his Grace, and the rest of the R. R. the Bishops, that they would be pleased carefully to represent the sad and deplorable Condition of this Kirk, to his most sacred Majesty,

The Petition of the Ministers of the Diocese of *Edinburgh* to the Bishop.

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‘sty: And that since, in all Ages, Synods and Assemblies have been judged the best Ecclesiastical Remedies of such Evils, they would interpose that a National Synod may be instituted by his Majesty’s Authority; and to the Schisms and abounding Disorders, whereby Truth and Peace are in so much Danger, with all the bad Effects thereof, may be removed, and some speedy solid Course falln upon, for advancing the Purity and Power of Religion, and good Discipline; that so his Majesty’s Subjects, agreeing in the Truth of God’s most holy Word, may live quietly and peaceably, in all Godliness and Honesty, under his gracious Government. We are confident your Lordship will endeavour to do your utmost in so Address; neither can we doubt but your Lordship will favourably accept of this humble good Cause. We know likewise, many others of the Brethren of the Diocese would have joyned in the same Desires, had they enjoyed this Occasion of applying your Lordship, and with us have exonerated themselves in what is so much our Duty, in Times of so much Difficulty and Danger. Thus, remitting other Things to your Lordship’s Prudence, we pray Almighty God to grant you Direction, and remain, &c.

Four Ministers removed from their Charges.

Who or how many signed this Petition I know not; but I find the Four last named Ministers were removed from their Charges for some Time: We shall afterward find Two of them reponed, on their Submission; and ’tis probable the rest were received, after they had suffered a while upon the Score of their harmless Opinion in this Matter.

A further Account of those Differences, from the Papers of the Parties.

It is but little further Account I can give, save what the Reader must collect from the Papers I shall now insert, which speak for themselves, and contain a pretty full View of this Matter, from the Parties principally concerned. I begin with a Paper relating to this Matter, and entituled, *Letter from Archbishop Sharp to the Archbishop of Canterbury*, dated, in Two Copies before me, in the Year 1674. but without the Month and Day. It appears to me to have been writ before the Matter was tabled in Council, and follows.

May it please your Grace,

Letter from the Archbishop of St. Andrews to the Archbishop of Canterbury.

‘Albeit I have kept long silent, and my Correspondence with your Grace hath not been so frequent as formerly; yet, like the Son of *Cresus*, I must cry out when my Mother the Church is in Hazard, and, I believe, if I should hold my Peace, the very Stones should speak, for the Gospel is now at Stake. We are assaulted not only by Foreigners, our old Enemies the Phanaticks, who were never of us; but also, alas! My Lord, there is a Fire set to our own Bed-straw, by Sons of our own Bowels, who Viper-like seek to eat that which produced them. They are all crying for a *General Convocation* of the Clergy, upon no other account but to shake off our Yoke, and break our Bands asunder.’

‘I hope your Grace will consider your own Hazard, and what Disorders have followed in *England*, upon our Distempers in *Scotland*: When our Neighbour’s House is on Fire, ’tis Time to look to our own. Their great Aim and Design is against me, who, God knows, like *Paul*, have spent my self in the Service of this Church, and am yet willing to spend what remains. I believe no Man can say I have run in vain, but if I be not supported by his Majesty’s special Favour, through your Grace’s Interposition, I shall inevitably suffer Shipwrack; and that were of no Value upon my own Account, but I see, through my Side, the Church shall be wounded.’

‘The only Remedy is to procure his Majesty to discharge the *Convocation*, which will calm the Storm, and quench all those malicious Designs which are now on Foot to disturb the Peace of the Church. They are already come to that Height of Insolence, that one Mr. *Cant* a Presbyter, has shaken off all Fear of God, and Regard to his Canonical Oath, in calling me a *great Grievance to the Church*. My dear Lord and Brother, bestir your self in this Affair, and remember the Wo is pronounced against those who are at Ease when Zion is in Distress. So recommending this to your Care, I am,

My Lord,

Directed, For his Grace, the
Archbishop of *Canterbury*.

Your Grace’s affectionate Brother,
and faithful Servant,

St. Andrews.

The Ministers examined by a Committee of Council, July 2.

Whether this whining Letter put the Bishop of *Canterbury* upon using his Interest at Court in this Matter, I know not, but no Stone is left unturned here to curb this alleged Insolence of these who differed from the Primate. Accordingly, I find the Archbishop tabled this Matter before the Council, and begins the Persecution: And, July 2^d 1674. the Council being informed by the Archbishop of *St. Andrews*, of some insolent Carriage and Ex-

Expressions of Mr. *Archibald Turner*, Mr. *John Robertson*, and Mr. *Andrew Cant*, Ministers at *Edinburgh*, at a Meeting of the Presbytery, and before and thereafter; do remit to the Archbishop of *St. Andrews*, Lord Privy Seal, Earls of *Kincardin* and *Dundonald*, President and Advocate, to meet and examine them thereanent, and to examine Witnesses, with Power to confine and imprison as they find Cause, and report.

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What they found and did thereupon, I know not; but it would seem that an Account was sent up to *London*, and that is the Foundation of the Letter from the King, which I shall just now speak of. And a Meeting of Bishops is thought proper at *St. Andrews*, and the Bishop of *Dumblain* is acquainted to wait upon it.

A Meeting of the Bishops at *St. Andrews*.

All the Account I can give of this, is from a Letter from Bishop *Ramsay* to this Meeting. He did come to them, and used abundance of Freedom with the Primate. This was to ill taken, that he is advised to withdraw, which he did, leaving the following Letter behind him.

Bishop *Ramsay's* Letter to the Archbishop when he withdraws from the Meeting.

May it please your Grace,

I was in obedience to your Letter requiring me, that I presumed to come to this Meeting, wherein, being thus called, I thought I might have spoken my Opinion freely, according as my Reason did dictate to me: Yet no sooner did I offer to speak my Thoughts before the Bishop and Dean of *Edinburgh*, upon a Particular then debated, but your Grace did charge me as unchristian and uncivil, though I was upon my guard to speak in all submissive Terms, your Grace having signified your Displeasure with me, by refusing me your Hand at first Meeting; and, my Lords the Bishops know with what sharp Expressions your Grace treated me Yesterday, for no other Cause, but that I humbly desired to know in what Capacity we were to act in this Meeting, whether as a Provincial or National Synod; and once and again your Grace required me to be gone from the Meeting: However, I was loth to go away presently, but stayed till that Meeting was ended. Yet finding it is not fit for me to appear at a Second Diet, after your Grace required me to be gone, and also apprehending there may be Hazard for me any more to speak my Mind in this Meeting, which I conclude from the Warning one of the right Reverend Bishops gave me Yesternight, who told me, he believed my Neck was yuiking, which Hazard I have the more Reason to apprehend, because I heard it spoken in the Meeting, that there were Letters from the King's Majesty, which your Grace hath shewed to the rest of my Reverend Brethren, and kept up from me; therefore I resolve to give your Grace and this Meeting no further Trouble by appearing in it: Only I protest for the Liberty of my Episcopal Seat, that in all Time coming it may be free for the Bishops of *Dumblain* to be at the Meetings of the Bishops, and be authorized to bring Presbyters with them to the same, as well as any other Bishops, which hath not been granted to me at this Time.

And though I cannot at this Time be any more present, yet I still presume to offer my humble Opinion anent the Motion about Canons, which was spoken of Yesternight, and lay those Considerations following at your Feet, and the rest of my Lords the Bishops.

1st. Although none in this Church is more grieved for long Want of Canons, nor wishes a more speedy Settlement of them in a regular Way, than my self, yet it may be considered whether (especially at this Time) it may not possibly increase our Schism and Disorders, by raising a Jealousie in the Minds both of the orderly Clergy and others, as if we intended to rule them in an arbitrary Way, if we alter these Methods of making Ecclesiastical Laws which have been constantly used since the Reformation, and was pleaded for by the Bishops themselves in the Year 1619. as Archbishop *Spotswood* records in his History. 2^{dly}. If we can legally form Canons for the Church, in a Meeting which is neither National, Provincial, nor Diocesan, but only consultative, as your Grace declared this to be Yesternight, since by an express Act of Parliament it is declared, that no Act or Canon shall be of any force or Validity, or be obeyed by any in this Church, but what shall be agreed on by the National Synod, as the said Act seems clearly to appoint. 3^{dly}. Whether it be not very expedient, that after so long a Want of Canons, there should be full and mature Deliberation had thereanent, lest they be either defective or redundant, and so still keep this poor Church in an unsettled Condition, while we think to settle the same: For your Lordships may easily see how improbable it is, upon the first hearing of these Canons read, (for some of us never saw them as yet) that we should be able to cognosce seriously of every Thing necessary to be considered in so great an Affair, and so important to the Church. 4^{thly}. Though the Archbishop of *Glasgow* was not written to, that he might attend this Meeting, yet it is not unknown to your Grace and Lordships, how fitted he is to give Advice in the Matter of Canons; nor doubt I but it will be expedient that he should be consulted in an Affair that concerns the whole Church, since he is a distinct Metropolitan. 5^{thly}. Whether or not the Matters of Faith and Worship ought to be considered, by the same Necessity that Canons are, since we both feel and have Reason to fear Danger to this Church, by Heresy and Irreligion, no less than by Scandals in Practice. And therefore I leave it before your Lord-

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ships grave Consideration, if it be fitting to do the Affairs that are intrinsical to the Church by Halves, yea by smaller Pieces, and not rather be carefully preparing these, than Canons only; that when they are prepared, according to the Warrant granted by his Majesty, many Years ago, to that Effect, his Majesty may be humbly solicited to indict a National Synod, against such Time as his Majesty in his Royal Wiidom shall think fittest, and most consistent with his other Affairs. And since the Schism of this Church hath opened the Door to most of our other Evils, I also move with all Submission (if there be any Harm) that Endeavours be used to cure the Schism in a Church Way, and that Essays be made to bring them to our Church, inviting the gravest and most sober of these Ministers that yet have not concurred with us, that so at least the Wideness of the Breach may be contracted, and the Church more fortified against all its Distempers.'

'And thus I have presumed to empty my most sincere and inward Thoughts touching that Affair, as far as the Shortness of Time would allow: And as I beg your Grace and Lordships Pardon, if in any Thing I have offended, so I hope your Goodness will forgive the Trouble of this Letter, which I shall lengthen no further than to assure your Grace, however I be disposed, your Assistance and Direction by the unerring Spirit of God, for recovering this poor Church, shall always be prayed for by, &c.'

Directed, For his Grace the Archbishop of St. *Andrews*, and my Lords the Bishops of his Province, now convened at St. *Andrews*.

P. S. I presume to add, that it is my humble Request, that your Grace may interpose for taking off the Sentence inflicted upon these loyal and worthy Watchmen the Ministers of *Edinburgh*, lest Disorders grow more in that City, and from thence infect other Places.

The Sentence against the Ministers of *Edinburgh*, spoken of in this *Postscript*, will best appear from the following Letter sent to the Council upon this Affair, which was before the above Meeting of the Bishops at St. *Andrews*; of which I have not the Date, but only find it was this Year. When Information had been sent up, in *June* or *July*, of this Matter, the King sent down this Letter, dated *July* 16th, 1674. which I find read in Council *July* 28th.

King's Letter to the Council translating the Bishops of *Dumblain* and *Brechin*, and removing the Ministers of *Edinburgh*, *July* 16. 1674.

Right Trusty and well beloved, &c. We greet you well. As We cannot but, when Occasion is given, signify Our Royal Displeasure against all factious and divisive Ways in the Church, unbecoming that orderly Subordination and Dependence, which is owned by the Canons of the Christian Church, and the Laws of that Our ancient Kingdom; so from Our Princely Zeal and Care that the Authority and Honour of Bishops in their due Subordination may be preserved, and all Contrivances against them suppressed and punished, We have thought fit to write to the Archbishop of St. *Andrews*, that it is Our Royal Pleasure, that forthwith there be a Translation of the Bishop of *Dumblain*, to that of the *Isles*; and that the Bishop of *Brechin* be appointed ordinarily to preach at the College Kirk of *Edinburgh*; that the Bishop of *Edinburgh* remove Mr. *Turner*, Mr. *Robertson*, and Mr. *Cant*, from the Exercise of the Ministry in *Edinburgh*, or any Place in his Diocese without Licence, and that Mr. *Hamilton* be removed from *Leith*. Therefore, as upon other Occasions, We have recommended Our Bishops in that Church to be countenanced and assisted by the Lords of Our Privy Council in the Discharge of their Offices, and that their Persons may be kept in Safety and due Respect; so at this Time especially We judge it necessary, when their Authority is not only assaulted by Schismatics, but contemned and violated by those who are solemnly engaged to pay them Obedience Canonical, to require you to employ your Authority for that Effect: And in particular We do positively require you, to cause the Bishop of *Dumblain*, within Two Weeks, to remove from Residence in any Place of the Diocese of *Glasgow*, and forbear meddling with Matters relative to the Church, save in his Diocese of the *Isles*, but as he shall be called thereunto by his Ordinary the Archbishop of *Glasgow*, or by the Archbishop of St. *Andrews*, upon Occasion, as Primate: That ye cause, within Ten Days, Mr. *Turner* to remove from *Edinburgh* to *Glasgow*, there to abide till Our further Pleasure be signified: That, within the Space of Ten Days, ye cause Mr. *Robertson* to be removed to the Minister's Manse of *Auchterless*, in the Diocese of *Aberdeen*, there to abide till Our further Pleasure: That within the like Space Mr. *Cant* be removed to *Libbertoun*, there to abide till Our further Pleasure: And within the said Space Mr. *Hamilton* removed from *Leith* to the Manse of *Cramond*, till further Orders. For all which this shall be your Warrant, and so We bid you heartily Farewel. Given at Our Castle at *Windsor*, the 16th Day of *July* 1674. and of Our Reign the 26th Year. By his Majesty's Command,

LAWDERDALE.

Remarks upon it.

Here indeed is summar Justice, and the full Exercise of the Royal Supremacy; Bishops and Ministers removed and confined, without any Process or Trial I know of, but merely by Letter

Letters and Informations sent up by their Enemies here. The King's Letter was obeyed in all Points of it, and July 28th, the Council send a Macer to intimate the King's Pleasure to all of them; (and upon the 30th of July, as we saw in the Council's Letter of this Date last Year, they signify to the Duke so much) and order each of them to give Obedience as accords.

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The same Day the Bishop of *Dumblain* presents a Petition to the Council, anent which I know no further than what is contained in his Letter to the Bishop of *St. Andrews*, just now to be insert. Only I find this short Letter to *Lawderdale* in the Council-books. 'May it please your Grace, The inclosed Petition from the Bishop of *Dumblain*, being this Day presented to us, we thought not fit to meddle in the Affair, but have transmitted it to your Grace, that his Majesty may be acquainted therewith. I am, &c.' Whatever was in the Petition, the Bishop of *Dumblain*, (for although by the King's Letter he is ordered to be translated to the *Isles*, yet he still in his Papers keeps his Stile of *Dumblain*) takes the first Opportunity to go up to Court himself.

Bishop of *Dumblain* petitions the Council.

Accordingly, in April 1675. I find both him and the Primate at *London*, where the Two Bishops fall a scolding in their Letters; they give the best Account of their Difference themselves, and so I insert them. The Bishop of *Dumblain* begins this Paper War with the following Letter, of the Date June 7th, 1675. full of severe Charges.

He and the Primate go up to Court.

May it please your Grace,

IT is not unknown to your Grace, what obliged me to come to this Place, or occasioned my Stay so long in it. I have Ground to believe it was you who abused his Majesty's Ears with that Account, which his Majesty takes Notice of in his Letter to you, July 16th, 1674 and was the Ground of what his Majesty was pleased to order concerning me, both in that, and the Letter to the Privy Council, of the same Date. It was you who not only intimated his Majesty's Pleasure, contained in your own Letter, very surprisingly to me, and in an extrajudicial and unfatherly Manner, without any ghottly Exhortations; but also influenced the Council to intimate their Order, without previous calling me to be heard: And when I gave in my Petition to the Council, containing my Purpose to give exact Obedience to his Majesty's Pleasure, but only prayed them to represent my Case to his sacred Majesty, that, for the Justification of my Innocence, (since I was not called before Sentence) I might be put to the strictest Trial, anent these Crimes informed against me; (a Desire, which coming from the meanest Laick, should, for its Justice, have been kindly entertained by Churchmen) yet, you know how vigorously you opposed it: Yea, after the Council was pleased, notwithstanding your Opposition, to transmit my Petition to his Majesty's Consideration, you shortly after came here, where you have stayed since, having no small Influence on them who manage publick Affairs. It might have been reasonably hop'd, that, as Primate, you should have concerned your self to help forward a favourable Answer to the Petition of a Bishop of your own Province, so just in it self, and so transmitted; or, though your Lordship had no Regard to me, yet the Consideration of the Good of the Church, in that Corner where you know Disorders are increased since my Restraint, together with the Danger of the Preparative, should have prompted your Grace to do somewhat, to bear Witness that your Zeal for the Church was stronger than your private Pique at me. But since I came here, I have been amazed to find a Person of your Character and Parts, could think it worthy of himself and his Pains, to make and spread such Reports as I am told you have done. May I be so bold as to ask your Grace, if indeed you believe me to be a Phanatick; or upon what Shadow of Ground you either think or report it to others? Have you any Letters under my Hand, avouching that Presbyterial Government, even but for its Substantials, is *jure divino*? Or, that I was thinking *de mutando solo*, when the Parliament made the first Discoveries of their Inclination to restore Episcopacy? And your Grace may remember, that I was sequestrate by the Usurpers, from the Exercise of my Charge, till the King's happy Restoration; and you know how early I discovered my Perswasion touching Church-government, and how I acted for it in the Synod of *Lothian*, under the Eye of the greatest Patrons of Presbytery; and do you think I am turned Phanatick because a Bishop? I beseech your Grace to consider how unjustifiable those Slanders will be, when put to the Touch. Wherefore, I desire (I shall not say the Favour, but the Justice of you) that you may either choose an indifferent Person, who may consider your Allegations, with their Evidences, and my Answers; or, that without more Noise (considering that my Sufferings already are far above the Merits of all you can lay to my Charge) you'll be pleas'd to interpose, and wipe off the Dirt by the same Hand that threw it on me, whereby I may be restored to his Majesty's Favour, and my just Right: By doing whereof, you may cross a Lust of Malice, but can neither wound Conscience nor Honour. But, if you please neither of these, nor any Thing else than my being an Holocaust to your Revenge; then let me beseech you to allow me the same Freedom in representing you, which you have ta-

Bishop of *Dumblain*'s Letter to the Primate.

1675.

ken concerning me: And I assure you, though I will have foul Things to represent, I will do it in fairer Manner than that in which you used me; and this Candor in warning you is one Step of it. My Lord, if you think strange of the Terms and Manner of this Address, I must be excused; for I would not put what I was obliged to say in fairer or better Expressions; nor can I believe you should expect I would come to trouble you myself, after you had often discovered your Displeasure when I waited on you, and required me to be gone out of your own House, after you had called me to it, and at length pursued me to this Height and Continuance of Suffering, without just Grounds. However, My Lord, I have a just Veneration for your Character, and shall be loth to dishonour any that bears it, if you do not constrain me, by continuing to oppress me unjustly, and by endeavouring to shut up against me all Avenues for Redress: Yet, even when this Force shall be put upon me, I will endeavour to follow such Methods as are agreeable to the Canons and Practice of the Church in such Cases, so much as unavoidable Circumstances will permit me. And herein I desire not to be mistaken, as if I sent this, out of my trifling Vanity, to fret you; I do it not, but out of Duty to warn you. They are no Trifles I have to say; and if you condemn this Warning, I will be exonerated before God and Men to publish them. But I hope and desire you will prevent me, by taking sober Resolutions; for I declare upon my Honesty, that no Man knows *that* (much less *what* I have written) so that it is in your Power yet to make it publick, or keep it quiet; do which pleases you: But let me assure you (though you would seem not to believe it) that I am a true Son of the Church, a zealous Lover of Order and due Subordination in it; and wherein you are truly for these, you shall never find me other than,

May it please your Grace,

If your Grace return no Answer
this or the next Day, I will conclude
you resolve to give me none.

Your Grace's most faithful Servant,

Ja. Dumbланen.

No question this Letter would put the Primate to use his Politicks, and in his Return he spares not his Brother. Which of them speak Truth I cannot determine; but one of them must be Liars, for they flatly contradict other, as will appear from the Primate's Return.

Axyard, June 8th, 1675.

My Lord,

The Primate's
Answer.

Yesterday in the Morning, while I was going from the privy Garden to the Park, a serving Man put a Letter in my Hand, from your Lordship; which having read, I shall, in Gratification of your pressing Desire, send this Return. Your Lordship knows best what obliged you to come to this Place, or occasioned your so long Stay in it, having notified neither to me; and you are mistaken if you think that I came, or have stayed, in reference to you or your Case, or have taken Pains to make or spread Reports, as you are told I have done: For I declare I have not mentioned your Name to the King, nor spoke of you to any, before I received your Letter, save to these who told me you had been with them, and spoken of me and my Way, in reference to the Church and to you; and what I said, was in just Defence and Vindication, against what you had most injuriously laid at my Door. Your Lordship has charged me with many Things of which I am innocent, and for which, neither as a Privy Counsellor, nor an Archbishop, am I obliged to give you an Account. I have not made it my Business to enquire into your Perswasions in former or later Years, nor into the meritorious Actings or Sufferings you value your self so much upon, before the King's Restoration; nor am I solicitous whom you mean, who, by Letters under his Hand, avoucheth that Presbytery is *juris divini*, or was thinking *de mutando se* to, when the Parliament was about to restore Episcopacy: For better Men than either you or I, have, without any criminous Imputation, changed their Sentiments about the Form of Governments and publick Administrations, which they have owned by the Prefs and the Sword. I do not think, nor said to any, you are turned *Phanatick* because become a Bishop; but I think there may be a schismatical and unpeaceable Bishop in the Church, and have more than once admonished you to take heed of that divisive Temper, and giving way to that dictating and assuming Humor, by which you have been observed to scandalize your Superiors and Brethren, before you was a Bishop, and since; and shall moreover fairly tell your Lordship, that since your coming to England, I have heard, that some, who think you had no small Hand in that Persecution, have declared that you contributed for promoting the Phanatick Interest, and have not spared to slander some of your own Order, in their Absence,

Absence, which, I believe, is not unknown to you. I had little Opportunity to converse with you in my whole Life. I remember when I did you some good Offices, but cannot say I had the Opportunity to speak with you above twice or thrice, and then overly; and several Years before you were made a Bishop, and since, I have said nothing but what I have spoke to your self, upon divers Occasions, before some Bishops and others of the Clergy, who have testified I did not require you to be gone out of my House at St. Andrews: And after, at *Edinburgh*, when you was at my Lodging, you did meet with no uncivil Usage from me. So that when some told me you made that your Excuse, for not paying ordinary Civilities to me since you came hither, I said, I was not to challenge that Strangeness which was noticed by others. It was a strange Alledgance of your Lordship, and you are the first Clergyman of any Degree, whom I heard complain of my uncivil Usage of any of them. And 'tis no less strange, that you alledge my Continuance to oppress you, for endeavouring to shut up against you *all Avenues for Redress*, as you phrase it, without any Evidence or Proof; but that you will set up me as the Object of your blustering against, on a pretence to the Errand, you know best, you came and stayed here for. I shall further add, that the scolding Language, and menacing Warnings you are pleased to treat me with, by your Letter, do not fret or discompose me, though you say, *They are not Trifles you have to bring against me*. And as my own Heart tells me, I harbour no Malice, Pique, and Revenge against your Lordship, which you do so positively charge against me; so I believe I can justify, to all my Brethren of our Order, (whose Judgment I shall not decline, as to all you can accuse me of) or to any else who shall be appointed by competent Authority, that whatever I have done or said against your Lordship, did proceed from no other Motive but from the Sense of that Duty I ow to the King, to the Church, and to the Office I bear, which, in the Judgment of my Brethren, you have violated. And though I might have expected more Deference and Regard from your Lordship, than hitherto I have found; yet, if that *the unavoidable Circumstances* you write you are under, will not permit you to follow these Methods which are consistent with *the great Veneration* you say you have for my Character, but that you must endeavour to dishonour the Person who bears it, without transgressing the Canons and Practices of the Church, by representing *those foul Things* you say you have against me, I hope God will arm me with Patience under this Injustice, and also, from your own Hand, wipe off all that Dirt that shall be thrown upon my Integrity, which I will own against all the Methods of expressing that bitter and causeless Enmity and Spite, you have not stuck to profess against me in *Scotland*, and since you came hither. You know I have not been a Stranger in the Lot of being attempted by the Barkings of the malicious Defamations, and the printed Libels of the Adversaries to that Order, for which, I may say, without Vanity, I have suffered and done more and longer, than your Lordship can pretend to, or these who malign me. And now if you should follow that Trade, as you have begun, others may think, *quamvis ego dignus essem hac contumelia, indignus tamen tu qui faceres*. And since you are pleased, under your Hand, to give me Warning that you will represent foul Things against me, which you will publish, and yet do not mention the particular Crimes, but leaves it to my Choice whether to make it publick or to hold it quiet, which is upon the Matter to take with the Guilt of whatever Malice shall suggest or alledge against me: This, I confess, you may declare upon your Honesty, is a generous Offer from a true Son of the Church, a zealous Lover of Order and due Subordination, to be made to one to whom you swear Canonick Obedience, and do now sign your self ever to be a most faithful Servant: But on the honourable Terms of his lying for ever at his Mercy for his Reputation, I will not return you the Compliment, nor use that Candor you have used to me, by giving me Warning of all these hideous Things you have to boast me with; but tell you, I live under the Protection of a just Prince, and the Laws which take Notice of publick Libellers; and I do rejoyce in the Testimony of my Conscience, which charges me with nothing in my Administrations, for which I have Cause to be ashamed before Men. And when you consider the Hazard of owning your self as the Author of these foul Aspersions you warn me to expect, and shall return to a more sober and sedate Recollection of Mind, and of your Duty, you shall find, through God's Grace, that my Carriage shall be such as becomes the Duty of my Station, which forbids my entertaining Malice, Pique or Revenge against any, and enjoyns Charity, Compassion and Long-suffering towards all, especially those who labour under the Infirmities of impotent Rage and Exasperation of Spirit. In this Sense I am,

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I have obeyed the Intimation by your
Postscript, with this Caveat, that your
 Lordship henceforth forbear troubling
 your self with Addresses by Letters to
 me, for I will not further notice them
 with Returns.

Your Lordship's very humble Servant,

St. Andrews.

1675.

A Meeting of
Bishops ap-
pointed to
consider this
Matter, Sept.
this Year.

Bishop of
Dumblain his
Answers to
the Queries
proposed by
them to him.

How this Paper War ended I know not, neither is it of any great Import, their Debates being mostly personal; and I should not have inserted them, had it not been to give some Specimen of both these Bishops, from their own Pens: But at length a Court is appointed, of several Bishops, probably of both the Provinces, to make an Enquiry into Bishop *Ramsay's* Case and Conduct, and it met *September* this Year.

In the Beginning of *September* two *Queries* were proposed to the Bishop by this Meeting, which I shall insert, with his Answers to them, which he gave under a Protestation, in the Entry, against what he reckons Informalities in their Procedure.

James Bishop of Dumblain his Answers to the Two Interrogatories, given in Writing to him by the most Reverend and Right Reverend the Archbishops and Bishops, who are upon the Commission granted by his Majesty, for Trial of the said Bishop. Given September 4th, 1675.

May it please your Grace and Lordships.

‘ **U**Pon the Citation sent me, I have, according to my Duty, appeared before you; and although your Grace and Lordships were pleased to declare, that you had done more than you were obliged to do, that you caused read in my Hearing his Sacred Majesty's Commission, authorizing your Lordships in this Affair, wherein I am so deeply concerned, and did refuse my humble and earnest Desire for the Use of the said Commission, on a Double thereof, though but for a little Time, that I might be the better able to consider the Contents thereof, so that I have not so much as seen the same but at Distance; yet I find my self obliged (though still adhering to this humble Desire) to give Answer to the Two Interrogatories given to me in Writing by your Grace and Lordships: Which being these,

‘ 1st. Whether I obtained Leave, either from the King's Majesty or my Metropolitan, to repair to Court in *April* last?’

‘ 2^{dly}. Whether I did abet or assist the Motion and Petition for a National Synod, without the Consent of my Superior, and the Bishops of the Church?’

‘ Before I proceed to the Answer, I must crave pardon to put your Grace and Lordships in Mind, that I have received no formal Libel, nor am pursued upon the Consideration of the Relevancy, but am proceeded against by way of Inquisition, and do resolve to give Answer thereto, in the Innocence and Ingenuity of Heart suitable to my Station, whereunto I have freely condescended, that I might do all in my Power for clearing his sacred Majesty anent these Informations which have been given against me, and satisfy your Grace and Lordships in the Methods you were pleased to oblige me to: And therefore I do in all Humility protest, that if your Grace and Lordships intend that the same should be the Foundation of any Sentence, whereby I may be concerned in my Office, Fortune or Liberty; in that Case I may have a formal Libel, and be allowed to advise the Relevancy thereof, and give in all legal Defences, in regard I have used that Plainness and Ingenuity in the subsequent Answers for the Ends foresaid: But hoping your Grace and Lordships will take no Advantage, I proceed. And,

‘ To the First I answer, by confessing I did not. I sought not Leave from his Majesty, not from the Want (God knows) of all loyal and dutiful Respects; but that finding I had been secretly misrepresented to his Majesty, and thereby a Sentence procured, which I found heavy upon me, and that my Petition to the Secret Council was by their Lordships favourably transmitted to his Majesty Nine Months before, I was grieved any longer *herere in reatu*, and thereupon presumed to address my self to his sacred Majesty, both to clear my self of the Crimes informed against me, and to be exonerated of the Sentence, not doubting in the least that his sacred Majesty graciously allowed any of his Subjects who found themselves grieved, to put their humble Petition in his Royal Hands, without previous Addresses for Leave, which I (who had never been a Day's Journey from the Place of my Residence before that Time) judged proper only for Persons of greater Quality and Character than I: Yet if there was any Error in this, I hope it was pardoned, when his Majesty was graciously pleased, without Challenge, to allow me Access to his sacred Presence.’

‘ That I did not ask Leave of my Metropolitan, was upon these Considerations, 1st. That his Lordship had not been in this Kingdom for near Nine Months before I took Journey, but was at Court, whither I was to go. 2^{dly}. Because I was by the foresaid Sentence inhibited the Exercise of my Function Eight Months before my Journey, and so not tied to that Residence, which, I suppose, brings a Bishop under the Canonical Obligation, to ask his Metropolitan's Leave to go from his Charge. And, 3^{dly}. To deal plainly, I wanted not Ground to believe, that he who had injured me by that secret, and, I hope, groundless Account sent

‘ to

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to Court concerning me, was so nearly related to my Metropolitan, that I could promise my self little Success, though I had sought his Grace's Permission to go, and counteract it before his Majesty. However, if in this I have neglected any Part of my Duty, I beg his Majesty's Pardon, and do promise, that if his Majesty shall be graciously pleased to restore me to the free Exercise of my Calling, I shall be as careful to reside at my Charge, and not go abroad without Permission, as any Bishop in this Church. And as this was none of the Causes of my Sentence, (which was some Months after it was inflicted) so I hope it will be no Ground to continue it longer.

As for the Second Interrogatory, I deny that I did abet or assist the Petition for a National Synod. And tho' I am not obliged to say any more upon the Question, as it is stated, yet, to remove all Jealousie of my Candor in this Affair, I confess freely that it was my Opinion, that a National Synod was necessary for settling a Church, which wanted an established Rule of Faith, Worship and Discipline, and saw no Ground then to conceal mine Opinion, wherever the Subject came to be discoursed of: But this was not an Opinion taken up at or near the Time when the Desire of it was called unreasonable. I first began to have it by the little that I had read of Ecclesiastical History and Discipline. But after that Act passed, which is the 4th Act of the 3^d Session of Parliament, holden since his Majesty's happy Restoration, entituled, *An Act for the Establishment and Constitution of a National Synod*, I never doubted but at any Time, and to any Person I might say as his Majesty saith in that Act, viz. *That a National Synod is necessary and fit, for the Honour and Service of Almighty GOD, the Good and Quiet of the Church, and the better Government thereof in Unity and in Order.* In which also it is declared and appointed, that there shall be a National Synod, and who shall be the lawful Members of which it shall consist.

And I was the more perswaded of the Harmlessness of this Opinion, because his Majesty's Royal Inclinations appeared for many Years together, after the passing of this Act, to be for granting such a Synod, as soon as the Matters to be treated and determined therein were prepared. For which end, (as I remember) about, or not long after the Time that Act passed, his Majesty did grant his Royal Warrant and Command to the Bishops, and some others of the Clergy, to meet and prepare a *Liturgy, Canons, &c.* first to be considered by his Majesty, and it approved, to be by his Majesty offered to the Consideration of the National Synod: But in this Account I beg Pardon, if I have not kept exactly by the Words of that Royal Warrant, which I never had the Honour to see, but received this Account (which I have transcribed as faithfully as my Memory can furnish me) when the late Right Reverend the Bishop of *Edinburgh* was pleased to honour me with some Share in that Work. And these his Majesty's gracious Inclinations to have that Synod held speedily, appeared further, when, not long after his Majesty had granted the foresaid Warrant, I am credibly informed that his Majesty gave Commission to the Right Honourable the Earl of *Roths*, &c. to hold, and represent his sacred Majesty at such a Synod: Which, after a long Time's Continuance, being expired, a Commission to the same purpose was granted to a noble and potent Prince the Duke of *Lawderdale* his Grace, which also continued for some Years; before the expiring whereof, (I am told) some Presbyters in the Diocese of *Edinburgh*, did speak publicly in the Synod their Desires to see a National Synod. But it is true, that during the Continuance of both these Commissions, there was no National Synod held; and wherever the Stop of it lay, I think I am sure the King's most excellent Majesty sufficiently manifested his princely Inclinations and Zeal to have it: For, besides these Instances mentioned, I do well remember, his Grace the Duke of *Lawderdale*, after ending of that Session of Parliament, which his Grace held in the Year 1672. his Grace, speaking to all the Bishops, did desire their Lordships to think speedily upon these Things, which were necessary for settling the Church in its *Intrinsics*, mentioning particularly *Canons, Catechism, and Form of Worship*; wherein his Grace assured their Lordships of his Majesty's Royal Concurrence, as well as his own Service, (in whatsoever Station his Majesty would be pleased to place him) for the establishing these, and for the enacting such Laws as their Lordships had judged necessary. Whence I hope it will be granted, that it was no Mistake that upon these Grounds I did believe so concerning his Majesty's Inclinations for a National Synod: And albeit I shall be found to have mistaken, I am sure there was nothing in that Error contrary to profound Loyalty and Charity, and therefore shall humbly expect Pardon from his Majesty's transcendent Clemency.

And I hope it will yet appear more pardonable, if (supported by the abovementioned Grounds) I did, somewhat more than before, express my Wishes for such a Synod, being under the Fervours kindled by my Consecration but so lately passed, and finding not so much as a Catechism appointed in the Church, nor a Rule by which to try the Faith, and correct the Manners of my Diocese; as also that the foresaid Act contains an express Prohibition to all Archbishops and Bishops, *to observe and keep any Act, Canon, Order, or Ordinance, but what shall be considered, consulted, and agreed upon by the said Synod*; and get my self (the most unworthy) advanced to be one but of Fourteen Persons, who are to answer to God Almighty and his Son the Lord *Jesus Christ*, for this poor Church,

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‘ which, though it had frightened me to snatch at Remedies, which wiser Men, and more conversant in State-affairs may think unseasonable, the Transportation is pitiable, and the Cause of it commendable: Yet I affirm, that as it was no new Opinion taken up at or nigh that Time judged unseasonable, but the Prosecution and Continuation of an old Motion entertained once by the most I conversed with; so I wonder upon what Grounds the plain and obvious, and by his Majesty and Parliament, (where my Lords the Bishops were sitting) an enacted Remedy for this Church’s Distempers, should have been suggested to his sacred Majesty as a *Contrivance*. Nor hath it yet appeared to me, how any evil Design against the State could have been effected, among so many loyal Churchmen, as that Meeting must consist of, where nothing can be treated of but what his Majesty or his Commissioner (who also hath a *Negative*) should deliver, or cause be delivered to the Archbishop, President thereof.’

‘ Nor is it almost supposable, that his Majesty or his Commissioner would propose any Phanatical Design against the Order of the Church, or that the Archbishops, Bishops, Deans, and one from every Meeting of Exercise chosen by the Bishops, with the learned Doctors from the Universities, would entertain it: Nor did I ever think that a National Synod could ever be indicted, but allenarly by his Majesty, who only hath the Authority both of calling and dissolving them, and is sole supreme Judge on Earth of the fittest Times when to indict them, at his Pleasure; nor did I ever hear any of these Persons who appeared in that Desire, but always speak their Wishes for it with a full Submission to his Majesty’s Pleasure.’

‘ And I utterly deny that ever my Superior intimated to me, that his Majesty was displeased with my Opinion, anent the Necessity of a National Synod for settling the Church, until the Time that his Grace intimated his Majesty’s Sentence pronounced against me: Yea, on the contrary, when I was at the Meeting of St. Andrews, in July 1674. I was not honoured to read or hear these Letters, which I am told came from the King and his Grace the Duke of Lawderdale; though all the rest of the Bishops, and some Presbyters were allowed that Favour.’

‘ Thus I have answered the Two Interrogatories given me, with much Plainness and Ingenuity, and perhaps more than was necessary, as desiring rather to err on that than the other Hand, not doubting but your Grace and Lordships, entrusted by his Majesty in this Affair, will, according to my Protestation entred in the Beginning, take no Advantage against me from this my Plainness, and being contented to be treated by way of Inquisition, and answering so ingenuously, but will justly, and (where I need) favourably transmit my Case to his sacred Majesty, at whose Feet I throw my self, that, from his Royal Goodness and Clemency, I may obtain Forgiveness of all that his sacred Majesty shall think a Fault, and be restored to the free Exercise of my Calling, if I shall be judged any wise useful in the Church: And I shall, through the Grace of God, be faithful in observing such Laws and Canons as shall be set to me, and ever pray for his Majesty’s Happiness here and hereafter, and the Church’s Peace, as is the Duty of

The unworthiest of the Servants of GOD.

His Answers
to other Two
Queries, Sept. 6.

No Accounts of this Affair have come to my Hand, save these I have from the Registers, and the principal Papers inserted, and so I cannot tell the Impression this Paper made upon the Meeting, nor how it was taken. The Bishop very fairly owns his Opinion in the Matter of the Synod, which was so cross the Primate’s Inclinations, and gives his Reasons. The Meeting propose another Pair of *Queries* to him; and upon the 6th of September he returns his Answers to them, which will best speak for themselves.

James Bishop of Dumblain his Answers to the Second Couple of Queries by the most Reverend and Right Reverend the Archbishops and Bishops, who are upon the Commission granted by his sacred Majesty for trying the said Bishop. Given September 6th, 1675.

May it please your Grace and Lordships,

‘ Upon the 4th of this Instant I gave in my Answers to the Two *Queries* I received from you in Writ; and it may be remembered, that, before the reading thereof, I made an Apology, that although I had made all possible Haste to make ready mine Answers, yet the Shortness of the Time had made it impossible for me to get the same transcribed in *mundo*, and therefore I begged your Grace and Lordships Pardon and Allowance, either to carry that Paper which I read, with me, till I had transcribed it, or, if you thought not fit to favour me so far, I offered to deliver the same upon Trust to my Lord the Bishop of Argyle, Clerk to the Meeting, provided I might but be permitted to sit by his Lordship till

'till he saw me transcribe the same, offering to leave the last written Double with his Lordship, after he had seen the same compared: And though your Lordships seemed to grant the First Part of my Desire, and allowed me to carry the said Paper with me, yet, not long after I was gone out from your Presence, it pleased my Lord Bishop of *Argyle* to come to me, and desire a Sight of the said Paper, which I most readily granted, saying in express Words, *My Lord, I give you this in Trust*. I confess indeed, that after he had got it into his Hands, his Lordship was pleased to say, that he would not take it on Trust; yet did not deliver the same back to me, but went into the Meeting therewith. I was indeed the less concerned in the Time, remembring what I had said before, and what Permission I had received from your Grace and Lordships: But I confess I was surprized, when, upon my being called in before you, I found both the Branches of my Desire refused, and that with much ado a Copy thereof was promised to me, which I doubt not your Grace and Lordships will make good, and also transmit a just and fair Double of it to his sacred Majesty.

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'Your Grace and Lordships were pleased to interrogate me upon Two Things, but refused to give me them in Writing; however, the Substance and Strength of them is,

'Whether the Bishop of *Dumblain* heard the Bishop of *Edinburgh* reason against the Motion for a National Synod, in the Archbishop of *St. Andrews* his Chamber?

'Whether the said Bishop of *Dumblain* knew, that the Motion for a National Synod was contrary to the Judgment of his Superior the Archbishop of *St. Andrews* his Grace?

'Since this Method of Inquisition is followed with me, and I hope no Advantage is to be taken against me by it, and adhering to the humble Protestation made in my last, I proceed to make Answer.'

'As for the First, your Grace and Lordships cannot but remember, that when it was first proposed to me, I begged a little Time, that I might speak with my Lord Bishop of *Edinburgh* in private; which his Lordship, in your Presence, was pleased to reject, saying, *That he would not speak in private with me upon that Subject, and that he thought never to do it in his Life*: So that I think my self exonerated, and at Freedom to declare whatsoever is necessary, for clearing my self of any thing designed against me by this Question, though it palled more privately betwixt his Lordship and me, since he both gave the Occasion for the Question, and publickly refused to allow me the Favour of speaking with him, that either I might have obtained his Lordship's Consent, or, by some proper *Medium*, have been delivered from the Necessity of speaking freely; yet I shall speak nothing but what I can prove by Witnesses, if Need be.'

'To this first Question then I answer, That although I will not question but his Lordship did so reason, since he has asserted it, it being possible, yea, probable, that about or after *April 1674*. he might do so; yet, I crave Pardon to say, I do not well remember it; but I do distinctly remember, that all the Winter before, he was for a *National Synod*, in the same Terms and Measure that I was, and gave this for a Reason, That the Church would never be well, so long as my Lord *St. Andrews* was upon the Head of it, or at least till there were Rules and Limits set to his Grace, whereby he might be restrained from doing in the common Concerns of the Church, without the common Consent of the rest of the Bishops. And his Lordship may remember, we concluded a Meeting of all the Bishops to be fittest and ablest, both to judge of the Expediency of the Motion, and carry his Grace's Consent to it. In prosecution whereof, his Grace may remember, that I seldom or never, all that Winter, spoke for a Meeting of all the Bishops, but when his Lordship was with me, and ordinarily the first Mover. And I suppose his Grace will remember, that sometimes his Lordship moved that, when I was not present. Now, upon the Supposition that his Lordship had so reasoned, as the Question imports, at the Time mentioned; yet if his Reasons given me in private for it, were stronger than these offered against it in publick, I see no great Reason why I should have followed his Lordship in all his Changes, and moulded my Judgment just into the Figure of his, although I do not deny a great Deference to his Lordship's Opinion and Person.'

'As to the second Query, I shall not deny that my Lord of *Edinburgh* and I both were not a little jealous of his Grace's Aversion from that Motion; but I do not remember that his Grace did ever interpose his Authority, or offer Reasons against it, much less that ever he intimated any thing of his Majesty's Dislike of it, before *July 1674*. after which Time I suffered. But I am sure I acted nothing in prosecution thereof; yea, all the Time, when I express'd my Opinion for that Motion, I cannot be charged with doing any more than to use humble Intreaties, that my Lord Primate might go foremost in it, according to his Primacy. When his Grace stood, perhaps I used such Motives as I could, and renewed my humble Desires; so that all was done argued still a Dependence upon his Grace. Nor did I doubt but all this accorded well with the Laws of the Kingdom, and the Doctrine of

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the Church, whereby I was taught, that *omnes episcopi sunt ejusdem potestatis intensive*; and that it was no Breach of Order, or Canonical Obedience, for a Bishop, to desire him who is superior to him in Order and Extension of Power, according to his Place, to appear for the Good of that Church, which the one (though in Subordination) was to be accountable for unto the righteous Judge, as well as the other; nor could I see Ground to expect Exoneration in the Day of Accounts, if he had not humbly, earnestly, and modestly renewed these his Desires to his Superior. For if it is not determined to be contrary to the Rules of Duty and Civility, for a Subject to seek a private Favour for himself from his Lord, and after Refusal to renew his Desires, and use the Mediation of others, that he may obtain a Grant; I do not see how it can be a Crime in a Bishop, after the same Manner to sue to his *Metropolitan*, in a Matter so nearly concerning the Church.

Now that I have answered the Two *Queries*, in answer to the Commands laid upon me, I might come to an End; but in respect it was told me, That if I pleased I might also speak to the other Two Things, *viz.* My Secession from the Meeting held at *St. Andrews*, *June* 1674. as also touching the *Letter written by me to his Grace of St. Andrews*, in *June* last; and remembering that some Mention was made of both in his Majesty's Commission, when I heard it read, though neither of these Two had Influence upon procuring the Sentence under which I ly; that nothing may be wanting which is in my Power, to give Satisfaction to his sacred Majesty, or your Grace and Lordships, anent any thing charged upon me, I humbly offer these following Considerations anent them.

Anent my Secession from that Meeting, I offered, in the Letter which at that Time I sent to his Grace, and my Lords the Bishops then convened, Two Reasons, which I shall now a little enlarge, that they may be the clearer. The 1st. That his Grace did twice, before all present, require me to be gone. And although my Lords the Bishops, in that Paper which they subscribed, in reference to this Affair, do (which I do not complain of) endeavour to smooth, as being only conditional; yet I crave Leave to mind their Lordships, that all which I spoke, and which is said to have given the Trouble, which is mentioned as the Condition of that Requisition, was, *That I being unacquainted with such Meetings, this being the first I was ever called to, I humbly begged Leave to ask in what Capacity we were to act, that I might the better order myself, without giving Trouble after the Meeting was constitute*; which being exprest with all due Reverence, and at the Time when there was no Business but general Discourse, and smoking of Tobacco, I believed should have given no Offence in the least. 2^{dly}. I humbly appeal to their Lordships, if my Lord Bishop of *Aberdeen*, when he interposed to take off his Grace, used not such Expressions as these, *Your Grace must have some other Quarrel at the Bishop of Dumblain, than his asking that Question; for if I (said he) had asked the Question, your Grace would have answered me more calmly*. 3^{dly}. I also appeal to their Lordships, if some of them, after I was gone out, did not deal with his Grace to treat me more calmly afterwards.

The Second Reason I take Notice of in the said Letter, is, That, notwithstanding the foresaid Requisition, having stayed the first Session of that Meeting, Letters from his sacred Majesty, and his Grace the Duke of *Lawderdale*, were kept up from me, though read and communicated to all the rest, albeit I took Notice thereof publickly, when a Return of Thanks was proposed to the Meeting, by saying, That although I was as much for returning thankful Acknowledgments as any, yet I was not able to judge if the Returns were relative to, and direct Answers of these Letters, since I had neither heard nor seen them: Nor did this Neglect sink much upon me, till the breaking up of that Session; and, after I had offered my Reasons why the general Canons, designed for the Discipline and Government of this Church by the Law, required the Consideration of a National Synod, one of my Right Reverend Brethren told me, That if I had seen what he had seen, I would not have spoken so of a National Synod; insinuating as if somewhat capital had been in the Affair. And then, I confess, I became jealous that these Letters might be kept up from me upon Design, and therefore began to think if it were fit for me to stay or withdraw.

These Reasons I thought sufficient then to mention, believing that so inconsiderable a Person as I should not have been challenged for returning from that Meeting before the Close, more than more considerable Persons of that Order, who came not at all; else I might have mentioned other Two, which also I touched in a Letter at the same Time, directed to my Lord Bishop of *Edinburgh*, in which that to his Grace and the Meeting was inclosed. I shall now briefly add them. 1st. That Session wherein I was present, broke up without any publick Appointment of Time and Place for any other, which my Lord Bishop of *Edinburgh* acknowledged before your Lordships, upon *Friday* last. What private Advertisements were given to other Members, I know not; but the next Day I waited in my Chamber till Eleven of the Clock, and hearing of no Meeting, I went to Dr. *Weems* his Chamber, which is near the Meeting-place, and was told that their Lordships were met. Whereupon, I gave Dr. *Scougal* the Trouble to go to

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the Place of Meeting, and try if I might speak with my Lord Bishop of *Aberdeen* his Father, that from his Lordship I might understand, whether I would be allowed to come: But after the said Dr. *Scougal* had made an Attempt twice, he returned both Times with this Account, That their Lordships were so close, he could not speak with my Lord his Father. After which I continued waiting for some Advertisement; but none coming, I believed it better to return to my Charge, than to remain idle in that Place, exposed to the Mockery and Mistakes of People, who knew there was a Meeting of Bishops in that Place, and beheld me from it. And therefore, towards Night, I withdrew, and came a Part of the Way homeward: By which doing, (when the Premises are considered) whether I did any great Wrong, I submit to the Judgment and Correction of others, and shall only say and protest, that my so doing proceeded not from any Principle of Separation, and Schism, but the contrary. And if a Sight of that Paper, subscribed at that Time by my Reverend Brethren the Bishops, had been granted to me, I should have endeavoured to clear every Thing, which, upon the account thereof, can be objected against me: But since it was not allowed me, I must cast my self on that Charity that forbids to condemn any Man before he be heard.

The last Thing I am to speak to, is that Letter written to my Lord St. *Andrews* in June last, which, if it be condemned as imprudent, I shall not contradict it. But, as I hope I will not be condemned of Presumption, simply for writing to his Grace, so I desire the World to charge me with publishing to any alive, that I had written, much less what the Matter was therein contained: So that if his Grace had not been pleased to publish it, all might have been as innocently written, as whispered in his Ear; and I have met with but few who would have condemned such a Method, either of Presumption or Imprudence. And yet the only Odds lies in this, That I am more bound by my Writ, than one, who is not ingenuous and candid, could have been by his secret Whisper; and therefore I leave it to Consideration, if I can be called a Slanderer of his Grace, though I had written more plain Accusations than I have, since I did not publish them, by which any Information and Accusation comes to be a Slander. And if his Grace, upon Offence or Scandal thereat, had been pleased to have called me, (as by the said Letter I insinuated a Desire to be) all this, and the Effects whatsoever of the Publication, (for which I am noways to blame) had been prevented. And when I consider the Contents of that Letter, I find the first and great Part of it contains a Representation of some Injuries, I conceived his Grace had done me; wherein I hope there is nothing contrary to the Christian Precept, *If thy Brother offend thee, tell him, &c.* Anent which, I humbly conceive, it were more agreeable to the Christian Rules, to give me just Satisfaction, than severe Challenge. If the Words which give the great Provocation be these, wherein I say, *If nothing less than my being a Holo-caust to your Revenge (will please you) be pleased then to allow me the same Freedom in representing you, which you have taken concerning me; and I assure you, though I may have fouler Things to represent, I will do it in a fairer Manner than that in which I was used.* Concerning them it may be considered, 1st. That all is upon a Supposition, that nothing less would satisfy his Grace, than that I be wholly consumed by Revenge; and it is hard to determine how much a better Man than I may be tempted to do, to prevent such a Lot. 2^d. That the Word is but comparative, *Fouler*, and so relative to what I have been charged with in these *Queries* your Grace and Lordships have been pleased to put to me, which neither by Word or Writ you have alledged to be Transgressions of any particular Law or Canon. 3^d. That I undertake, that any Representation I was to make should be in a fairer Manner than that wherein I was used by his Grace; and afterwards promised to follow such Methods as were agreeable to the Canons and Practice of the Church in such Cases; so that I see not in all this, what should alarm an Innocence and Integrity suitable to the Dignity of his Grace's Character.

And now having considered every Particular whereupon I have been enquired, I rejoyce, that not any one Law or Canon has been objected, or the Transgression thereof alledged against me, although there has been Time to search very narrowly in all my Conversation, these Thirteen Months, during which I have been restrained from the Exercise of my Office, and otherwise, and now the first Time called to be heard. And now I hope it will give no Offence to your Grace and Lordships, to be put in Mind of that perpetually binding Canon, *1. Tim. 5. 19.* which since you have not observed in dealing with me, I hope no Sentence is intended to my Prejudice: But if my free Declarations given in answer to, and humble Compliance with this Method of Inquisition, be not judged satisfactory, I throw my self at his sacred Majesty's Feet, and offer to undergo the severest legal Trial, and condemn Punishment, if I shall be found to have done any thing against *Cesar, the Temple, or the Law*; only I humbly beg that I may have my Accuser face to face, and have Licence to answer for my self, concerning the Crimes laid to my Charge, which I doubt not any of your Lordships would think reasonable, were you stated in my Condition, and therefore will not make any Precedent to the contrary. Upon which Grounds I do in all Humility adhere to the *Protestation* I made in the Paper I gave in answer to the Two former Inter-

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rogatories,

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'rogatories, and rest in a perfect Confidence of that Goodness and Clemency which naturally resides in the sacred Breast of my dread Sovereign, the benign Effects whereof I have so many Grounds assuredly to expect; giving this Assurance, That however I be disposed of, I shall continue a most faithful and loyal Subject to his Majesty, and a dutiful Son and Servant to this Church, and all who bear Office in it.'

A View of
this whole
Matter.

This Paper of the Bishop of *Dumblain*, lets us in pretty much into the Reasons and Manner of this Scuffle among the Clergy. The Primate's imperious and haughty doing of all Things relative to the Church, by himself, grated the rest of the Bishops, and for some Time they lay their Heads together to oppose him, and make Use of the fair Handle of an *Act of Parliament*, for the Meeting of a *National Synod*, to lay down Rules under which even his Grace must be comprehended. The Bishop of *Edinburgh* seems at first to have been at the Head of this Design, and to have engaged some of the Ministers of *Edinburgh* in this Affair: But the crafty and cunning Primate finds Means to carry off the Bishop, and then the Storm falls upon the Two Bishops and Four Presbyters, who had the Courage for a while to stand their Ground, and appear for the Liberties the Law had allowed to their Church. This is all that appears to me from these Papers, and I must leave the larger Account of the Circumstances, to others, who may be better in case to give it: having no Documents of what this Meeting did upon the Whole, I can only add, That I am told Bishop *Ramsay* was obliged to make the best Terms he could, and at last feign Subjection to the Primate, and to the Business of a *National Synod* dropt.

Mr. Turner and
Robertson's Paper
of Submission,
upon the which
they are re-
posed.

As to the Presbyters and inferior Clergymen, I find that this Year, and probably at this same Time (for the Paper I am to insert has only the general Date 1675.) Mr. *Turner* and Mr. *Robertson* are reposed to the Exercise of their Ministry, upon their giving in the following Paper.

'WE undersubscribing, taking to our serious Consideration, that his Majesty hath manifested his Displeasure against us, for our Motion and Petition relating to a *National Synod*, *June* 1674. do sincerely declare our Grief, that thereby we did occasion any Offence to his Majesty, or any in Authority over us: And we do most humbly beseech, that his Majesty may graciously pass by whatever hath offended him against us; and that my Lord Primate his Grace, and others intrusted with him, may be pleased to restore us to the Exercise of our former Ministry, wherein, by the Lord's Grace, we shall constantly behave our selves with all Loyalty to the King's most excellent Majesty, and with all Dutyfulness to our Ecclesiastical Superiors, acting in our Station in a due Subordination and Obedience unto them, and live in a mutual Love and Concord with our Colleagues and Brethren.'

Arch. Turner.

Jo. Robertson.

Restraint taken
off the Bishop
and the rest
next Year.
Remarks on
the Whole.

Whether Mr. *Hamilton* and Mr. *Cant* came in upon the same Kind of Submission, I know not: Next Year we shall find the Bishop and them freed from their Restraints.

From these authentick Papers the Reader will observe the Spirit and Genius of the Primate, and the Carriage of the Bishops one towards another, and may be the less surprized with their Management towards Presbyterians. I'll adventure to say, had we more of Bishop *Sharp's* Papers, and what passed 'twixt him and his own Set of People, we would see a great deal of that virulent antichristian Temper the suffering Party felt so much of at this Time. And if this intestine War be not altogether so much for their own Reputation, and no great Proof that Prelacy is calculate for preventing Differences among Clergymen, or the quashing of them, unless it be in tyrannical Methods of plain Oppression; yet this will be a Sort of Apology for their Methods with Presbyterians in this Period, so that I am almost ready to flatter my self as deserving the Thanks of the Party, for acquainting the Publick with them, which I have done in a very fair and candid way, and from their own Mouths.

The Carriage
of some of the
inferior Clergy
provoke
People to Dis-
orders.

Very little further offers to me upon this Year. The same imposing and revengeful Spirit that wrought in the Primate, discovered it self in too many of the inferior Clergy; and their spiteful and malicious Carriage provoked, now and then, some of their Parishioners to run into Disorders and Riots. Accordingly, I find, in *March* this Year, some Prisoners are brought in before the Council, from the *Arnbuckles*, a Country Village in the Parish of *Old-monkland*, not far from *Glasgow*. It was alledged they had committed a Riot upon the Person of their Minister. I do not find the Issue in the Council-books; whether the Probation failed, or what was in it, I know not.

The growing
Power of
France and
Popery.

While Persecution and Oppression were carrying on in this Island, and one Party of Protestants eating up another, the Papists abroad were making a good Hand of us, and *France* was piece by piece growing up to that frightful Power she was lately at. Prodigious Quantities of naval and warlike Stores were exported this and the following Years, from *Britain* to

to France, furnished probably in Prosecution of the secret Treaties lately entred into: And that Monarch was put in Case almost to accomplish his beloved Projects of univerſal Monarchy, and the Destruction of the Reformation throughout Europe. Mean while our Managers were every Day weakning the Proteſtant Intereſt, by their Violence and ſevere Courſes.

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The Devil was likewise playing his Game among the ignorant and neglected Country-people; and I find ſeveral Proceſſes before the Juſticiary, for the execrable Crime of Witchcraft: Particularly, in July this Year, *Katharine Sands, Iſobel Inglis, Agnes Henry, Janet Henry*, confeſſing Witches, were ſtrangled and burnt, in *Cutroſs* July 29th.

I ſhall only add, that upon the 27th of July Sir *Thomas Wallace* of *Craigie* is admitted Juſtice-clerk, in room of *William Lockhart* of *Lee* lately deceaſt, and a good many of the After-proceſſes againſt the ſuffering Preſbyterians, fell under his Hands.

Sir Thomas Wallace of Craigie is made Juſtice-clerk.

CHAP. XI.

Of the Sufferings and State of Preſbyterians in the Year 1676.

DURING this Year and the following, Matters are gradually going on to ripen Things for ſending down the *Highland Hoſt* upon the Weſt of Scotland; which, with other Severities, produced the Riſing quashed in the Deſeat at *Bothwel-bridge*. The Council go on in their hard and iniquous Acts againſt Preſbyterians, and this Year affords a good Number of Inſtances of the Hardſhips put upon particular Perſons, Miniſters, and others; and a new Committee for publick Affairs helps on all. More Impoſitions are laid upon the indulged Miniſters: The Differences continue 'twixt the Dukes of *Lawderdale* and *Hamilton*; yea, the Perſecution is even extended to the Miniſters who were baniſhed to *Holland*. Theſe and other Things will furniſh Materials for Three *Sections*, where I ſhall conſider the Procedure of the Council againſt Conventicles, Preſbyterian Miniſters, and others, with the new and ſevere Acts they make this Year: And then I ſhall give a more particular Account of the Difficulties Miniſters, Gentlemen, and others, were brought under for their Nonconformity at this Time; and end this Chapter with an Account of the Circumſtances of the *Indulged*, the Differences between the Two Dukes, and ſome other incidental Matters, which come not in ſo natively upon the Two former *Sections*.

Contents of this Chapter.

SECT. I.

Of the Acts and Procedure of the Privy Council, againſt Conventicles and Preſbyterians, this Year 1676.

ALthough there was, in the foregoing Year, a little ſlackning of the Perſecution, by reaſon of the Multitudes who followed the Goſpel preached by the ſoured Miniſters; yet towards the End of it, and the Beginning of this, the Soldiers, eſpecially thoſe in the *Garifons*, were not idle. Wherever they found any whom they were pleaſed to reckon Haunters of Conventicles, they imprifoned, haraſſed, robbed, and wounded them, without Controul: And theſe Agents to the Prelates, managed their Controverſy with the Nonconformiſts in the utmoſt Violence, as if we had been in a State of War, and not like an Eccleſiaſtical Schiſm, by Arguments.

Perſecution turns hotter.

Notwithſtanding of all this Oppoſition, Conventicles could not be born down. In *Edinburgh* ſeveral Sermons were in *Magdalene-chapel*, and more privately up and down the Town.

Yet Conventicles continue, and Preſbyterians.

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Sometimes

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20 Ministers
preach pretty
openly.

Sacrament of
the Supper
dispensed in
Kippen, East-
wood, and Go-
van, by them.

Mr. Alexander
Jamison's Death
and Character

Severe Coun-
cil-proclama-
tion, March 1.
against Con-
venticles.

App. No. 77.
Remarks up-
on it.

Sometimes Ministers preached in vacant Churches, at the Desire of the Heritors and People, as at *Kilfyth* and elsewhere. In the City of *Glasgow*, Mr. *Ralph Rogers*, who had been their Minister before the Restoration, was invited to preach among them, and he and Mr. *Matthew Crawford* for some Time preached pretty openly in the Sheriff of *Argyle's* Lodgings. The Sacrament of the Supper being much thirsted for by many, last Year and this, who could not receive it with the Incumbents, and had not Opportunity to joyn with the *Indulged*, several Ministers resolved to celebrate it.

Accordingly, in the Parish of *Kippen* in the Shire of *Stirling*, the Supper of the Lord was dispensed in the Night-time to a very numerous Meeting. There assisted at that Work the Reverend Mr. *John Law*, since the Revolution Minister at *Edinburgh*, Mr. *Hugh Smith* Minister at *Eastwood*, and his Successor there Mr. *Matthew Crawford*. About this Time Mr. *Alexander Jamison* Minister at *Govan*, and Mr. *Hugh Smith*, gave this Sacrament in the House of the *Haggs*, within Two Miles of *Glasgow*, with very much Power and Liveliness. And if I mistake it not, Mr. *Jamison* did not again drink of the Fruit of the Vine, till he drank it new in the Father's Kingdom, at least it was some Time this Year that excellent Person died. He was a Man of great Learning and Piety, and had been Ten Years Professor of Philosophy in the University of *St. Andrews*, and had a Patent to have been Professor of Divinity there, but did not accept, although all who knew him were sensible he was every way qualified for it. The Supper was likewise dispensed by Mr. *Hugh Smith*, to his own Parishioners of *Eastwood*, in a Barn at *Kennyshead*. He had Mr. *William Thomson*, Mr. *John Rae*, and Mr. *Matthew Crawford* assisting him. The Lord very much owned these Communion; and these sweet sealing Times are not forgot by severals yet alive.

Those Proceedings, last Year and this, very much galled the Bishops; and now that *Lawderdale* had again prevailed over Duke *Hamilton* at Court, as we shall hear, and seeing they had all according to their Mind in the Council, they propose, and without any Difficulty carry a very severe Proclamation against *Conventicles and other Disorders*, dated March 1st. I have annexed it App. No. 77. Little needs be said upon it, after so many former Papers of this Nature. The Narrative owns great *Decays in Religion, and a dangerous Increase in Profaneness*. These are attributed to the *Separation from publick Worship*, and the *Frequency of Conventicles*. The Matter of Fact is certain, but the Cause most unreasonably given. Separation from publick Worship, when it may be joyned in without Sin, and with Edification, is certainly a very great Sin, and chargeable with these Consequents, and I am not to lessen the Evil of it: But the Presbyterians at this Time were so sensible of the Necessity of publick Worship, that when they could not with any Advantage joyn with the profane Incumbents, they carefully kept it up in Houses and Fields, under the greatest Hazards. According to the Style of this Period, every evil Thing now must be attribute to Conventicles, though every Body almost at this Time knew, that the Decays of Religion were so far from being chargeable upon these Meetings, that the Gospel preached at them did very much promote Religion and Righteousness; and the present Profaneness could never be charged upon them, with any colour of Reason, but upon the evil Practices of the incumbent Clergy, and the want of Discipline in the established Church, which we have heard even some of themselves regretting.

The statutory Part of the Proclamation runs very high: Papists, *pro more*, are thrown in with Presbyterian Schismatics, and all Magistrates are ordered to prosecute them, and seize upon intercommuned Persons or Fugitives. What follows is yet harder, *And all such Preachers as with their Families do not attend publick Worship*; and that betwixt and the 1st of June. One would think, they could scarce expect that Presbyterian Ministers would hear the Curates, and that a Grain of Allowance might have been given them; and yet they and their Families, who perhaps would not have gone, though they should have had the Freedom themselves to go, are marked out for Punishment for Nonconformity. All who harbour the *Intercommuned*, are made liable to the same Pains with them; and a Reward of Five hundred Merks, presently to be paid, is offered to any who shall discover such as commune with, harbour, or entertain the *Intercommuned*. All inferior Judges and Officers are threatned, if they execute not the Laws; and some of them, as we shall hear, were turned this Year out of their Posts, upon showing a little Compassion towards the Sufferers. Five hundred Merks Fine is imposed upon each Burgh where a Conventicle is kept, beside the exacting of the Bonds the Council had taken formerly from them, and larger Sums upon the greater Burghs; and the Magistrates are to have their Relief from the common Stock of the Town; which appears most unaccountable, and a short way to ruine the Royal Burghs. Further, it is statute, That the Heritors shall be fined in a Year's Rent of the House where the Conventicle shall be kept, *toties quoties*; and, to encourage Informers and Delations, a Part of the Fine is promised to them. In short, if any Chaplain, Schoolmaster, or Pedagogue is entertained, without a Licence under the Hand of the Bishop of the Diocese, they impose the following Fines; Three thousand Merks upon each Nobleman, Twelve hundred Merks on each Gentleman, and Six hundred Merks upon Burgessees. This last Clause pointed at a great many Presbyterian Students, Youths of excellent Qualifications, and great Piety,

ety and Learning, as hath since the *Revolution* appeared, several of whom I could name, who have filled and do fill the most important Poits of this Church, and our Universities. The Prelates, by this extravagant Clause, designed to rid the Youth of such Tutors, that they might be, by others of their own Kidney, trained up in Principles agreeable to *Monarchy* in the Church, and *Tyranny* and passive Obedience in the State.

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With this severe Proclamation against Conventicle-keepers, another the same Day is issued out, ordering the indulged Ministers to keep their Instructions, which, to make them the more burdenson, they call *the Terms upon which they are permitted and indulged to exercise their Ministry*. This I shall notice further in its own Room, in the last *Section*. Thus they endeavour to bear hard upon all Presbyterians, and either rent or ruine them.

Another Proclamation as to the indulged Ministers.

Laws signify very little without close Execution, and our Managers were very careful to see to that upon Presbyterians. The Soldiers were the daily Executors of the Laws, and now and then the Council send particular Commissions to particular Persons, to look after the suppressing of Conventicles. The Two former Years, such Commissions were given, but they did not much, at least that I can learn, answer the severe Projects of the Persecutors; but now they resolve upon greater Severity. I have formerly noticed, that the persecuting Temper of the High-fliers in *England*, reached us in *Scotland*, though, I must say, our *Scots* Managers far outwent the *English*. Accordingly, at this Time, I find the Meeting-houses are ordered to be shut up at *London*, and the Justices of the Peace were generally changed, and new Commissions given, with strict Orders to be zealous and vigorous in executing the Laws against *Dissenters*.

The Soldiers execute these. Dissenters persecuted in *England* about this Time.

Upon the same Day, the Council grant Commissions to the Chancellor, and, generally speaking, those mentioned last Year, with some Gentlemen in each Shire joyned to them, with the above Powers and Instructions, to put the Laws against Conventicles and Nonconformity in Execution. One Committee is ordered to sit at *Edinburgh*, another at *Glasgow*, another at *Stirling* and in *Fife*, and one for *Aberdeen* Shire, *Murray*, and *Ross*.

Commissions are given to particular Persons to persecute Conventicles in several Places.

No Accounts from any of them have come to my Hands, save that at *Glasgow*, which sat April 6th. Some Time before this Council-committee or Commission sat down, Citations were issued out, at the Instance of Sir *John Nisbet* his Majesty's Advocate, to a considerable Number of Gentlemen, Ministers and others, to appear before the Lords Commissioners, and declare upon Oath what Conventicles they had been at since the Year 1674. what Children they had baptized, and whether they had reset or harboured intercommuned Persons. Their Names, as far as I can recover them, were, Sir *George Maxwell* of *Nether-pollock*, of whom before, *John Maxwell* his Son, whom we shall meet with afterward, Sir *Archibald Stuart* of *Castlemilk*, the Laird of *Dunlop*, *James Hamilton* of *Aikenhead*, *Gabriel Hamilton* of *Westburn*, Mr. *Hugh Corbet* of *Hargray*, Mr. *Ninian Hill* of *Lambhill*, *Patrick Hamilton* of *Neilsland*, Mrs. *Andrew Mortoun*, *Hugh Smith*, *Matthew Crawford*, *James Wodrow*, after the *Revolution* Professor of Divinity in the University of *Glasgow*, *John Johnstoun*, *Matthew Cumming*, Merchants in *Glasgow*, and some others. The Two First, the Laids of *Pollock* elder and younger, got off happily without swearing, by the Favour of some Members of the Committee. None of the Ministers or Preachers appeared, whereupon they were denounced Rebels, and the Soldiers had Orders to search for and apprehend them, and some of them were intercommuned, and all of them forced to abscond, and undergo great Hardships till the Indemnity 1679.

The Method of their Procedure, and Persons cited before them at *Glasgow*.

The rest refusing to give their Oaths upon their own alledged Guilt, but remitting themselves to Probation, were imprisoned at *Glasgow*, and from thence sent in under a Guard to *Edinburgh*, after the Committee had fined them, as guilty of as many Conventicles as they pleased, for refusing to swear themselves guilty; and most of them continue Prisoners in *Edinburgh* Tolbooth for some Months. And that I may give all the Account I have of them together, I find, after much Interest used, at length their Cause is brought before the Council; and, July 20th, the Lords pass this Act anent them. 'The Lords of his Majesty's Privy Council considering, that *James Hamilton* of *Aikenhead*, *Gabriel Hamilton* of *Westburn*, *Alexander Wardrop* of *Demarnock*, Mr. *Hugh Corbet* of *Hargray*, *Patrick Hamilton* of *Neilsland*, Mr. *Ninian Hill* of *Lambhill*, *Matthew Cumming* in *Glasgow*, (what became of those not named here I cannot tell) being convened before the Commissioners of Privy Council, at *Glasgow*, for keeping Conventicles, and other Things libelled against them, and the Libel being referred to their Oaths, they refused to depone, and were thereupon, by the Sentence of the said Lords, held as confest, and committed to Prison; and now compearing, the Lords modify their Fines as follows. *Aikenhead* a Thousand Pounds Scots, *Hargray* a Thousand Merks, *Lambhill* a Thousand Merks, *Westburn* a Thousand Merks, *Neilsland* Three hundred Pounds, *Matthew Cumming* Two hundred Pounds: And in regard *Alexander Wardrop* gave his Oath, and confess'd one House-conventicle, he is fined in Fifty Merks; and the Council ordain them all to lie in Prison till they pay their Fines.' Those Persons very quickly paid their Fines, and were liberate, and got Home after more than Three Months Imprisonment.

Many of them made Prisoners, and continue some Time in Prison.

Act of Council about them, July 20th with the Fines imposed.

The Committee of Council likewise issued out Orders to all Sheriffs and their Deputes, Bailies of Regalities, Stewards of Stewartries, and Magistrates of Burghs, to cite before them

These Commissioners leave what

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they cannot
overtake, to
the ordinary
Magistrates,

who cite great
Multitudes,
and upon Non-
compearance
these are fu-
gitate.

Providence ap-
pears remark-
ably for them
in their Diffi-
culties.

The scattering
of Ministers
tended to
spread the
Gospel, and
many attend
upon it.

Lady Polmaise,
Laird and Lady
Balgony, and
Lady Kennet,
brought to
Trouble, and
denounced.

Mr. Hugh Camp-
bell and Mr. Alex-
ander Gordon
brought to
Trouble.

The Bishops
are to enquire
into the State
of the Univer-
sities, as to the
Oaths.

Non-signers of
the Declaration
prosecuted.

Town of
Perth fined.

them all who were delated by the *conformable Clergy*, or should be complained of, and fine and imprison them, and return Accounts of their Diligence to the Council.

Those Under-officers through the West, cited Multitudes before them; but People finding they must give their Oaths *super inquirendis* against themselves, did not compear, and so vast Numbers every where were declared Fugitives, and afterward *intercommuned*, and Converse with them inhibited under the Pains of Rebellion. This put Ministers, and others, who feared an Oath, to terrible Hardships; appear they durst not, and were forced to hide and wander where they best might; and in their Hidings, upon the first Notice of them, Parties were ordered out to apprehend them, and the Gift of their Elicheats was offered to any who would buy them.

A Volume might be filled with well attested Accounts of signal and remarkable Appearances of Providence, in behalf of these Confessors for the Truth, this and the following Years: Their singular Provision, their wonderful Protections, and remarkable Deliveries and Outgates. They found the Cross lined with Love, and many Friends were raised up to them in their Distress, by their kind Lord and Master. Thus this severe Persecution did not hinder them from Preaching and hearing the Gospel. In Houses they were frequently surprized by the Soldiers, and therefore they choosed the most retired Places, Woods, Hills, and Moyses, and had their Watches set, to prevent their being surprized.

Yea, this scattering of Ministers and People turned to the spreading of the *Word of Life*. Ministers who before preached to a few in Houses, now preached to Multitudes in the Fields, with much Success, and the more Preaching there was, the more Love to the Gospel increased. People could not but observe the Curates as the Springs of all this Severity, and every Day they were more disliked, and their Meetings turned thinner. Presbyterian Ministers preached upon the Hazard of all that was dear to them in Outwards, and People listened the more attentively to them; and even indifferent Persons began to apprehend there was a Reality in what they taught, when they ventured so much to do them Service: In short, the Gospel was costly and hazardous both to themselves and their Preachers, and this made them prize it more, and improve it the better; and the LORD, by his Presence, did very much sweeten outward Difficulties.

And this Love unto, and following after the Gospel in the persecuted Ministers Hands, was increased from the Observation of singular Judgments now and then upon the Persecutors. A Collection of well attested Accounts of those might be of good Use, and Instances are not wanting: Yea, the Relations now flying up and down, of the scandalous Lives and erroneous Doctrine of the Bishops, and most of their Underlings, did not a little recommend the Attendance upon Field-meetings, to such who had not Opportunity to hear the *Indulged*. Charity forbids me, without Proof, to credit all that was talked upon this Head; but so much of it was notour, as led too many to Atheism, and downright Contempt of all Religion, and many of the better Sort much to favour the persecuted Party: So that, notwithstanding all these Hardships, Conventicles continued, and the Managers went on in their Severities.

Which brings me back again to the Accounts of their Procedure. And to give all I have together, that relates to these Council-commissions; upon the 5th of June, the Council receive the Reports from their Commissioners, for trying of Conventicles in *Aberdeen* Shire, at *Glasgow* and other Places, and find the Lady *Polmaise* in *Stirling* Shire, when before their Commissioners, refusing to give her Oath upon their Interrogatories, but declaring upon her Word of Honour, that she was free of what was laid to her Charge, and remitted to them. I find nothing done upon it at this Council-meeting. The Laird of *Balgony* and his Lady, with the Lady *Kennet*, for their Noncompearance before the Commissioners, are ordered to be denounced. Mr. *Hugh Campbell*, for preaching at *Muir-kirk* without Presentation, is ordered to be cited before the Council; but I hear no more about him. The Magistrates of *Glasgow* are appointed to produce Mr. *Alexander Gordon*, or his Cautioners, for keeping a Conventicle there. This is all I meet with concerning these Committees of Council, for trying of Conventicles, ordered upon the 1st of March.

At that same Diet of Council, March 1st, the Archbishop of *St. Andrews*, the Bishops of *Edinburgh* and *Aberdeen*, are ordained to call before them all the Masters of Universities and Colleges through the Kingdom, and enquire if all of them have taken the Oaths of *Allegiance* and *Supremacy*, in the Terms of *Act 4th. Sess. 2^d. Parl. 1st. CHARLES II.* and report.

And Orders are given for a strict Enquiry through the Country, (I suppose it was left to the particular Council-committees) Whether all Magistrates of Burghs, and other inferior Officers, had signed the *Declaration*; and such as had not, are ordered to be prosecuted. I find, at this same Time, the Town of *Perth* is fined for Conventicles; and in *Glasgow* and other Burghs, very strict Search is made for Conventicles and outed Ministers, which was some way happy for them, since hereby they were obliged timely to retire, before the Council-committees came about.

I do not find any Meeting of Council, until *April 26th*, when they have a Letter from the King, taking off the Restraints from the Bishop of *Dumblain*, and the rest, formerly mentioned, which I shall notice in its own Room. At this Diet, the more to bear down Conventicles, the Council extend their Act of *April 1669*. to the whole Kingdom, and appoint this Act to be printed, and being but short I insert it here.

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Act of Council, April 1669, extended to the whole Kingdom.

Act concerning keeping of Conventicles, Edinburgh, April 26th, 1676.

The Lords of his Majesty's Privy Council, considering, That by a Proclamation of the 8th of April 1669. they, upon the Considerations therein contained, did prohibit and discharge all Heritors whatsoever, within the Shires of Lanerk, Air, Renfrew, and Stewartry of Kirkcudbright, to suffer or permit any Conventicles or private Meetings, upon pretext of, or for religious Worship, to be kept within their Houses, or the Lands belonging to them; certifying them, if they shall contravene, that each Heritor in whose Bounds or Lands any Conventicle shall be kept, shall be fined in the Sum of Fifty Pounds Sterling, toties quoties. The said Lords do hereby extend the former Act and Proclamation, to the whole Shires of this Kingdom; and do ordain all Heritors to be liable to the Fines abovespecified, in case any Conventicle be kept on the Ground of their Lands, or in Houses belonging to them: Declaring always, that the Heritors who shall be fined upon the account foresaid, shall have their Relief off the Persons present at these Conventicles. And ordain these Presents to be Printed, and Published at the Market-cross of Edinburgh, and other Places needful, that none pretend Ignorance.

THO. HAY Cl. Secr. Concilii.

Reflections were made above upon the Matter of this severe Act, and now the Frequency of Conventicles, both in the North and East, put them upon extending it. It was a very plain Ground for harassing of great Numbers of Gentlemen, abundantly loyal and peaceable, whom they could not otherwise reach; and it was easy for them to overlook themselves and their own Friends, when Conventicles, as frequently happened, were upon their Ground. And the Clause, allowing Heritors Relief off the Persons present, was no Advantage at all, but a perfect Blind, to make the Severity of the Act to be overlookt; since it was but seldom any of the Persons present were caught, the Probation against them was difficult, and few of them who happened to be taken, had Relief to give.

Remarks on it

Next Day, *April 27th*, the Council meet, and order the Lists of intercommuned Persons, and such as were denounced and declared Fugitives, to be transmitted to all the Sheriffs and Magistrates of Burghs, that they may endeavour to apprehend them, if they come into the Bounds under their Jurisdiction.

Lists of intercommuned and fugitive Persons sent to Sheriffs.

The same Day, upon some Informations laid before them, they make the following Appointment. 'Whereas the Privy Council is informed, that there hath been a numerous Conventicle lately held in the Shire of *Air* at *Coilumwood*, in the Laird of *Coilfield's* Lands; at which Mr. *John Welsh*, a declared Traitor, preached; as also that Mr. *Alexander Ross* Heritor in *Colmonel* Parish, keeps constantly Conventicles in his own House of *Dalrigch*, and baptizes Children; and Mr. *Robert Kennedy*, who haunts the House of *Knockdare*, and Mr. *John Cuninghame* Curate to the late Bishop of *Galloway*, who haunts in *Glendnoch* at *Glentuce*, do keep Conventicles and commit other Disorders: The Lords appoint the Earl of *Dumfries*, Sheriff Principal of *Air*, Earl of *Dundonald*, Lords *Cochran* and *Ross*, and Sir *Thomas Wallace* Justice-clerk, to try these Disorders, and punish as they shall find Cause.' I find no more Account of these Matters.

A Commission to Earl of Dumfries, and others, to make Trial about Conventicles in Air Shire.

Upon the 5th of *June*, when the Council are approving the Procedure of their Committees, they find the Process against the Laids of *Nether-pollock*, the Laird of *Torrence*, and the Laird of *Dalduy*, for keeping of Conventicles, not brought to an Issue, and they refer it to the Committee for publick Affairs. Thither now many Processes are referred, and it being but seldom their Reports are insert in the Registers, I can give no further Account of them.

Processes against the Laids of Nether-pollock, Torrence, and Dalduy, referred to the Commission for publick Affairs.

This is the first Time I find this Committee mentioned in the Registers under this Name, and it was a very useful Contrivance of the Primate and his Party, who now carry all before them, for ingrossing the Council Power, which was at this Time abundantly large, into the Hands of a few, that so their Oppressions and arbitrary Proceedings might be the more speedily and successfully carried on. In the Registers before this, I have observed no Appointment for such a Committee, nor any acquainting the King with this new Method they were casting the publick Business into. I imagine they tried the Method for some Time, and finding it answering their Designs, they wrote up for Orders thereanent, and upon their getting them, they make a Nomination, which I shall just now insert.

The Nature and Design of this Committee.

A Letter from the King comes down, *July 13th*, which follows. 'Whereas We, by Our Commission of Council *May 11th*, 1674. did appoint the *Quorum* to be Nine, and also did

Bishop of St. Andrews and Lord Holmwood,

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added to the
sine quibus non
in the Coun-
cil, July 13.
A new
Council nomi-
nate July 28.

Their Com-
mittee for pub-
lick Affairs,
the Members
and Powers.

Remarks upon
this Com-
mittee.

Letters of In-
tercommuning
passed, August
3, against Mr.
James Kirkcoun
and others.

' name the Persons *sine quibus non*, reserving to Our selves a Power to add, We do now add
' the Archbishop of St. *Andrews*, and *Charles Maitland* of *Haltoun* Treasurer-depute.'

Whether this Committee for publick Affairs was at first made up of these *sine quibus non*, I know not: But upon the 20th of *July*, a new Commission of Council is sent down, and recorded in the Registers, and therein the Archbishop of St. *Andrews* is appointed to pre-
side in Council when the Chancellor is not present. We shall afterwards hear the Occasion
of this new Nomination of Council, upon the following *Section*.

And, the same Day, I find an Act and Commission for publick Affairs. The Lords of his
Majesty's Privy Council nominate and appoint, ' The Archbishops of St. *Andrews* and
' *Glasgow*, Lord Privy Seal, Earls of *Argyle*, *Mar*, *Murray*, *Linlithgow*, *Seaforth*, *Kinghorn*,
' *Dundonald*, the Lord *Elphinstoun*, the President, Treasurer-depute, Advocate, Justice-
' clerk, Lord *Collingtoun*, or any Three of them, to meet when and where they see fit, and
' take Trial of Conventicles, Invasions of Pulpits, what Ministers preach at Conventicles,
' and the ringleading Heritors at them, who are guilty of resetting and intercommuning with
' Rebels, and other Disorders; with Power to cite, apprehend, bring under Bond, and give
' what Orders they see good to the Forces and Sheriffs, and other Magistrates, and to confi-
' der the Condition of Prisoners, and to do all Things necessary to his Majesty's Service, and
' report to the Council.'

This is an extensive Commission to Three Persons, and now Prelacy was at the Top of
Affairs, when the Two Archbishops, with any Third Creature of theirs they pleased to
choose, had the whole of what for many Years hath been the Council's chief Work, the Per-
secution of Presbyterians, the Management of, and giving what Orders they pleased to the
Army, Sheriffs, and other Magistrates, put into their Hands. I don't say they exercised this
Power by themselves Three, but this Commission warranted them so to do; and indeed
they were easy, the most Part named heartily went in with whatever they saw good to pro-
pose. Our Liberties and Religion were now at a low Pass, when such Powers and Commis-
sions are granted. And indeed for many Years this Committee of publick Affairs managed all
the Persecution, and whatever related to Church and State, and, when they saw good, reported
to the Council, after they had done what pleased them. When their Reports are in the
Registers we shall meet with them, and when they saw good not to record them, their Seve-
rities are buried. After this there is little or no more Room for Commissions of Council,
and Committees with Council-powers, which had been used for some Years in the Vacati-
on. These, when they came to the Country, and had Information how Matters stood, and
having no Ecclesiasticks among them, generally speaking, were not so inclinable to Severities:
But now the Primate, with Two others in his Chamber, may issue out Orders as they find proper.

Perhaps it was by a Motion from this powerful Committee, that the Council, August 3^d,
pass an Act of *Intercommuning* against several more Ministers, and Mr. *James Kirkcoun* upon
the Head of them, for the Reason we shall hear of upon the next *Section*. The Form of
such Letters hath been already insert in the *Appendix*, and so it may suffice to give an Ab-
stract of these Letters.

' *CHARLES*, &c. Forasmuch as, in *July* 1674. the underwritten Persons were denoun-
' ced and put to Our Horn, for not compearing personally before the Lords of Our
' Council *July* 16th, 1674. to have answered and underlien the Law for convocating, and
' being present at Field-conventicles at *Inverask*, *Edmondstoun-chapel*, *Wolmet*, *Carstor-*
' *phin*, *Magdalene-chapel*, *Borthwick*, *Kirklistoun*, *Gladsmuir*, *Tor-wood*, (and other Pla-
' ces mentioned in the former Letters) and intruding into Pulpits contrary to Law, in
' Manner at length specified in the principal Complaint raised against them, viz.
' Mrs. *James Kirkcoun*, *Alexander Lennox*, *John Rae*, *David Hume*, *Edward Jamison*,
' *Robert Lockhart*, *John Watwood*, *John Weir*, *Andrew Donaldson* sometime in *Dal-*
' *gety*, *Thomas M-Gill*, *James Wedderburn* in *Cowpar*, *Thomas Douglas*, *Francis Ir-*
' *vine*, *Alexander Bartram*, and *Alexander Wilson*, as the Letters of Denunciation more
' fully bear: At the Process of which Horn the foresaid Persons have lien ever since, ta-
' king no Regard thereof, and are encouraged in their Rebellion, by the Reset, Supply and
' Intercommuning of their Friends and Acquaintances, to the high Contempt of Our Autho-
' rity: Wherefore We charge you to pass to the Market-crosses of *Edinburgh*, *Haddingtoun*,
' &c. and other Places needful, and charge all Our Lieges, that none of them presume to
' reset, supply, or intercommune with any of the foresaid Persons, &c. in common Form.
' Given under Our Signet, August 3^d, 1676.'

Council Com-
mission re-
newed for the
North.

All Fugitives
who satisfy
their Minister

The same Day the Council renew their Commission, formerly granted, for repressing Con-
venticles in the Shires of the North, with a particular Eye to *Bamff*. This was at so great
Distance, and the Persons concerned so few, it was not worth while for the Committee of
publick Affairs to trouble themselves with it.

At the same Diet the Council desire the Two Archbishops to signify to the Bishops of
their respective Dioceses, that the Privy Council being desirous to reclaim any Persons, who
of

of late have been declared Fugitives, for not appearing before the Council, anent Conventicles, and other Disorders of that Nature, have resolved, that, upon their giving Satisfaction to the Minister of the Parish where they are, for their orderly Behaviour in Time coming, and his Certificate thereof, they shall be relaxed from the Horn, and not be called in question for what is past; excepting such Persons against whom Letters of *Intercommuning* have been directed, or whose Escheats are fallen and gifted, and the Gift declared on their continued and wilful Contempt: And that if this Offer be not accepted, the utmost Rigour will be used; and that the Bishops intimate the same in their respective Bounds.

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as to their future Carriage, to be relaxed.

The Managers and Bishops had a great Advantage against some, at least, of the suffering Party, at this Time. They could do Things that seemed at first View Favours to them, in the Eyes of the most Part who knew not how Matters stood; and yet in the mean while they themselves well knew the Sufferers would never come up to these seeming Condescendences; neither could the View of Things they had, permit them so to do: And so every way they had their Design, not to offer any Thing which would really take with these People, and yet to appear to be offering Conditions, which to Strangers would seem not unreasonable. Thus it was in the Case before us. The same Things that took the Country-people to Conventicles, kept them from owning the Incumbent, so far as to take a Certificate from him of their good Behaviour. And none of them were by this Persecution convinced of any Sin or Evil in hearing the Gospel dispensed by the outed Ministers, and could not engage for their good Behaviour in the Curates Sense, as to the Time to come: And so this specious Act was nothing in effect, but a Design to expose these poor People to Obloquy, upon their Refusal, and few or none of them, I know of, fell in with it.

Remarks upon this seeming Favour.

Upon the same Day, for the Council now do a vast deal of Things at one *Sederunt*, having Matters just made ready for their voting, by their Committee of publick Affairs, they pass a Decreet against a vast many in Absence, for keeping Conventicles. There are about Forty or Fifty of them in *Fife*; and, by another Decreet, some Thirty or Forty more in *Churnside*, and the Country thereabout, were sentenced for the same Faults. All of them were absent, and so the Process short.

Decreet against near a Hundred Conventicle-keepers, in *Fife* and about *Churnside*.

Little further offers as to the more general Procedure of the Council this Year, unless it be, that upon *December 9th*, the Town of *Edinburgh* is fined in Fifty Pounds *Sterling* for a Conventicle kept in it, and the Magistrates allowed their Relief as in former Cases. Their Procedure against particular Persons will come in upon

Town of *Edinburgh* fined in Fifty Pounds *Sterling*, for a Conventicle.

S E C T. II.

Of the Sufferings and Persecution of some particular Persons, Gentlemen, Ministers, and others, this Year 1676.

I Shall not give my self or the Reader the Trouble nicely to class the Sufferers this Year, in their different Stations and Capacities; some of all the Sorts mentioned in the Title were brought to Trouble, and I shall give them in the Order of Time, as far as I have it.

February 10th, the Council fine *Durham of Largo* in Twelve hundred Pounds *Scots*, for Refet of Mr. *John Welsh*; and he is fined in Two thousand five hundred Merks, for being at Two Conventicles where Mr. *Welsh* preached. This is the Second, if not the Third Time this Gentleman hath been attacked, and fined. The same Day swinging Fines are laid upon several very worthy Persons, for a House-conventicle in *Edinburgh*. *Edward Gillespie* is fined in Two hundred Pounds *Scots*, *Robert Richardson* in a Hundred Pounds *Scots*, *Colonel Ker* in Five hundred Merks, *Lady Whitlaid* in Five hundred Merks, *Mr. Stuart*, *Mr. Stirling*, and *Mr. Hamilton*, in a Hundred Pounds *Scots* apiece; but Prejudice expressly to the Magistrates of *Edinburgh*, whom they allow to fine them for their Relief, notwithstanding the Fine imposed by the Council. An indifferent Person would think it hard they are punished twice for one Fault.

Durham of Largo fined, and many others, for Conventicles in *Edinburgh*.

About the Middle of *June* this Year, there fell in an Attempt upon the Reverend Mr. *James Kirkcoun*, before the Restoration Minister at *Martin*, and since the Revolution a most useful Minister for a good many Years in the City of *Edinburgh*, well known to this Church. This Affair kindled a great Flame, and was the Occasion of some very considerable Changes. I shall give an Account of the Matter of Fact, from a Narrative left of it by himself, who could only give the Account of some Circumstances relative to it, and whose Veracity I know will be depended upon; and then I shall subjoyn what I meet with anent it in the Council-records: And my Account of this is the larger, because this Incident hath been very falsly represented to the Publick in Print.

Incident 'twixt Mr. *James Kirkcoun* and *Carstairs*.

1676.

*Carstairs trepanns
Mr. Kirkton to
his own Cham-
ber.*

Mr. *Kirkton*, about the Time mentioned, one Day walking in the Street of *Edinburgh* about Noon, was accosted very civilly by a young Gentleman, (we shall afterward find him to be Captain *Carstairs*) and another Gentleman, and a Lackey: He knew none of them, but came afterwards to know both to his Cost. *Carstairs* desired to speak a Word with Mr. *Kirkton*; to which he answered, He would wait on him, suspecting no evil. When walking off towards the Side of the Street, he asked at the other (*James Scot of Tuskilaw*) who this young Gentleman was, for he was perfectly a Stranger to him: *Scot* answered him with Silence and Staring; and then Mr. *Kirkton* found he was trepaned, and a Prisoner. However, he was glad when they carried him to a private House, and not to the Prison, which was near by.

*What passed
there.*

The Place they brought him unto, was *Carstairs's* own Chamber, an ugly dark Hole, in one *Robert Alexander* a Messenger his House. As soon as *Carstairs* got him into his Chamber, he sent off *Scot* and his Footman, probably to bring some more of their Companions. When they were gone, Mr. *Kirkton* asked what he meant to do with him. *Carstairs* answered, Sir, you owe me Money. Mr. *Kirkton* asked him, whom he took to him be, and told him, He owed him nothing. The other replied, Are you not *John Wardlaw*? Mr. *Kirkton* said he was not, and ingenuously told him who he was. Then *Carstairs* said, If you be Mr. *Kirkton*, I have nothing to say to you. Then Mr. *Kirkton* asked him who he was. He returned, He was *Scot of Erskiltoun*, whom indeed he did pretty much resemble; yet Mr. *Kirkton* knew not what to make of him, he spoke Things so inconsistent.

*He is rescued
by Jerviswood,
Mr. Stevenson,
and Mr. John-
ston.*

After they had been about Half an Hour together, Mr. *Kirkton* began to imagine *Carstairs* wanted Money, and was just beginning to make some Intimations that way, when that excellent Gentleman, whom we shall meet with afterwards, Mr. *Robert Bailie* of *Jerviswood*, a near Relation of *Kirkton's*, *Andrew Stevenson*, and *Patrick Johnston* Merchants in *Edinburgh*, having got some Information of Mr. *Kirkton's* Circumstances, and, with some Difficulty having fallen upon the House, came to the Door, and called to *Carstairs* to open, asking what he had to do with a Man in a dark Dungeon, all alone. Mr. *Kirkton* knowing the Voice of his Friends, took Heart, and got up, saying, There be honest Gentlemen at your Door, who will testify what I am, and that I am not *John Wardlaw*: Open the Door to them. That, says *Carstairs*, I will not, drawing his Pocket-pistol; which Mr. *Kirkton* perceiving, thought it high Time to act for his own Safety, and grasped *Carstairs* close in his Arms; so mastering both his Hands and the Pistol, they struggled a while on the Floor. The Gentlemen without, hearing the Noise, one crying out *Murder*, burst open the Door, and parted them without the least Violence to *Carstairs*, and as they and Mr. *Kirkton* were going out, they met *Scot* and his Companion returning.

*Upon Informa-
tion from
Carstairs, the
Lord Halcoun
calls the Coun-
cil, and repre-
sents this as a
Riot.*

Thus Mr. *Kirkton* escaped; but the others inclined not to quit their Game so, but resolved to turn their private Violence to State-service, and so go straight to *Halcoun*, and tell their own Story, who presently calls the Council, almost in Time of Dinner, as if all *Edinburgh* had been in Arms to resist lawful Authority. When the Council got together, *Halcoun* tells the Story, as the Villains had represented it to him, That some of their publick Officers had caught a *Phanatick Minister*, and that he was rescued by a numerous Tumult of the People of *Edinburgh*. The Council made a diligent Enquiry into the Matter, and could find nothing in it to fix upon. Mr. *Kirkton* had taken Care to inform his Friends that it was a real Robbery they designed, and a little Money would have delivered him, if he and *Carstairs* had got Leave to finish their Communing.

*Jerviswood is
brought be-
fore the Coun-
cil, and a Li-
bel given him.*

Jerviswood was brought before them, and gave them a very candid Account, as above; and when the Council had gone their utmost, they could find no more in it; and many of them were of Opinion it were best to drop it. This Bishop *Sharp* violently opposed, and alledged, if *Carstairs* were not supported and encouraged, and *Jerviswood* made an Example, it was not to be expected any would ever prosecute Phanaticks; and insisted with such Vehemence, that he got over the most Part of the Counsellors to a Prosecution, and the Advocate is ordered to form a Libel against *Jerviswood*.

*June 22. he is
fined in 500
Pounds Ster-
ling.*

Next Council-day, *June 22^d*, 'The Lords having considered the Libel given in by his Majesty's Advocate against Mr. *Robert Bailie* of *Jerviswood*, for his rescuing of Mr. *James Kirkton*, and deforcing Captain *Carstairs*, who had Orders to apprehend Mr. *Kirkton*, find the Libel relevant, and proven, by the Warrant produced by the Captain, and that *Jerviswood* is guilty of an insolent Riot and Deforcement, and fine him in Five hundred Pounds Sterling, and appoint him to ly in Prison till he pay it.' That Day, I am told, the Council were in a terrible Rage, so that when severals of the Inhabitants of *Edinburgh* had got in to see what the Council would do in so odious a Case, the Question was stated, Whether all the People in the Lobby should be imprisoned or not? They escaped Confinement but by one Vote.

*The Commit-
tee for publick
Affairs fine
Mrs. Stevenson
and Johnston.*

The Council remit to the Committee of publick Affairs, the Examination of *Andrew Stevenson* and *Patrick Johnston*, who are delated, as being Art and Part with *Jerviswood* in the Deforcement: And in *July* they are fined, Mr. *Stevenson* in a Thousand Pounds Scots, and Mr. *Johnston* in a Thousand Merks; and they were to continue in Prison till Payment. This

This Prosecution was mightily cried out upon. The Reason given by the Managers for this Severity was, that *Jerviswood* and the others were guilty of Resistance to lawful Authority, because Captain *Carstairs* was a commissioned Officer, and had produced his Commission for apprehending outed Ministers, and suspect Persons, at the Council-board: But this Reason could not satisfy impartial Observers, who knew how Matters stood. It was indeed true, that *Carstairs*, some Time before this, had a Warrant to this Purpose, granted him by the Archbishop of St. *Andrews*; but it was well known, that, I do not know from what Cause, he burnt this Warrant a Month before this, in the Earl of *Kincardin's* House, before several, and produced no Warrant to *Jerviswood* and the rest, when they rescued Mr. *Kirk-toun*, neither once so much as pretended any such Thing.

And his Production of a Warrant before the Council was afterward found to be a Trick and Contrivance of the Primate, which will be the more easily credited, when the Reader comes to the Case of Mr. *James Mitchell*, and to observe his Carriage in that Matter. The Thing stood thus: After the alledged Riot was committed, and the first Meeting of the Council over, the Archbishop found it convenient *Carstairs* should have a Warrant to produce, and accordingly one was provided, and the Date was taken Care of, so as to answer the Time of the Fact's being committed. It was this *Carstairs* produced in Face of Council, so that really they went upon a base Forgery.

Further, it was reckoned a very odd Step by Onlookers, that a Libel should be found sufficiently proven by the single Testimony of an infamous Accuser, here likewise a Party, against the Declaration of Three unquestionably creditable Witnesses, and the Examination of all the Witnesses who were called in this Process: But *Sharp* and *Haltoun* must have their Will, and so the Sentence pass, though Reasons strong and many were offered against this illegal Procedure, by several Members.

Notwithstanding of all these, the Sentence as above was carried, and this worthy and pious Gentleman *Jerviswood* continued about Four Months in close Prison. I find him, *August* 3^d, by Order of Council sent from *Edinburgh* to *Stirling* Castle, under a Guard. He paid Three thousand Merks of his Fine to *Carstairs*, as a Reward of his Zeal against Presbyterianism, and because he was an active Agent to the Archbishop in his Persecution. It was with no small Difficulty this Gentleman was at length liberate, and passed as to the rest of his Fine, and not till the Court, upon better Information, had discovered some Dislike at this unrighteous Procedure. Some Years afterward *Jerviswood* will come in again in this History, when he met yet with harsher Treatment. Within Two Months Mr. *Stevenson* and Mr. *Johnstoun* got out of Prison, but not till *Haltoun* was presented with a Piece of good Wine, and a Parcel of curious Lace, and then Justice was permitted to be done them.

In the mean Time Mr. *Kirkton* thought proper to try what he could do at Court, and since the Dutcheffs of *Lawderdale* had not long ago professed very great Kindness to him, he presumed to write to her Grace, and sent up a true Information of the Affair, complaining heavily of the Wrong done him and his Friends. The Information was indeed shown to the Duke, who seemed mightily surpris'd at it, and owned he never met with Two Informations more different than his Brother's and Mr. *Kirkton's*. Within a little, by whom I shall not say, Mr. *Kirkton's* Letter and Information were sent down to the Council, to see what they could make of them for a new Accusation. When *Haltoun* saw them, he fumed and raged, but it was not in his Power to reach Mr. *Kirkton* at this Time; only Mr. *Kirkton*, as we have heard, is put in the Front of the Letters of *Intercommuning* in *August* this Year.

This Spark rais'd a great Flame, and was followed with very considerable Consequences. After the Council had come to an Issue, *Haltoun* dispatched an Account of this Affair to his Brother the Duke of *Lawderdale*, and misrepresented all who had spoken any way favourably of *Jerviswood*, as if they had agreed to subvert lawful Authority, and were in a Combination against the King, and for the Phanaticks. A new Nomination of Council came down from Court, as we have heard, and all who would not bow to *Haltoun* and the Primate were left out, such as Duke *Hamilton*, who had spoken much and freely against the Act of fining *Jerviswood* and the others, the Lord Privy Seal, the Earl of *Kincardin* formerly *Lawderdale's* great Friend, the Earl of *Dundonald*, and some others. The Earl of *Kincardin* and some more went up to Court, to shew the King the Truth of this Matter, and, it is said, used much Plainness with his Majesty, and lamented that *Scotland* was abused by my Lord *Haltoun's* Tyranny, under his Brother's Authority, who was always and in all Cases supported by the King: But all was to no Purpose, only *Lawderdale* and the Earl, of the closest Friends turned the most bitter Enemies.

But to go forward to some other Hardships Presbyterians were under this Year, I find from the Registers, that the Laird of *Kersland* is ordered by the Council to be sent along with *Jerviswood* Prisoner to *Stirling* Castle. After I had writ over what concerns the Year 1669, when he was taken, a very distinct, though short Account of the Sufferings of this religious and knowing Gentleman, the Representative of a very ancient Family, come to my Hand, from a Person of undoubted Credit, who had Opportunities of a full Knowledge of them;

1676.

Remarks on
this Procedure.

After Four
Months Im-
prisonment
Jerviswood pays
Three thou-
sand Merks to
Carstairs, and
is liberate.

Mr. *Kirkton's*
own Informa-
tion of this
Matter is sent
down to the
Council to be
Matter of Li-
bel against
him, but he
was out of the
Way.

Haltoun misre-
presented Duke
Hamilton, *Kin-
cardin*, *Dundon-
ald*, and o-
thers, who
had spoken in
Favours of
Jerviswood, and
they are turned
out of Coun-
cil.

Kersland sent
to *Stirling* with
Jerviswood, *Aug*
24 3.

1676.

A short Account of *Kersland's* Sufferings, from *Pentland* till his Death.

He is seized at *Edinburgh* upon Information, by *Cannon* of *Mardrogat*:

and though it be a little late, it comes in well enough here. From the Registers I have already hinted at some of his Removes from one Prison to another, and his last Remove and Liberation will follow. In this Place I shall give the Detail of his Sufferings all together.

We have heard of his unjust Forfeiture after the Defeat at *Pentland*, and the Pretext that was made Use of for this arbitrary Step. When Matters were going this way, *Robert Kersland* found it safest to retire from the Storm, as many others did. The Place he chose to live in was *Utrecht*, where he had the Advantage of excellent Conversation, and hearing the Gospel; there he continued near Three Years.

His Friends found it necessary he should come home as privately as might be, and settle his civil Affairs, if possible. His Lady came over about *September* or *October* 1669. and in a little Time he followed her; but, to his great Affliction, when he came to *Edinburgh*, found her in a Fever. She lodged in a House the Mistress whereof was a Favourer of Sufferers, and the Persons intercommuned after *Pentland* when they came to Town, used sometimes to haunt there. *Robert Cannon* of *Mardrogat*, whose Villany has been already remarked, had not yet thrown off the Mask, but was making his Peace, and seeking Occasions to gratify the Managers; at least his Treachery was not yet known to his old Companions at *Pentland*, and thus he sometimes was with some of them at that House. *Kersland* lodged not there, but in a more private Place, and used to come in the Evenings and wait on his sick Lady. *Cannon* had Occasion to observe this, and took Care to get Information given the Chancellor; and an Order was procured from *Lawderdale*, then in Town, to apprehend Mr. *John Welsh*, who was pretended to be keeping a Conventicle in the Lady *Kersland's* Chamber, though there was no such Thing, but the Design was upon her Husband. A Lady of Quality then with the Commissioner, assured him the Information was groundless, for she knew the Lady *Kersland* was very ill. However, the Warrant was granted, with express Orders from his Grace, that no Disturbance should be given to the sick Lady, if there was no Conventicle in the House.

Accordingly the Party came to her Lodgings, and finding no Conventicle, the commanding Officer was just retiring, after he had asked the Lady *Kersland* Pardon for troubling her in her present Circumstances: But one of the Party having particular Information from *Mardrogat*, that when any Company came into the Room, *Kersland*, when there in the Evenings, used to retire behind the Bed, and that probably he would find him there; this Person having a Torch in his Hand, provided, no doubt, by Concert, said, He behoved to search the Room, and stepped straight to the Place where the Gentleman stood concealed, and brought him out, charging him to render his Arms. *Kersland* told he had no Arms, but the Bible which he had in his Hand, and there was enough there to condemn their Methods. I am told this Man's Name was *Murray*, and in a few Days he fell into Distraction, and in his lucid Intervals used to rore under the Agony he was in for being the Instrument in this Matter.

And brought before the Council.

Kersland was carried away Prisoner, in the Sight of his Lady, who was at this Time very low; yet at parting with him, being a Woman of a great and excellent Spirit, she discovered much Calmness and Composure, comforted him, and besought him to do nothing that might wound his Conscience, out of regard to her and her Children, repeating that Place of Scripture, *No Man having put his Hand to the Plough, and looking back, is fit for the Kingdom of God*. He was straight carried to the Guard, and thence to the Abbey, where a Council, or Committee of it, was called that very Night for his Examination.

His Examination and Imprisonment at *Edinburgh*.

When he came before them, and was questioned upon the Lawfulness of the Appearance at *Pentland*, he very plainly owned it as lawful, and what he thought Duty. Upon this he was immediately imprisoned. When he was going away, the Chancellor asked him what it was his Lady said to him at parting, having got Information from some of the Party. He had really forgot the express Words, being in a Hurry, and answered, He did not exactly remember. The other told him he would refresh his Memory, and said, She had exhorted him to cleave to the good old Cause, and upbraided him and her, saying, *They were a sweet Pack*.

He continues Prisoner at *Dumbarton*, *Aberdeen*, and *Stirling*, till *October* 1677 when he is confined to *Irwin*.

He continued in *Edinburgh* Prison about Three Months, and was thence sent to *Dumbarton* Castle, where he remained near a Year and a Half; then he was ordered to *Aberdeen*, where he was kept close Prisoner in a cold Room for Three Months in the Winter Season, and not allowed a Fire: From *Aberdeen* he was brought South to *Stirling* Castle, where he continued several Years: Thence he was taken to the Castle of *Dumbarton* a Second Time, and lay there till *October* 1677. at which Time the Council confined him to *Irwin*, within Five Miles of his own House at *Kersland*. He had some Time allowed him to transport himself and his Family, then at *Glasgow*, to *Irwin*.

In the Way he is seized at *Glasgow*, and imprisoned by the Archbishop's Orders.

And about the End of *October* he came to his Family at *Glasgow*, where he had Visits from a good many of his Friends and Acquaintances. That same Night, as he was conveying the Lady *Caldwell* and her Daughter, who had been to see him, to their Lodgings, when returning home with *Robert Hamilton* of *Airdry*, they were both apprehended by some of the King's Life-guard then at *Glasgow*, and taken off the Street to the Guard-house, and kept

kept till next Day. Major *Cockburn*, then the commanding Officer, was willing to dismiss *Kersland*, but detained him till the Archbishop's Pleasure was known, who, as a Counsellor, ordered *Kersland* immediately to be made close Prisoner in the Tolbooth.

1676.

The Bishop took Horse immediately for *Edinburgh*, and the Lady *Kersland* followed as soon as possible, to prevent the Misinformations he might give. Mean while a dreadful Fire broke out in *Glasgow*, and, the Tolbooth being in great Hazard of being consumed with the Flames, all the Prisoners were taken out by the People of the Town; and among them *Kersland* got his Liberty, after he had been Eight Years Prisoner.

A Fire breaks out there, and he got out.

He was inclined to have offered himself again Prisoner to the Magistrates, after the Hurry of the Fire was over; but upon mature Deliberation with his Friends, and having received some Information from his Lady, of the Archbishop's Designs against him at *Edinburgh*, he resolved to retire, and absconded all that Winter; during the Spring and Summer following, where he kept Company with the Ministers that were persecuted, heard the Gospel preached by them in the Fields, and was present at the Communion, particularly that at *Maybole*, of which we shall afterwards hear, until about August 1678. he returned to *Utrecht* his old retiring Place, where he continued till the Day of his Death, November 14th, 1680. *Robert Hamilton*, who commanded at *Bothwell*, was then in *Holland*, and with him a little before he died. He saw good to commend him very much to his Face, and pretended to assure him he would be spared, and be another *Caleb*. *Kersland* was very much offended, and told Mr. *Hamilton* he looked on what he said as Flattery, 'adding, What is a Man before the Lord, yea, what is a Nation? as the Drop of a Bucket, as the smallest Dust in the Balance, and before him as nothing, yea, less than nothing and Vanity; but this much I can humbly say, that through free Grace I have endeavoured to keep the Post that God hath set me at those Fourteen Years, and have not desired to lift one Foot, till the Lord shewed me where to set down the next.' Those were among his last Words, and in a few Minutes he finished his Course with Joy, and fell asleep in Jesus, leaving a Widow, and Five Children with her, in a strange Land.

After some Stay in Holland, he went back to Utrecht, where he died November 1680.

The same Day, August 3^d, Mr. *Alexander Forester*, who had been apprehended for keeping a Conventicle, was by the Council ordered to the *Bass*; and Mr. *William Erskine* and the Laird of *Bedlane*, Prisoners in *Stirling* Castle, are ordered to be transported to *Dumbarton*, probably to make Room for *Jerviswood* and *Kersland*. *Bedlane*, as far as I can guess, hath continued under Confinement those Ten Years; the other was a worthy Presbyterian Minister, of whom I may give some Account elsewhere.

Mr. Forester sent to the Bass; Mr. Erskine and Bedlane sent to Dumbarton.

Mr. *Robert Steedman*, Minister at *Carriden* near *Linlithgow*, Mr. *George Haliburton*, and Mr. *James Duncan*, at the same Time are ordered to be denounced for keeping of Conventicles. Mr. *Haliburton* was Minister at *Dalgety*, and Mr. *James Duncan* was in *Balhouse's* Family, where we heard of him before.

Mrs. Steedman, Haliburton, and Duncan, denounced.

Further, at the same Diet, *Alexander Gordon* of *Knockbreck*, *Henry McCulloch* of *Barnholm*, ----- *Hay* of *Arrowland*, the old Lady *Menteith*, *Robert McClellan* of *Barmagachan*, *Patrick Vance* of *Drumblair*, all of them in *Galloway*, are by the Council ordered to be denounced for alledged Harbour, Refet, and Supply of intercommuned Persons, and having Correspondence with some who had been denounced. The Probation was easy, since upon Noncompearance they were held as confest.

Gentlemen in Galloway denounced for Harbour and Refet.

Thomas Blackwell and some other Persons in *Glasgow*, were likewise at this same Time denounced; and *Douglas* of *Cavers* was cited to have compeared to underly the Law, for keeping Mr. *James Osburn*, as his Chaplain, without the Bishop's Licence, and upon Noncompearance, both the Laird of *Cavers*, and Mr. *Osburn*, are denounced and put to the Horn. This hath been a busy Sederunt.

Thomas Blackwell, Laird of Cavers, and Mr. James Osburn denounced.

Upon the 6th of September, I find *Robert Andrew* in *Culroß* fined in Fifty Pounds Sterling for keeping Conventicles, which was as much as the whole Town would have been fined in. These particular Instances are endless, and it is only some few of them I give from the Registers.

Robert Andrew fined in Fifty Pounds Sterling, for Conventicles.

I come forward here to give a larger Account of the Sufferings of the Reverend Mr. *John McGilligen* this Year. I find, October 11th, the Council is informed, that he is apprehended in *Murray*, and they order him to be brought South to *Edinburgh* Tolbooth. It will not be unacceptable to the Reader, to have some Account of this worthy Man and his Sufferings, which I shall do from some remaining Papers of his own, Copies whereof are now in mine Eye.

Mr. John McGilligen taken, and brought to Edinburgh.

Mr. *John McGilligen* of *Alnes*, before the Restoration was Minister at *Fottertie* in the Synod of *Ross*, and by the 1st and 3^d Acts of Session 2^d Parl. 1st Char. II. was forced to leave his Charge there. The Patron indeed made him an Offer of a Presentation; but as he himself hath left it under his Hand, 'He reckoned the Acceptance of that, a destroying the Foundation which God had laid in his Church, to the Maintenance of which he was bound by solemn Oath.' And although he had quit his Charge, this did not satisfy the Spite of the Prelates against him. Bishop *Paterfon* of *Ross* cited him to compear before his diocesan Meeting, 1663. and upon his Noncompearing passed a Sentence of Deposition against him,

His Sufferings since the Restoration.

Refuses a Presentation and is deposed by the Bishop, 1663.

1676. upon these Reasons; 'His absenting himself from the diocesan Meeting, his not answering the Citation to appear before him when called, and his preaching, praying, and reasoning against Prelatical Government:' And caused intimate this Sentence in the Kirk of *Fottertie*, the last Day of May 1663.

From *Fottertie* he came and dwelt at his own House in *Alnes*, where now and then he preached, and up and down that Country, when there was any Access, and had many Seals of his Ministry; and the sensible Measures of his Master's Presence he enjoyed, made all his outward Hardships and Harassings for many Years very easy to him. He was many Times wonderfully hid from the secular Arm; and the Bishop threatned to excommunicate him: When a Friend of his acquainted him with this, he answered with his ordinary Composure, That he had already heard that *Balaam* designed to curse him, but did not question it would end like *Shimei* his cursing *David*. The Prelate and his Underlings finding their highest Sentence would be disregarded, and that their Persons were already despised in the Country, quit this Project.

This Year, after a remarkable Warning, he is seized by *Seaforth's* Orders,

Last Year we heard of the pleasant Communion he kept at *Obisdale*, after he was inter-communed at *Edinburgh*. Upon the back of it he was obliged to abscond for some Time, to escape the Prelates Rage. This Year 1676. his dear Brother, Mr. *Hugh Anderson*, called him to baptize a Child of his, and he stayed at his House all Night thereafter. That Night he was trysted with an odd enough Passage, which he could not but remark: When he fell asleep he dreamed that there were Three Men come to the House to apprehend him; he was no Observer of Dreams, and therefore when he awakened he endeavoured to be freed of the Thoughts of what he had been dreaming, and composed himself to Sleep; and upon his falling asleep he dreamed it a Second Time, and awoke; and again, after he essayed to banish the Thoughts of it, and falling asleep again, he dreamed it the Third Time. This wakened him with some Concern, and he began to apprehend there might be more than ordinary in it, and fell under the Impressions that Bonds and Imprisonment were abiding him, and arose to compose himself by committing his Case to the Lord. He had scarce got up, and was but putting on his Clothes, when early in the Morning *George Mackenzie*, *Hugh Bogie*, and another, Servants to the Earl of *Seaforth*, were come to Mr. *Anderson's* House to seize him. This surprized him very much, as what he did not at all expect from the Earl, and besides was illegal, for the Earl had no Power in the Shire of *Cromarty*, where Mr. *McGilligen* now was, being only Sheriff of the Shire of *Ross*: But afterwards he found that he was instigated by Bishop *Paterfson*, afterwards Archbishop of *Glasgow*; and this Fact did very much trouble the Earl's Mind some Time after, as he signified to severals.

And carried to *Fortross*.

The Party who apprehended Mr. *McGilligen* carried him to *Fortross*, where he was for some Time in Prison. He hath left in his Diary the Copy of a Speech he had to the Provost of *Fortross*, to whom the Orders were sent to receive him into Custody, which deserves a Room here.

His Speech to the Provost.

'MY Lord, I look upon it as a special Piece of the Providence of him whose Eyes look to and fro through the Earth, proving himself mighty in behalf of them who fear him, that he hath ordered my Lot to fall in your Hands, endued with so much discerning, and who is no Stranger in our *Israel*, but, on the contrary, well acquainted with the Controversies of the Times, and the Cause for which I am apprehended.'

'I bless the most High, whose I am, and whom I desire to serve in the Gospel of his Son, so far as I can search into my self, I find no Evil in my Heart, nor Iniquity in my Hands, against his Majesty's Person or Authority, whom I own, and to whom I submit in the Lord. In Testimony whereof, I have given (in so far as could consist with my Duty to the Lord, and the Light and Peace of my own Conscience) a Submission unto, and Observation of his Laws: But for abjured Prelacy, and perjured Prelates, that Stem and those Twigs which the Father's right Hand hath never planted nor watered, being a Seed which the evil One hath sown, while the Servants were asleep, and hath produced so much of Sin and Suffering in this Land, I look on my self as obliged before the Lord to refuse, oppose, and bear Testimony against it; not only by a subjective Obligation, from the Day I lifted up my Hand, and sware to the most high God to endeavour in my Station and Place the Extirpation and Eradication of that cursed Root of Bitterness; but also by a moral objective Obligation from the Word of God, which knows none of those Creatures, but hath sufficiently reprov'd them, and rebuked the Spirit of Antichrist, when it made its first Appearance in the World, founding out of the Mouths of the Disciples, *Which shall be greatest in the Kingdom of God*. The Apostles being convinced of, and humbled for their sinful Ambition, opposed the same Spirit, making its next illustrious Appearances in the World, *Diotrephes* is condemned for affecting the Prehemiunee. For this Testimony I am willing to go to Prison, and be judged at *Cesar's* Tribunal.'

From whence he is sent to *Nairn*, and is

From *Fortross* he was sent to the Shire of *Nairn*, where, being Prisoner some Time, *Hugh Campbell* of *Calder*, Sheriff of that Shire, shewed him much Civility. When his Accusers

culers heard of this, he quickly after had Orders sent him to come into *Edinburgh Tolbooth*, at the Time abovementioned, and after his lying some Time there, he was sent Prisoner to the *Bass*.

In the *Bass* at first he with some other worthy Ministers, was imprisoned pretty much at large, but shortly after so closely, that he was not allowed a Servant to make his Bed or Meat, but he must do all these servile Offices himself. Mean while, he leaves it on Record, that the upper Springs flowed liberally and sweetly, when the nether Springs were imbibited: And he had the Experience of that, *Tanta est dulcedo celestis gaudii, ut si una guttula deflueret in infernum, totam amaritudinem inferni absorberet.* And from the Sense of this proceeded that memorable Expression of his, left under his Hand, *Since I was a Prisoner I dwelt at Ease, and lived securely.* Indeed his Papers evidence, that, while in the *Bass*, he triumphed in Tribulation.

When under this Restraint, my Lord *M'Leod* coming from his Travels went to see the *Bass*, and procured some more Liberty to Mr. *M'Gilligen* from the Governor, so that at some Times he was permitted to come out upon the Rock. However, it was here he contracted that bitter Gravel, which at length carried him off. In the Year 1679. as we shall hear, he, with several others, were brought into the Tolbooth of *Edinburgh*, and liberate on Bail; and Sir *Hugh Campbell* of *Calder* was Surety for him and some others, whom we shall again meet with in the Year 1682. till which Time I leave him.

To return to the Council's Procedure against others at this Time; Upon the 12th of October, Mr. *William Bell* appears before them, for preaching to a Field-conventicle near *Pentland-hills*; and *Robert Dick*, whom they alledged had been very active in convocating People to it: Both are sent to the *Bass*.

Upon November 1st, Mr. *Patrick Hamilton*, not long since licensed by Presbyterian Ministers, Brother to the Laird of *Halraig*, afterwards Lord of Session since the Revolution, preached privately in a House of one of his Relations at *Edinburgh*. The Council getting Notice of this, cite before them upon the 6th, the following Persons, and fine them as follows: *Mary Hepburn*, Lady *Saltcotes*, in Two hundred Pounds, Mrs. *Mary Liddingtoun* her Daughter, in Two hundred Merks, for being present at that Sermon. And further, they send *Mary Haldane*, Relict of Mr. *John Guthrie* Minister at *Tarbolton*, and *Bessie Muir*, Relict of Mr. *Alexander Dunlop* Minister of the Gospel at *Paisly*, to the Tolbooth, until they shall find Caution under a Thousand Merks, each to remove from the Town of *Edinburgh*, and Six Miles round it. All of these religious Gentlewomen refused to give their Oaths, and were holden as confest.

At the same Diet Mr. *Andrew Kennedy* of *Clowburn*, of whom before, who had been caught, and lien some Time in Prison, is liberate upon Bond of Ten thousand Merks to appear when called. Nothing criminal could be proven against him, after all the Noise the Managers had made formerly about him.

By an Information from the Archbishop of *Glasgow*, *James Dunlop* of *Houshill* in the Shire of *Renfrew*, is cited in before the Council upon the 30th of November, and is fined in a Thousand Merks, for neglect of his Duty, as Bailie-depute of the Regality of *Glasgow*, in suppressing some Field-conventicles at *Woodside*, *Partick*, and other Places within that Jurisdiction this Summer, and declared incapable any more to act as Bailie of that Regality. No Maleadministration could be laid to his Charge, but only he could not allow himself to be so violent in prosecuting People for hearing the Gospel, as the Bishop and his Clergy would have him.

And, to end this Section, December 7th, I find the Council pass a Decreet against Mr. *John Law*, late Minister at *Campsie*, of whom before. He is libelled for keeping Conventicles at *Campsie*, *Badernock*, *Kilpatrick*, *Kippen*, and other Places, since June 1674. and for invading several Pulpits, and presuming to ordain and appoint several Persons to the Office and Work of the Ministry, and having given them Mission for that Effect. Being called and not coming, he is ordered to be denounced, and put to the Horn. The Sufferings of some other particular Persons this Year, of which I have not the Dates, may come in upon

1676.

brought to
Edinburgh, and
sent to the
Bass.
Where he en-
joyed much of
his Master's
Pretence.

And he con-
tinues till the
1679.

Mr. *William
Bell* and *Robert
Dick* sent to
the *Bass*.

Lady *Saltcotes*
and her Daugh-
ter fined for a
Conventicle,
and Mrs.
Guthrie and
Dunlop unprisoned.

Mr. *Andrew
Kennedy* of
Clowburn liberate.

Houshill fined
in a Thousand
Merks, for Ne-
glect of Con-
venticles.

Mr. *John Law*
denounced.

S E C T. III.

Of the Circumstances of the Indulged, and some other incidental Matters, this Year 1676.

THE Clamour made in the Entry of this Year, by the Episcopal Clergy, against the indulged Presbyterian Ministers, for breaking their Confinement, and the Rules formerly given them, produced a new Proclamation, dated March 1st. This Proclamation I need not insert, but in as far as it differs from that before set down, September 3^d, 1672.

Proclamation
about the in-
dulged Mini-
sters, March 1st

1676. And I shall only remark, that the first Four Rules there set down without any Change, are of new laid upon the Ministers; and the Two last, anent their waiting on diocesan Meetings, and paying the Dues to the Clerk and Bursar of the diocesan Synod, are omitted; and then follows. 'And whereas it is informed, That the said outed Ministers, indulged as aforesaid, (at least many of them) have violated and contravened the foresaid Orders and Instructions, (upon which Terms they were permitted and indulged to preach, and exercise the other Functions of the Ministry) whereby many Disorders are occasioned; the said Lords do therefore of new again require and command all these indulged Ministers, to keep and observe the foresaid Orders and Instructions in Time coming, and especially for keeping within the Bounds of their own Parishes, and celebrating the Communion upon one and the same Lord's Day, as they will be answerable at their Peril; and ordain these Presents to be printed, and Copies thereof to be sent to the several Ministers.'

They are discharged to admit not indulged Ministers to preach with them.

This same Day I find in the Registers, that the Council 'discharge the nonconform Ministers to admit any of the Ministers not licensed by Law, to their Communions or Pulpits; and, if they disobey, they appoint the Bishop of the Diocese to depose them.' This seems to strike against the Agreement among Presbyterian Ministers, to preach one with other, indulged and not indulged.

Remarks upon both.

Wanting Documents to let me into the Springs of this Proclamation, at first Sight I imagined, that considering the Two last Rules, formerly insisted upon, were left out, it might have been designed as a Favour to the indulged Ministers, and a new Edition of the Rules, with the Omission of the Two last, anent which some of them were troubled, and Horning got out: But when I consider the additional Order in the Registers, anent their admitting none of their Brethren to joyn with them, and the Clause (*upon which Terms they were permitted and indulged to preach and exercise the other Functions of the Ministry*) I begin to imagine this Proclamation to be designed to break Presbyterians among themselves, and to blow the Sparks that were beginning to kindle among us, and in a Year or Two broke out very sadly.

Mr. Thomas Wylic's Representation anent this Act of Council.

I find some of these worthy Ministers much troubled at this Clause, and have in mine Eye the Draught of a Representation of one of them, which sets this Matter in a very fair Light, and deserves a Room here. Whether it was ever given in to the Council I know not, but I do not question it was the common Sentiments of many of them.

Unto the most honourable Lords of his Majesty's Privy Council, the humble Representation and Supplication of Mr. Thomas Wylic, Minister for the present at Fenwick, occasioned by their Lordships Act, March 1st, 1676.

Most Honourable,

I Would most willingly have forborn this Address, if not constrained thereto by your Lordships late Act anent the indulged Ministers. If the Rules contained in the Act had by Order come to my Hand, it was always upon my Spirit to have freely and ingenuously represented my Thoughts upon them. This being the first Opportunity offered, I humbly beg, for the clearing of my Practice, and Exoneration of my Conscience, Liberty to unfold my Mind a little in all Sobriety in this Matter to your Lordships.'

The Act, September 3^d, 1672: in its complex Contrivance, with the other Two of the same Date, were not a little grievous to many, and to me: Yet considering that it is the Magistrate's Duty, not only to permit and allow, but, in case of Neglect, to command the preaching of the Gospel; and looking upon these Rules in the Second Act as enjoined *sub pœna*, I resolved (having an Invitation from the People) thankfully to accept of the Permission and Allowance, and to answer when challenged for every Breach of the Rules, which I ever looked upon as Orders, and not as Terms, or Considerations upon which we were permitted to preach; neither can I look upon them, or any Thing in the first Contrivance as such; for *Terms upon which*, &c. import a Compact betwixt the Giver and Receiver; but in this Matter I know of no such Thing. Next, the Permission or Allowance is tendred in the first Act by way of free Favour, not requiring a formal free Acceptance for completing of its Grant, but leaving the Favour to be made use of or not, by the Persons concerned, in their own Option; so that it does not stipulate the Acceptor's Consent to any Condition whatsoever.'

And as to the Rules enjoined in the Second Act, your Lordships did neither require a formal and consentient Acceptance, nor did your Lordships on your Grant restipulate the Observance of any of these Rules, but only enjoined them with that fairest of Constructions, *as these concerned will be answerable*: So that it is very manifest there is nothing in all these Acts, so much as intimating that your Lordships intended any Consent or Obligation by way of Condition, from the Receivers of your Offer; but that your Lordships contented your selves with the Intimation of your Pleasure, with Certification; hence judg-

ing the Offer materially good, and a partial Restitution of these desirable Things, we have been and are deprived of, and the Accepters, of which I am one, in a Capacity, through the Lord's Assistance, either to give a satisfying Reason, or if not received, (which yet I am confident your Lordships will not reject) to suffer with a good Conscience for the Neglect of the *Rules*. I choosed to make Use of the Offer which I judged improvable to the Advancement of the Gospel, finding nothing in the Narrative or Body of the Second Act containing the *Rules*, so much as hinting at *Terms upon which*: And finding in the last Act a peremptory Order and Command given to Sheriffs and other Magistrates, to enquire how the Ministers confined in their several Jurisdictions, do observe the *Rules* prescribed to them, (not the *Terms upon which*, &c. required of them) and to report to the Council thereanent once every Six Months; certainly if they had been proposed to, and accepted by the Ministers, as Terms and Conditions, I am confident your Lordships Charity would have trusted the Performance for one half Year at least, to the Ministers their Fidelity. I beg Liberty only to add, that, in my humble Opinion, it is contrary to the Nature of an *Indulgence*, properly so called, to require by way of Condition from the Parties indulged, the Performance of such Things as cross their Principles, Judgment, and Conscience; for the Nature and End of an *Indulgence*, is to ease the Party *indulged* as to these: Neither can it be expected, that an indulged Party can yield to any Conditions that thwart with their Consciences, Principles, and Judgment, as in the present Case these *Rules* do; which I am ready and willing to make out, if your Lordships allow me.

My Lords, your Lordships Offer being free, the Acceptance arbitrary, the *Rules* not enjoined as *Conditions*, but Commands *sub pana*, and the Resolution of Ministers as to them being either to give a satisfying Reason, or suffer with a good Conscience for neglecting them, as said is; upon these Grounds, I and others have been in Readiness hitherto to answer every one convincingly, who either out of Malice were apt to reproach, or out of Scruple to stumble at the least Use making of the Allowance, as if we thereby had involved our selves in complying with and Approbation of Prelacy, *Erastianism*, the Supremacy in its full Extent or Latitude, and consequently in a constructive Approbation of all the Alterations in the Church, that have been carried on these Years bygone; and also of evacuating the intrinsic Power of Government belonging to the Church, as a Society erected by *Christ*, and granted to her by his express Gift: Which Things to approve were contrary to the known Principles of Presbyterians.

But now it being your Lordships Pleasure to impose these *Rules* upon us, as *Terms upon which* we are permitted and indulged, &c. I confess I cannot answer what may be objected of that Kind, or nullify the Inferences. Tho' I have been very silent in those Matters, and do not deny to the King's Majesty his just Power about Matters Ecclesiastical, allowed him by the Word of God, and practised by the godly reforming Kings of *Judah*; yet I dare not, because of the Aw of God upon me, do any Thing as my own proper Fact and Deed, that will involve me in such Approbations and Compliances, contrary to my Conscience, such as the *Acceptance of the Rules*, under the Notion of *Terms upon which*, &c. or the Observance of them imposed as Orders, would do.

Having in the Simplicity of my Heart, and, I dare say, as before the Lord, with loyal Affection to his Majesty, and all due Respect to your Honours, thus unfolded my Mind to your Lordships, my humble Supplication is,

That as I hold my Ministry of *Jesus Christ* allenarly, and am to be accountable to him for all my Ministerial Administrations; so I may, through his Majesty's Goodness and Patronage, and your Lordships Favour, enjoy the free Exercise thereof, according to the Word of God, with the Reservation of my Principles, and the Liberty of my Judgment. And particularly, I humbly supplicate, that every Thing in those *Rules*, and every Thing else in the complex Contrivance, that clogs his Majesty's and your Lordships Favour, and is known to be contrary to the Presbyterian Principles and Judgment, and grievous to their Minds and Consciences, may be laid aside, and not imposed upon your Lordships humble Suppliant: And your Petitioner shall ever pray, &c.

Joyn't with the former Representation, I find another Paper, drawn up by the same reverend and learned Person, to have been presented, if required, with the former, which contains short and solid Reasons, why Presbyterian Ministers could not, in their Practice, fall in with the *Rules* commanded by the Council. This being a material Apology for their Sufferings, now and afterwards, upon this Score, and what may discover the Grounds upon which they ventured all along to refuse Compliance in these Things, it appears not improper to insert the Paper in this Place, from the Original.

1676.

Thoughts upon the Rules laid down by the Council to the indulged Ministers, by the same Hand.

1676. *A few sober Thoughts upon the Six Rules enjoyned to be observed by indulged Ministers, humbly offered to the most honourable the Lords of his Majesty's Privy Council, as Reasons why Mr. Thomas Wylie, Minister for the present at Fenwick, cannot observe the same.*

See the Rules,
App. No. 14.

THE First Rule will deprive honest Parents of the Presbyterian Perswasion, (being in the Parishes of Conformists, and not clear to receive Ordinances from them) of the Benefit of Baptism to their Children: For the Parent being under an insuperable Scruple, dare not, with a doubting Conscience, go to the Conformist for that Benefit; in which Case, if the Conformist be not of a condescending Nature, it cannot be expected that the Parent will obtain a Certificate of him, to get the Benefit elsewhere; which will inevitably occasion Straitning to nonconformist Ministers. When in this Case, Parents, to their certain Knowledge, faithful, knowing, honest Christians, walking blamelessly, shall request and obtest them for the Benefit, what shall the nonconformist Ministers do? How shall he be answerable to *Jesus Christ*, who hath given him a Commission to disciple and baptize, if he shall refuse Baptism to such an one, of whom he can say, in the Judgment of Charity, he is a real Disciple? Supposing there were some Weakness in such, in refusing to take the Ordinances off Conformists Hands, yet it were a hard Measure to debar them of Ordinances elsewhere; and the readiest Way imaginable, through the Policy of *Satan*, (whose Deceives Ministers should guard against) to drive tender scrupling Christians upon the Precipices of a total Separation, of *Anabaptism*, *Quakerism*, and the like.

The Second Rule, *That all in one and the same Diocese, should have the Communion in one and the same Day*, is impracticable, as will easily appear to any who will consider the different Bounds, Numbers of People, Employments, &c. of the respective Congregations, in one and the same Diocese. Often in one and the same Congregation, emergent Occasions have put the Minister and Eldership to change their ordinary Time. Sure it were very prejudicial to the People, to astrict all in one and the same Diocese, to go about that solemn Work in the same Day; neither can there be competent Judges, to determine when the Communion should be celebrated in this or that particular Congregation, as the faithful Ministers and Eldership thereof, who are to take an Account of the People's Knowledge, an Inspection of their Conversation, to consider of their Preparation for such a Work, and who know best the Occupations and Employments of their respective Parishes, and so can most seasonably pitch upon such Times for that solemn Ordinance, as will be freest of Distraction to the People, and least impede their civil Employments. Next, it is impossible for old, sickly, infirm Men, to discharge all the Exercises requisite, when that Ordinance is gone about, without Help; and how shall it be had, if all are astricted to one Day? Beside, if any Minister alone at the Work, should in Providence be overtaken with Sicknefs, which is caseable to the youngest and strongest, would it not be a heavy Disappointment, if there should be none to take the Work off his Hand? And this Restriction to one Day will deprive many of the Lord's People, to the sadning of their Hearts, of the more frequent Opportunities of this solemn Ordinance, in which the Lord hath often dealt bountifully with their Souls, convincing, converting, confirming, comforting, and building them up upon Christ. Tho' Ministers should be silent in this Matter, yet many Thousands in the Land will put their Seal to it, that they have seen, observed, and felt the Outgoings of the Lord, most powerful, glorious, and stately in his Sanctuary, when his faithful Servants and People have been attending duly in this great Ordinance. As to the Discharge to admit any belonging to other Parishes, without Testificates, to the Communion, the faithful Ministers of *Jesus Christ* have their Directions from their Master, to separate the *Precious from the Vile*; and 'tis to be supposed they will be faithful in obeying his Orders, both by calling for Testificates, and using all other Means of Trial: But to debar a knowing godly Person, who cannot get a Testificate from a Conformist, were too hard a Measure, as said is.

The Third Rule, *That there be no Preaching without the Church*, is prejudicial to the Benefit of Souls, will inevitably occasion much Throng, Confusion and Disorder within the Church, in the Time of the solemn Work, and much vaging upon, and profaning of the Lord's Day without the Kirk; for there are few or no Places wherein the Kirk will not be thronged in a Communion-day, with the People of their own Congregation: So to deny the Liberty of Preaching without, in some convenient Place, will occasion many Inconveniencies.

The Fourth Rule relates to the Sentence of *Confinement*. Albeit I forbear to speak against the *Confinement*, knowing that all civil *Punishment* is in the Power of the Magistrate; yet may I not, in all Humility, say, It is hard enough that honest men, living peaceably, should, *indicta causa*, be sentenced as Evil-doers: This is apt in it self to weaken our

Ministerial

Ministerial Authority among the Profane. Next, it deprives us of one of the greatest Comforts of this Life, viz. mutual Converse for mutual Edification, and strengthening one another's Hands in the Work of the Lord. And it cannot but be grievous that the Keys of our Prison-doors, are hung at the Bishop's Belt, and at his only. Were it not that I dare not tempt your Lordships Patience, I could here instance many supposable Cases, which render the observing of this Rule impossible, and would shew our Complaint as to it, to be so grievous, that 'tis better to refrain than speak: Only I may say without Offence, it cannot be unknown to your Lordships, how unpleasant it will be to Presbyterian Ministers, to court the Bishop, to be obliged to him for Favours, to be giving him an Account of their Affairs, and how unwilling they will be to have any intermeddling with him, lest they be in Hazard either to provoke or be ensnared.

The Fifth Rule thrusts the Presbyterians under a direct and formal Subjection and Subordination to Prelacy, contrary to their known Principle and Judgment.

The last Rule fetters them under a Sort of Vassalage and Subserviency to the Bishop.

But your Lordships having past these Two in your last Act, I shall say no more of them.

1676.

The LORD pour out the Spirit of righteous Judgment upon your Lordships, in the Fear of the LORD.

It was for such Causes as these, that the *Indulged*, during the whole Time of their Liberty to preach, could not keep these Commands, and could never allow them to be the Conditions of the Exercise of their Ministry; and, as they had Occasion, disclaimed them, and both practically and otherwise testified against them; and, till some Time after this, the Bishops could not prevail to get many Prosecutions raised against them on this account.

The leaving out of the Two last Rules in this Proclamation, if I mistake not, helped to put an End to the Trouble of such of them as scrupled to pay the Dues of the Clerk and Burfar of the diocesan Synod. I took notice above, that upon the Trouble given them this way, last Year; and the former, they, for Want of Concert among themselves, had fallen into different Practices. All the *Indulged* in the Synod of *Glasgow* and *Air*, as far as I can find, went into the Payment, except these underwritten. *Fairfoul* the Clerk had got out a Horning against them, and by an original Letter of his, June 1st this Year, warns them he is just going to distress them: Whereupon I find they supplicate the Council as follows, which I give from an original Copy, only I omit the Names of the Parishes, being above, for Shortness.

Supplication of the indulged Ministers to the Council, against paying the Dues of the Clerk and Burfar to the diocesan Synod.

To the Right Honourable the Lords of his Majesty's Privy Council,

The Supplication of the Ministers of the Gospel underwritten, viz. Mrs. *Anthony Schaw*, *Alexander Wedderburn*, *Ralph Roger*, *George Ramsay*, *John Spalding*, *John Bell*, *Robert Boyd*, *John Wallace*, *Robert Bell*, *William Tillidaff*, *William Mantland*, *Andrew Hutchison*, *Thomas Wylie*, and *Gabriel Cuningham*,

Humbly sheweth,

That where there are Letters of Horning raised and direct against us, at the Instance of one *Ludovick Fairfoul*, pretending himself to be Clerk to the Synod of *Glasgow*, to make Payment to him of our alledged respective Proportions, of the ordinary Fees alledged due to him as Clerk to the foresaid Synod, of all Years and Terms resting unpaid, and in Time to come, during his Service thereat, as formerly: And siklike, at the Instance of one Mr. *David Clunie*, pretending himself a Burfar within the Diocese of *Glasgow*, to make Payment to him of certain Sums of his Burfary-dues, of all Years and Terms bygone alledged resting, and in Time coming as formerly; and many of your Petitioners are already charged by virtue of the said Hornings, and all of us threatned to be denounced, and Caption to be taken out against us.

And seeing it pleased the King's Majesty, by your Lordships Advice, to indulge your Petitioners, and exeme us from being concerned in either Presbyteries or Synods; and that the foresaid pretended Clerk of the Synod of *Glasgow*, is no ways concerned in the Affairs of the respective Congregations to the which we are indulged; and that your Petitioners are most humbly confident, that it is not either the King's Majesty's Inclination, or the Intentions of your Lordships, to suffer us to be imposed upon in these Things, which by themselves or their Consequences would infer our Concessions to these Things, whereto with Freedom of Conscience we cannot concede; and seeing these legal Distresses have a direct Tendency to impose upon us, contrary to the *Indulgence*, which his Majesty, with your Lordships Advice, out of his princely Clemency hath been pleased to vouchsafe upon us:

1676.

‘ May it therefore please your Lordships to discharge the foresaid Persons to trouble your Petitioners any further, by these Hornings, or other legal Distresses, for the Payment of any such pretended Dues; and that in Time coming we be no more troubled by any Persons with any Matters of the like Nature; and your Lordships Answer, &c.’

They are no more troubled in this Matter.

Some young Preachers come and preach on the Borders of their Parishes.

Other Incidents this Year.

To this Supplication I find nothing by way of Answer recorded; but after this Year this Matter seems to have been dropt, when it had been not a little troublesome to the indulged Ministers; at least I find no more in any Papers I have seen about it.

No more offers to me this Year with relation to them; only some young Preachers come to the Borders of some of their Parishes, and preach on Lord's Days: And this I find some of them regretting, as what might in the Issue tend to rent and distract People, and what there was no Occasion for, since they daily preached themselves. We may hear more of this in the succeeding Years.

I come now to take Notice of some few other Things remarkable this Year. I find Two or Three Riots complained of before the Council. The Reasons of these Attempts upon the Incumbents in Churches, when they were not merely from Thieves and House-breakers, have been accounted for already, and I shall only set down Matter of Fact here, as it comes to my Hand.

Riots complained of at Dunstons, Gargonnock, and Abbotsrule.

Mr. Henry Knox, Episcopal Minister at *Dunstons*, represents, upon the 6th of January, to the Council, that, upon the 28th of December, some Six or Seven Persons attacked his House, beat himself and his Wife, and took away his Household-furniture at Pleasure. And, upon the 27th of January, another Riot upon himself and Family is complained of, by the Minister of *Gargonnock*. Letters are issued out citing the Heritors of both these Parishes to compare, and upon February 10th, the Council fine the Heritors of *Dunstons* in Five thousand Merks, to be paid to their Minister Mr. Knox, for the Injury done him; and the Heritors of *Gargonnock* in Six thousand Merks. It would have been enriching to these Ministers, if they had been attacked once a Year at this Rate. In August this Year, I find the Council upon a Complaint of Mr. George Baptie, Minister of *Abbotsrule*, for a Riot committed upon his Person, issue out Letters against the Persons concerned. No more about it is in the Registers.

Severity to the Prisoners at Stirling for Conventicles, who are gited to be Soldiers.

In February the Managers committed a Piece of great Severity upon some Prisoners in *Stirling Tolbooth*. Toward the End of the Year 1674. Fifteen Men were caught at a Conventicle, and imprisoned in *Stirling*. One way or other Eight of them, in Fifteen Months, got out by some Interest made for them. In February this Year, those who remained sent the following Petition to the Council.

To the Right Honourable, &c.

The humble Petition of John Wingate, Andrew Richardson, John and William Paterfons, John Adam, John Stuart, and Charles Campbel,

Sheweth,

‘ That the Petitioners being Prisoners in the Tolbooth of *Stirling* these Fifteen Months bypast, some of us being poor old decrepit Bodies, and all of us poor Creatures with Wives and Families, we have been many Times at the Point of starving, and had long ere now died for Want, if we had not been supplied with the Charity of other People: The Truth whereof is notour to all who live near *Stirling*, and which the Magistrates have testified by a Report under their Hands:’

‘ Wherefore it is humbly desired, that your Lordships would compassionate our pitiful and deplorable Condition, and that of our poor starving Wives and Children, and order us Liberty; we being willing to enact our selves to compare and answer before your Lordships, whenever we shall be called.’

These good People had never been legally convict of that or any other Crime, and Fifteen Months of such hard Imprisonment would appear a Punishment abundantly equal to their being once at a Conventicle, and such a Petition would have prevailed almost with any but the People now in Power. Charles Campbel was upwards of Sixty Years, and John Adam near Seventy, and some of the rest were under heavy and sore Sickness: And yet, instead of Compassion to their clamant Case, by Order of Council they are gited to one Captain Maitland, who had been a Servant to the Duke of *Lawderdale*, an Officer at present in the Service of *France*. A signed Order by the Earl of *Linlithgow*, and Lords *Haltoun* and *Collington*, came to the Magistrates of *Stirling* for this Effect. Robert Russel the Provost was taught to carry on the Project with Secrecy, and the Keys of the Tolbooth were given to John Hamilton then Town Drummer, an Agent very well qualified for this Work; and he kept

kept them from having Access to any Body for Two Days. At length, upon *Friday's Night, February 18th*, when all was got ready, at Midnight, without the least Warning to themselves or Relations, the poor Men were brought out of Prison, and delivered to about Fifty Foot Soldiers, who carried them off fettered and tied one to another. *John Paterfon* was let out some Days before, being in all Appearance in a dying Condition. Notwithstanding of this Surprize, it was observed, they were all, when they went off, though they knew not whither, most hearty and cheerful: So strong is the Support of a good Conscience and Cause.

The Beginning of this Year the Duke of *Hamilton* was at *London*, and the King was pleased to hear some of his Complaints against the Duke of *Lawderdale*. We shall have more of them afterwards. *Lawderdale* wanted not Matter to table against the other; That he had sent for him when Commissioner, and he declined to come, that he had opposed a Subsidy to his Majesty in Parliament, and likewise accused the Chancellor of several Things and Practices, not agreeable to the King's Interest; and it was moved the Chancellor should be called up to answer for himself. The Duke of *Hamilton* urged much the miserable Circumstances of many Country-people, who were cruelly handled for their Noncompliance, and fined, confined, banished, and all through ill Advice, and unjust Representations made to the Government. The Duke of *Tork*, and Earl of *Atbole*, (now made Marquis) and some others, were present. The King heard all, and said little. *Lawderdale* kept his Ground with the King; and the Chancellor, though the Archbishop of *St. Andrews* and others interposed, could scarce have Liberty to come up to Court to vindicate himself. At length Duke *Hamilton* left Court, and at parting, it is said the King taxed him with favouring of Phanaticks; and ordered him no more to meddle that Way, or in any of his Affairs, for he had no Service for him. This is all I meet with as to this Affair this Year.

Upon the 27th of *April*, I find the Council have a Letter before them from the King, of the Date *January 2^d*, relative to the Business of the Bishop of *Dumblain*, and the Four Ministers. How it came to be so long delayed I cannot account for, knowing no further in this Matter, than the Paper about it, come to my Hands, bears. The King's Letter runs, 'That by a Letter from the Archhishop of *St. Andrews*, he finds that the Bishop of *Dumblain*, now translated to the *Isles*, presented an Address to the Bishop of *St. Andrews*, and the other Bishops with him, containing a Declaration of his former Carriage, and an Engagement for his future Deportment, that he shall live in all becoming Duty and Faithfulness to his Majesty, for extending his Clemency to him, and recalling the former Order for his Translation to the Bishoprick of the *Isles*. This he declares he is graciously pleased to grant, and orders the Council to take all Restraints off him: And likewise, upon the account of the dutiful Address of Mrs. *Turner*, *Robertson*, *Cant*, and *Hamilton*, Ministers, all Restraints are to be taken off them.' The Council appoint accordingly. This is all I know as to the Issue of this Affair.

After the Act of *Intercommuning*, in *August* this Year, the Harvest and Winter was a Time of very hot Persecution through the Country, and an outed Minister scarce might venture to appear. Several Ministers who had preached in the South, retired to *Northumberland*. Mr. *John Welsh*, after whom a most diligent Enquiry was made, hired a House upon *Tweed* Side, where he for some Time dwelt very pleasantly. Orders came from the King and the Bishops Courts, to banish the *Scots* Fugitives; yet the *English* Gentlemen made no great Haste, and the Ministers sheltered there this Winter. I take it to have been upon this Occasion, that, *October 12th*, the Council write to the Earl of *Hume* to suppress the abounding Conventicles in *Berwick* Shire, and in the Places near the *English* Borders.

Even in this Storm, some Ministers kept at their Work, and the Soldiers were very busy; yet several Times they were repulsed. There was at this Time a Conventicle at *Lilyclief-moor*, where a Party of Soldiers were chased by the Country-people unarmed. I am told the Commander of the Party was cashiered for running away: And, this same Harvest or Winter, a Company of Foot were obliged to retire, when attacking a Conventicle near *Dumbarton*.

Some more particular Persons I find under Hardships this Year. I want the particular Dates, and therefore bring them in here. Mr. *Andrew Donaldson*, before the Restoration Minister at *Dalgely* in *Fife*, and now an old infirm Man, came with his Family to live at *Inverkeithing*, where Mr. *David Lawder* was Episcopal Minister. This worthy old Man was so cautious, that he would never preach, either in his own House or any other, in the Time of publick Worship. But sometimes on the Sabbath Evening, he preached to his own Family, and some others in the Town did come in. For no other Cause than this, a Party of Soldiers came one Night, and carried him out of his Bed, old and infirm as he was, straight away Prisoner to *Linlithgow* Prison, where he continued more than a Year, without any Thing being laid to his Charge, as we have heard.

1676.

Debates this Year before the King, twixt the Duke of *Hamilton* and *Lawderdale*.

King's Letter to the Council, *January 2. 2.* about the Bishop of *Dumblain* and Four Ministers.

After the Act of *Intercommuning*, Mr. *Welsh* and other Ministers flee into *Northumberland*:

Yet Conventicles continue.

Mr. *Andrew Donaldson's* hard Treatment and Imprisonment.

1676.

Gilbert M^cLawraith inter-communed for Noncompearance, with some of his After-sufferings till the Revolution.

Gilbert M^cLawraith of Dinmurchie, in the Parish of Bar, in the Shire of Air, an Heritor of Five hundred Merks Land-rent, and a considerable Stock of Money, beside his Moveables and Plenishing, was this Year intercommuned, merely for Noncompearance at Courts, to which he was cited to bind himself to Conformity. Many Times he was searched for, but still escaped, and had his House frequently plundered. In the Year 1680. he was forfeited, with many others, in Absence, and the Gift of his Heritage and Moveables was made over to the Earl of Glencairn, and a Transference was made of this to Edmondston of Broich, and a Transaction entred upon by Friends for his Moveables, and a Thousand Merks paid. Afterwards they were again obliged to transact with the Laird of Milcraig as Donator, and another Thousand Merks was paid for the Moveables, and he was, by the Force of Soldiers, poilest of the House, Lands, Moveables, twice transacted for, Bonds, Debts and every Thing, till the Revolution, when the said Gilbert then alive, and Lieutenant in the Earl of Angus's Regiment, intended a Process against the said Persons, and, by Oaths of Witnesses and Writs, instructed a Charge of Fourteen thousand five hundred and fifty eight Pounds, Seventeen Shillings and Four Penies Scots. I do not find he had any Restitution for Bygones, though his Wife and Children were very rudely dealt with, and thrust out of their House with nothing but the Clothes on their Back, and an Infant in a Cradle, and none of their Neighbours were permitted to harbour any of them, till a Habitation was sought for by the Mother, besides the most malicious, reproachful, and blasphemous Language, unfit here to be repeated; all which was proven before the Committee of Parliament, after the Revolution. This Account is before me, attested.

To end this Year, so extensive and large was the Zeal of our Managers against the suffering Presbyterians, that it reached even to Places out of the King's Dominions. Accordingly, by the Influence of our Primate, the King is prevailed upon to write to the States General, to cause remove James Wallace, Robert M^cVaird, and John Brown, out of their Provinces. This was very hard Measure, that without any new Fault I can hear of, and for alledged Crimes for which they had been sentenced Fourteen or Sixteen Years ago, and had obeyed the Sentence, that new Difficulties should be put upon them, and they not be permitted to live quietly in the Places whither they had been forced to go. When or how James Wallace went to Holland I have not Accounts; of the other Two we have heard. The Consideration of this made the States reject this unreasonable Proposal, as will best appear by their Resolution, which is here insert.

Extract, out of the Register, of the Resolutions of the high and mighty Lords, the States General of the united Netherlands.

Die Veneris, the 31st of July, 1676.

Their Resolution thereupon July 31.

THE Lords Deputies of the Province of Holland and West Friesland, having had proposed to them, at their last Meeting, that the Lords the States of Holland, having convened in their States Meeting, had read a Missive of his Majesty of Great Britain, written to the States General, dated at Whitehall, the 27th of the preceeding Month, June, Stilo vet. containing, that his Majesty desired that the States General should effectually cause the Persons of James Wallace, alias Forbes, Robert M^cVaird, and John Brown, his Majesty's Subjects of the Kingdom of Scotland, being all there convicted of having committed the Crime of Lese-majesty, and having retired themselves unto the Province of Holland, in pursuance of the Treaties betwixt his said Majesty and the States, to depart out of this Land, under the Pains contained in the said Treaties; and were informed concerning this Matter, that the foresaid Robert M^cVaird and John Brown, had neither been Fugitives nor Rebels against his Majesty, and that such could not be comprehended under these Persons, who, conform to the foresaid Treaties, must be removed out of these Lands: That it was true, that the foresaid Robert M^cVaird was imprisoned, and by the King's Advocate was accused before the Parliament of Scotland, in the Year 1661. of having committed the Crime of Lese-majesty, and that therefore he ought to be punished; and that he on the contrary made his Defence; and that the final Sentence of the foresaid Parliament, was, that he should be banished during his Life-time, out of the Kingdoms of Scotland, England, and Ireland, and not to return thither again without his Majesty's Leave, upon Pain of Death: That they had caused him to subscribe the foresaid Sentence, and that he having subscribed the same, without receiving a Copy, was set out of Prison, and upon the 18th Day of November 1661. came to Rotterdam, to take up his Habitation: And that the foresaid John Brown being called before his Majesty's Council, November 6th, 1662. compeared, and was put in Prison; and that he, after some Time, having petitioned for Liberty, or at least a more large Imprisonment, received for Answer, that he was condemned to everlasting Banishment, and that there was nothing remaining for him to do, but to give Bond to go out of all his Majesty's Dominions, and not to return without Leave of his Majesty, upon Pain of Death; and that finally he was resolved to do the same, and having given the foresaid Bond

The King writes to the States to remove Mrs. Wallace, M^cVaird, and Brown, out of their Dominions.

1676.

Bond, without getting a Copy of his Sentence, was set out of Prison the 15th of December the aforesaid Year: And that he, having had the Liberty of a Month to stay in Scotland, and afterward having another Month granted him, did, upon the 12th of March 1663. come to Rotterdam, and stay. And that therefore the aforesaid Persons were of Opinion that it should not be imposed upon them to remove out of these Provinces, seeing they, according to the Judgment of their own Judges, were to undergo no sorer Punishment; and that they had obliged them by their own Hand-writ, to no more than to go out of his Majesty's Dominions; and they had finally satisfied that Sentence, by their Removal and Abode out of his Majesty's Kingdoms, and therefore neither should nor ought to be further disquieted.

Whereupon it being deliberate, it was found good and resolved, that Knowledge of the aforesaid should be given to the Lord Benningen, Ambassador for the States at the Court of England: That a Letter should be directed to him, desiring him to assure his Majesty, that the States General are fully resolved to execute and fulfil the Treaties betwixt his Majesty and this State; but withal, that they do not believe that his Majesty will impose upon them, to put away Persons who had the Misfortune to fall under his Disgrace; and having compeared before his Judges, and whose utmost Sentence was to banish out of his Majesty's Dominions, did, conform to their Sentence, remove out of them: And that the Lord Benningen shall, in the best and discreetest Manner, wave the forementioned Matter, as being in the highest prejudicial to this Land.

This Paper is an authentick Translation off the Original, and Allowances must be made for the Difference of Stile in our Language and the low Dutch, No Notice is taken of James Wallace: Whether this be Colonel Wallace, or a Minister of that Name, I know not; but I imagine it is the Colonel, because placed before the other Two. I am informed by a good Hand since, that this was Colonel Wallace; and Mr. Brown in his Information given in at this Time, put this Argument in for him, 'As for Mr. Wallace, it may be remembred, he is an able and expert Soldier, and may raise new Tumults in the King's Dominions, if he should not be suffered to lurk here, where he can do no Harm.' However, it seems they saw good to overlook him. Thus this foreign Persecution ended, as far as I know.

C H A P. XII.

1677.

Of the Sufferings of Presbyterians during the Year 1677.



MATTER comes in so throng upon me this Year and the following, that I am at a Loss how to dispose it, so as the Reader may have any tolerable View of the black Period of Oppression and Persecution this Summer, and especially in the Close of the Year, and Beginning of the next, by the Highland Host. For some Time, as we have heard, the Course of Persecution has been carried on, with a Severity that would have tempted almost any Party to run to Extremities; and yet the Carriage of Presbyterians continues still loyal and peaceable, even when their Conventicles are most numerous. And when nothing really irregular can be fastned upon them, after the vast Numbers of Prosecutions this Spring and Summer, unreasonable Impositions are put upon Heritors; and, upon their declining them, the Story of a designed Insurrection is trump'd up, most groundlessly and maliciously: And upon this the barbarous Highlanders are hounded out upon the West.

View of this Year.

The Order I have kept for some preceeding Years, will need to be altered this Year, that the Reader may have the Chain of the Facts that preceeded the sending down of the Highlanders, the better in his Eye. And I shall give some general Accounts of Affairs this Year, and then the particular Prosecutions and Sufferings of Ministers, Noblemen, Gentlemen, and others. Next, I'll take a View of the Procedure of the Council and Government, against Conventicles in general, and Presbyterians, which will lead me into more immediate Inlets to, and Preparations for the coming down of the Highland Host. These will be the Subject of Four Sections.

The Matter of this Chapter.

1677.

S E C T. I.

Containing a more general View of the State of Presbyterians this Year, with some Particulars which come not so well in upon the following Sections.

The general State of Presbyterians and the Indulged this Year.

Ministers Return from the North of England, where they had been useful.

Meeting of Ministers at Edinburgh, where Mr. Ralph Rogers is Moderator.

They give it as their Opinion, that the Sentences inflicted upon the Ministers, 1661. should be taken off:

And that Indulged and not Indulged should preach together without Distinction.

They have long Reasonings about indefinite Ordination, but no Conclusion was come to.

Conventicles are numerous this Year.

The Supper is dispensed at Jedburgh and Melrose.

THAT I may not pass by some Matters of Fact which come not so well under the succeeding Sections, I shall here take a short View of the Condition of Presbyterian Ministers this Year, and the *Indulged* in particular, and then hint at some few other Things upon this Period.

The Ministers who had been busiest at Conventicles, were forced to retire last Year; and this Spring they came back, though a good many continued in the North of Ireland and England, and in both were a sweet Saviour unto Christ in many. In Cumberland and Northumberland, Mrs. John Welsh, Samuel Arnot, Gabriel Semple, John Scot of Hawick, and others, were very useful Instruments among many rude and ignorant People, who were some way fallow Ground, and scarce had the Gospel preached to them before.

In the Entry of this Year, there was a pretty large Meeting of Presbyterian Ministers at Edinburgh, indulged and not indulged. Mr. Ralph Rogers was chosen Moderator. I have seen some very warm Papers from Holland, full of Heat against this Meeting (as I take it, for they do not name the Year) as a pretended General Assembly: But they never assumed any Power of this Kind to themselves, and did nothing I can find, but what was competent for a Meeting of Brethren that was occasional, and for Consultation, and the mutual strengthening of one anothers Hands, and never claimed the Powers of the supreme Judicatory of this Church.

Very reasonably indeed they gave it as their Opinion, that the Sentences inflicted in the Year 1661. by the Brethren for the publick Resolutions, in some Synods, upon several worthy Ministers on the other Side, ought to be taken off. Mr. Hugh Kennedy, Mr. William Creighton, both of them since the Revolution Ministers in Edinburgh, Mr. Edward Jamison, and some others, against whom the Malice of some Noblemen, Gentlemen, and apostate Ministers had mostly run, were among this Number.

— They gave it likewise as their Advice to their Brethren in the Country, which probably occasioned the warm Reflections from beyond Sea, that the indulged Ministers ought to invite their Brethren who were not indulged, to preach with them, as Opportunity offered; and that the Indulged should likewise, as they are called, and the Case of the Country required, preach up and down, and not confine themselves only to their own Pulpits. This I know Mr. Gabriel Cunningham, Mr. Patrick Simpson, and several others I could name, did.

Likewise they had long Reasonings and no small Debates about the Question of *indefinite Ordination*; Whether in the present persecuted and oppressed State of the Church, Ministers might be ordained without a Call and Invitation from, or the present Prospect of Settlement in a particular Congregation. Several Papers upon this Subject *pro* and *con* were handed about at this Time, wherein this Question is handled with abundance of Solidity and Learning. I am told the most Part of the Meeting were for the Negative; but a considerable Number being for the Affirmative, no Conclusion was come to.

I have by me Mr. James Kirkcoun's Essay, and some Papers of Mr. Brown's, for the Affirmative in this Debate, and a pretty large Essay of Mr. John Baird, who opposes *indefinite Ordination*. They are too large to be insert even in the *Appendix*.

Mr. John Welsh, and a good many others, returned to the South and West in the Spring, after last Year's Storm, and Conventicles were very frequent and common. A considerable Part of the Nation wholly disowned the Episcopal Clergy and Church; and the severe Laws against preaching of the Gospel were not executed, because of the Multitude of Offenders, except as to some particular Persons, of whom in the next Section, who fell into the Churches of the Persecutors. Publick Citations of Ministers and Hearers were given much over, seeing no Body compeared, knowing that the best Measure they could expect was the *Bas*, whither all were sent who could be caught.

The Two Conventicles which were mostly noticed, and grating to the Prelates this Summer, were that at *Erkford* in *Teviotdale*, and in *Maybole* Parish in the Shire of *Air*, beside the Water of *Girvan*. At this last Mr. Archibald Riddel, Mr. John Welsh, Mr. Andrew Mortoun, Mr. Patrick Warner, Mr. George Barclay, and a good many other Ministers, did celebrate the Sacrament of the Supper in the Fields; and there were many Thousands of People present, and very much Success attended the Word preached there. The People were encouraged to follow the Gospel when they saw their own Numbers; and indeed they regarded the present Laws no further than the Nature and Reasons of them discovered their Equity and Righteousness. A Price being set upon Mr. John Welsh his Head, he travelled still with some of his Friends with him, armed for their own and his Defence. The con-

formable

formable Clergy magnified these Meetings, and made a terrible Clamour, as if the Whole of the Presbyterians had been in Arms; and the Bishops took the Hint, and give out that an Insurrection was designed, when, in Truth, there was nothing like this projected. However, the Clergy by their Lies and Stories compassed their End, and got new Bonds pressed, and Severities exercised, as we shall hear.

Not very much offers this Year, as to the Circumstances of the *Indulged*. Several Things concurred to lay the Foundations of the Divisions, which broke out next Year, and especially before the Rising at *Bothwell*. *Robert Hamilton*, Brother to the Laird of *Presston*, a Gentleman we shall meet with after this, who, in his Youth, was said to be none of the strictest Practice, and had of late set up with more than ordinary Zeal against Prelacy and other Corruptions, together with Mr. *Richard Cameron*, and other Probationers for the Ministry, and some others of greater Weight than any of them, joyned in promoting a Separation from all who had accepted the *Indulgence*: But I shall leave this melancholy Subject, till I give it all together in its own Place, when it came to a greater Bearing.

It is the Treatment of the *Indulged* from the Council, I shall here a little hint at. Upon the 7th of March, Mr. *Alexander Hamilton*, formerly confined to *Dalmenie*, is ordered by the Council to remove to *Dalserf*, and allowed to exercise his Ministry there, upon the former Terms given to the rest. The particular Occasion of this Allowance I know not fully; but I am informed, that a good many serious People used to go out of *Edinburgh* to *Dalmenie*, to hear Mr. *Hamilton*, which grated the Bishop and his Party there very much.

Upon the 2^d of May, the Council pass an Act, discharging all the outed Ministers, who did not enter into their Confinement in the Year 1672. to enter now into any Churches, and declare they will indulge no more in Time to come, but will take Care the Kirks of such who die, or are removed, be planted with regular Ministers. This Act was very much kept, as far as I have remarked, and in a few Years the Prelates got rid of these worthy Men, so much their *Eye-sore*, as we shall hear. However, every Rule hath its Exceptions, especially when any of their Friends were concerned; and so I find, August 7th, Mr. *Anthony Murray* is indulged to the Parish of *Carstairs*, Mr. *Greg*, formerly indulged there, being turned out.

A good Number of the indulged Ministers, and such as had been named in the Act, were cited to appear before the Council, in August this Year. By a List before me, I find the following Ministers cited to Thursday August 4th, Mr. *Matthew McKail* Minister formerly at *Bothwell*, Mr. *James Currie* at *Shots*, Mr. *John Semple*, Mr. *William Wisheart* at *Kinnel*, Mr. *Robert Fleming*, Mr. *Gilbert Hall*, Mr. *John Park* at *Stranraer*, Mr. *Patrick Anderson*, Mr. *Thomas Hogg*. The Ministers cited to August 11th, Thursday after the former, are Mr. *James Hamilton* at *Blantyre*, Mr. *James Mitchel*, Mr. *James Porter*, Mr. *John Dickson* at *Rutherglen*, Mr. *John Blacadder* at *Traquair*, Mr. *Gilbert Hamilton* at *Crawford*, Mr. *Peter Reid* at *Douglas*, Mr. *George Johnston* at *Newbottle*, Mr. *John Stirling* at *Kilbarchan*, Mr. *Hugh Peebles* at *Lochwinnoch*, Mr. *James Hutchison* at *Killellan*, Mr. *Gabriel Cunningham* at *Dunlop*, Mr. *Hugh Crawford* at *New Cumnock*, Mr. *James Wallace* at *Inchinnan*, *John Semple* at *Carsfairn*, Mr. *Robert Lockhart*, Mr. *Alexander Moncrief* at *Scone*, Mr. *Alexander Strang* at -----

The Reason of this almost general Citation I know not, only it is probable it was upon Information given of their not keeping the Rules. The Council-register bears nothing of it: But, upon August 7th, I find Mr. *James Currie* before the Council, and challenged for being at a Conventicle. He acknowledges he was there, and the Reason was, it was in the Corner of his own Parish, and he went thither to expostulate with the Preacher, for withdrawing his People from him, and is dismissed. A good Number named in this List never accepted the *Indulgence*, though named in the Act; and all cited here are not even in the Act. I find, the foresaid Day, the Council call Mr. *James Greg*, who is not among those in the List; and he not comparing, they declare his *Indulgence* is forfeited, and he is discharged to preach any more in *Carstairs*.

At the same Time the Council being informed, that the indulged Ministers do not keep their Instructions, 'Order a new Copy of them to be sent to each of them, with Certification, that, if they break them, they shall be immediately turned out, and further censured.' This seems to have been the Effect of their general Noncompearance. The Author of the *History of the Indulgence* speaks of a Proclamation, August 10th this Year, discharging Heritors to pay the Indulged their Stipends, without a Warrant from Council for that Effect, notwithstanding the Liberty formerly granted. If the Proclamation be in the Registers I have overlookt it, only I find the short Minute above.

The Council being informed, that Mr. ---- *Gilchrist* had been inducted by Mr. *John Welsh* into the Kirk of *Carsfairn*, upon the indulged Minister's Death, and that he now possesses the Kirk, Manse, and Glebe, ordain Mr. *Gilchrist* to be dispossessed, and brought in Prisoner to *Edinburgh*. It would seem that worthy and really singular Man and Minister *John Semple* of *Carsfairn*, died at this Time. No more about this Matter is in the Registers.

We shall afterward hear, that in the Beginning of October this Year, the Instructions granted to the Persons then named by the Council, are a little more favourable to the *Indulged*; and

1677.

Separation from the indulged Ministers by Robert Hamilton, Mr. Richard Cameron, and others, begins this Year.

Mr. Alexander Hamilton removed by the Council from Dalmenie to Dalserf.

Act of Council May 2 declaring no more shall be indulged. However Mr. Anthony Murray is indulged to Carstairs.

Many indulged Ministers (within written) cited before the Council 4. August this Year.

None almost compar-

Instructions sent again to the Indulged, with Orders to keep them, under the Penalty of being turned out.

Mr. Gilchrist cited before the Council, for entering upon Carsfairn Parish after John Semple's Death. Indulged Ministers Stipends to be paid by Heritors.

1677.

and the Council declare, ' That the indulged Ministers shall not be put to a Necessity of seeking yearly Warrants for their Stipends, but the Heritors of the Parishes where they serve are authorized and appointed to pay them their Stipends, according as they serve the Cure, in hail or in Part. And it is hereby declared, that if any of these indulged Ministers shall be found to contravene the Instructions, the Council will proceed against them as they shall see Occasion. And it is hereby recommended to the respective Commissioners, to see them keep their Confinement, and to report if they find them transgress.' This is all I meet with concerning the *Indulged* this Year.

Duke Hamilton's Commissions about the Militia taken away.

We heard formerly of the Contests 'twixt the Two Dukes; and, *January 6th* this Year, I find a Letter from the King to the Council, making void all the Commissions about the Militia, formerly granted to the Duke of *Hamilton*, which no doubt they took Care to intimate to him.

Lawderdale brings to Scotland his Lady: Her Daughter married to Lord *Lorn*.

In *June* or *July* the Duke of *Lawderdale* and his Dutcheſs came down to *Scotland*, and one of the Dutcheſs's Daughters, by Sir *Lionel Talmash* her first Husband, is married to the Lord *Lorn*, afterward the first Duke of *Argyle*. The other was designed for the Marquis of *Athole's* eldest Son; but that Project miſgave.

Presbyterian Ministers apply to the Duke of *Lawderdale*, but he will shew them no Favour.

The Presbyterian Ministers in *Glasgow*, *Paisly*, *Irwin*, and *Hamilton*, when they had the Accounts of the Duke's coming down, found it proper to make Trial of an Address to his Grace in favours of Nonconformists; and the Reverend Mr. *Matthew Crawford*, from whom I had this Passage, was pitched upon to go into *Edinburgh*, and there, with the Help of the Reverend Mr. *John Carstairs*, he procured a Meeting of the Ministers thereabout; who relishing the Motion from the West, employed Mr. *Anthony Murray*, a Relation of the Dutcheſs of *Lawderdale*, and he got Access to the Duke, and humbly pressed that his Grace would be pleased to interpose with the King, for the taking off the Sentences of *Intercommuning* laid upon so many Ministers, and the releasing their Brethren in the *Baſi*, and other Places of Confinement; and begging that they might have Access to meet together under his Grace's Connivance, for drawing a Supplication to the King's Majesty.

New Hardships put on them in *August*.

All the Return Mr. *Murray* had from the Duke, was, that as for himself he was ready to do him any Kindness that lay in his Power, but would grant no Favour to that Party, being (as he was pleased to say) unworthy of any. From this plain Answer, the Ministers concluded that Evil was determined against them; and so indeed it proved; and we shall hear, in the Beginning of *August*, new and severe Proclamations and Impositions on Presbyterians were agreed upon, and emitted.

Yet the Duke talks of a Third Indulgence, and gives some Notice of it to them by the Lord *Melvil*.

But next Council-day, when a good many of the Lords represented, that the pressing of the Bond would ruine their Tenants, and lay their Lands waste, the Duke began to talk of a Third *Indulgence*, and that pretty openly; yea, came the length of signifying, by my Lord *Melvil*, to several Presbyterian Ministers, his Inclinations this Way: And Commissioners were sent from several Corners in the Country, to advise upon a Supplication to the King.

Only with a View to keep them in Hopes till an Army was raised.

When this came to the Knowledge of the Two Archbishops, they complained very heavily to the Duke: And I am informed his Return was, that he intended no Liberty to Presbyterians at all, but it was convenient to keep them in Hopes, till he got Forces raised to suppress them, and keep them in Order; and he alledged they were at present so numerous, as they could not be meddled with without Hazard to the Peace of the Country.

Counsellors for and against Presbyterians.

In the Council at this Time the Prelates Party were strong; the Chancellor, *Linlithgow*, *Mar*, *Glencairn*, *Rofs*, and *Haltoun*, were violently against any Favour to Presbyterians. *Argyle*, the President, *Stairs*, Sir *Thomas Wallace* of *Craigie*, and a few more, were for moderate Measures; but nothing was done.

Sir George Mackenzie made a Counsellor and Advocate.

Upon the 4th of *September*, Sir *George Mackenzie* of *Rosehaugh*, was admitted a Privy Counsellor. And much about this Time, Sir *John Nisbet* of *Dirletoun*, who had been Advocate to the King these many Years, is turned out of his Post, some say upon a very sordid Reason, and Sir *George*, in *October* this Year, put in his Room, who was a very great Instrument in the After-severities against Presbyterians, and was scarce ever guilty of moderating any harsh Proceedings against them in the Eyes of the Prelates themselves.

Letter from the King, requiring all the Officers of State to accept their Commissions, *durante beneplacito*.

At the same Diet of Council, a Letter comes down from the King, of the Date *August 24th*, signifying, That in Time to come he was resolved to give no Commissions to any Officers of State, but *durante beneplacito*, and appoints the Chancellor, Secretary, Treasurer-depute, and Lord Privy Seal, to be enquired if they were willing thus to take their Commissions, which it seems they formerly had *durante vita, aut interveniente culpa*. We need not doubt what their Answer was, when the King's Will long since was declared to be their Law. Their Consent is registrate, to this Alteration, in the Council-books. This, among other Things, was a great Handle for promoting the arbitrary Courses of this Period, and a good Mean to make all the inferior Officers entirely depend upon him who had the King's Ear: And yet, as is usual, all these Stretches were turned against the Duke of *Lawderdale*, who contrived them for his own Establishment.

Towards the End of *October*, the Council receive a Letter from the Duke of *Lawderdale*, acquainting them with the designed Marriage twixt the Prince of *Orange* and Lady *Mary*; and they write a Letter to the King full of Compliment upon this Delign, and tell him, They cannot express the Greatness of that Happiness they promise themselves from that Alliance, which brings so much Support to the Royal Family, and the Protestant Churches; and they command publick Rejoycings in the City of *Edinburgh* for this. Perhaps, had some of them known what was to come out of that auspicious Match, they would scarce have been so forward. It was indeed the only Bow we had in our Cloud, in all this dark Period. And,

1677.
Prince of
Orange's Marriage intimate
to the Council, with their
Addreſs there-upon.

The Reader will be ready enough to observe, though I should not put him in Mind of it, that since the Union of the Crowns, the Family of the *Stuarts* have been great Blessings to these Kingdoms, in the Marriages they made with Protestant Princes, yea, to the Whole of the Reformed Churches; and it is to these we ow first the glorious Revolution, and then the happy Settlement of the Protestant Succession in the Family of *Hanover*. And upon the other Hand, their Matches with Papists have been as great Plagues, and once and again brought us and our holy Religion to the Brink of Ruin.

Observation upon the Marriages of the Royal Family.

No other Thing offers, but what will come in on the following Sections, unless it be, that upon the First of *November*, the Committee of publick Affairs, who have now the most Part of what before was the uptaking Work of the Council upon their Hand, report to the Council that they had appointed Two Men to be scourged, for a Riot on the Minister of *Torphichen*, and Two more for a Riot on the Minister of *Borrowstounness*; and the Council approve of this, and greater Things than this, as we shall hear, done by them.

Riots on the Incumbence of *Torphichen* and *Borrowstounness* punished.

S E C T. II.

Of the particular Hardships put upon Presbyterian Ministers, Noblemen, and Gentlemen, this Year 1677.

THE Shortness of the former Section is like to be more than made up by the Length of this and the following, where a very great Heap of particular Sufferings of many worthy Persons presents it self. I shall begin with the Ministers who this Year came to their Hands who managed the Persecution, and then give some Accounts of Persons of Quality, and others, in the Order of Time they were attacked.

Ministers brought to Trouble this Year.

I may well begin this Account with the Imprisonment and Sufferings of that excellent and pious Minister, and the Representative of a good Family, Mr. *James Frazer* of *Brae*, which I shall give the Reader mostly from his own distinct and pointed Account of them in his Life, of which he hath left a large Narrative in Manuscript, under the borrowed Name of *Philocris*, a Copy of which from the Original is before me; and I shall here and afterward give a pretty large Extract from it.

Mr. James Frazer of Brae's Sufferings.

This worthy Person met with several Hardships in the preceeding Years, Citations to appear before the Council in a Day or Two after he was married, timed just out of Malice to vex him and his Spouse, which, with his being declared Fugitive, I must pass, as what would take up much Room.

In the former Years.

We heard before he is among the List of Ministers, who, about Two Years ago, were intercommuned. It may be worth the while to take Notice of some of his Remarks on this Part of his Lot. He observes, 'That the Bishops and other wicked Men found, that by all the former Branches of their Severities, the Number of Dissenters increased upon their Hand; and, being fretted with this, bethought themselves of the Expedient of intercommuning the most active Ministers and Professors, and stooped very low, even to Carriers of Salt, as *Robert Kirk* in the Mill of *Forth*; and went the length of Three or Four hundred in the First and Second Intercommuning. He remarks, that Murderers and Traitors till now used only to be intercommuned, and that by this Method the Persecutors hoped to keep the People from them, and to force them to leave the Land, or make them Coy-ducks to ensnare others.' He had preached at Field-conventicles, and was, in his Sentiments, against hearing the Episcopal Ministers, and very much popular, which some of his Friends urged against his being put in with others in the Letters of *Intercommuning*; but the Prelates were positive to have him in: He adds, 'That for all the great Hopes conceived from this harsh Step, their Counsels were turned to Folly, and never one whom he cared for shunned his Conversation after this Sentence; and even such who had no Regard to Religion, entertained him as freely and friendly as ever; yea, he notices, that it was when under this utmost Sentence, that he got the most of the Incumbrances off his Estate, and his civil Business cleared and settled; and that he did not hear of any intercommuned

His Remarks upon his being intercommuned.

1677.

Great Pains
used by the
Prelates to
catch him.

January 28. he
is taken at E-
dinburgh, and
brought before
a Committee
of Council.

What passed
there.

Persons who were prejudged, only the Bishops were more universally hated, as the Authors of so rigorous Courses, and the whole Land groined the more to be delivered from them.

After Two Years and a Half's Continuance under this Sentence, during which he preached as he had Opportunity, the Prelates used all their Interest to catch him, knowing he was a rigid Nonconformist, and had no Freedom to have any Communion with their Church; and, as he expresses himself, imagining he was a Man of some Parts, and very active in keeping up the Schism, as they called it, and stirred up the Council against him in particular, as a Person of disloyal Principles and Practices; of which he fully vindicated himself, as we shall hear; and he was one of Three, for the apprehending of whom a considerable Sum of Money was proffered.

At last, being in *Edinburgh*, the Town-major, being solicited by the Primate, and encouraged by great Promises of Reward, upon the Sabbath Evening, *January 28th* this Year, by Means of a Servant-maid of one of his Relations, with whom he lodged, got Notice of him; and about Ten at Night, when at Family-worship, came in and seized him, and carried him straight to Prison. The Archbishop was presently acquainted with the News, and much pleased, gave the Major a small Present, and promised more; and, as soon as the Day dawned, sent strict Orders to the Jailor, that Mr. *Frazer* should be kept close, and none permitted to have Access to him, until he was brought before a Committee of Council.

Before them he appeared at Five of the Clock at Night, and what passed there I shall give in *Brue's* own Words. Says he, 'When I appeared I was not indicted of any Crimes, but examined, and verbally charged as a seditious Person, who did rend the Church of *Christ*, and was very active to make and keep up the Schism, as a Preacher at Field-conventicles, which was Death by Law, which they gladly would have had me acknowledge, as likewise who impowered me to preach; that I was intercommuned and despised the Law, in so far as I never made any Application to be freed from that Sentence; and that I was a Person of very bad Principles, destructive to all Government; and thereupon the Archbishop, who sought to ensnare me by my own Words, enquired, Whether I judged it lawful, on Pretext of Religion, to take up Arms against the King's Majesty? This was the Sum; and that I kept Correspondence with some Prisoners in the *Ba's*, which the Archbishop confidently averred he knew.'

'These Things (adds he) were not charged upon me all at once, but in a confused Way, and many of them by way of Question. I cannot say of any of the Committee, but they were all civil and sober Persons, of whom, if the Instigation and Fear of the Archbishop had not prevailed with them, I might have been moderately dealt with: But he, in a bitter and invective Oration, did represent me as a very odious and criminal Person to the other Counsellors, aggravating my alledged Crimes vehemently.'

'To all which I replied, That I did acknowledge I was (though most unworthy) a Minister of the Gospel; and that indeed I preached frequently as the Lord called me, and independently upon the Bishop; that the Subject of my Discourses and Sermons were not disloyal, and traitorous Principles and Assertions, as the Archbishop did assert; but according as I was helped of God, I preached *Repentance towards God, and Faith toward our Lord Jesus Christ*, and no other Thing than what was contained in the Prophets and the New Testament: That I was so far from being ashamed or terrified to own that I was a Minister of *Christ*, that though I was of no despicable Extraction, yet I gloried most in, and counted it the greatest Honour I ever attained, to serve God in the Gospel of his Son: That I never stirred up the People to Sedition by preaching, and was indifferent though the Principles of my Heart were as visible and perceivable to their Lordships, as the external Lineaments and Treats of my Face, so as they might read what was engraven on my Heart: That as for rising up in Arms against the King, upon the Pretext of Religion, which the Archbishop alledged I maintained, I told him he was therein abused by his Informers; for I never knew of any of the most zealous Asserters of the Liberties of the People, that did maintain rising in Arms upon Pretence of Religion, Pretences giving no Ground or Warrant for any Man's Action: That Matters of Prerogative and Privilege were Things of a ticklish and thorny Nature, and which for the present I desired not to give my Thoughts upon, not judging them within my Sphere, or that I was called to meddle with them: That for such as did ordain me, I was not free to tell them, lest thereby I should bring others into Trouble, although I designed to be most free as to Matters concerning my self: That, as I judged it not unlawful to preach the Gospel, either in Houses or Fields, as Conveniency did offer, but Duty and an Ordinance of *Christ*, so far was I from judging these Meetings *Rendezvouses of Rebellion*, as the Archbishop termed them: That I did not acknowledge I at any Time preached in the Fields; and if they thirsted after my Blood, and to take my Life upon that Account, they could not expect I should give or reach the Weapon wherewith to destroy my self, or that I should either witness against or accuse my self in a Matter which the Law had made so criminal; and therefore it was proper for them to seek their Proof and Evidences against me elsewhere than from my self; for I was resolved no Man living should be able to make me guilty of such a Weakness: That

That as to corresponding with any in the *Bass*, which the Archbishop alledged, I declared there was no such Thing, and if there was, I shall be content to suffer the greatest Punishment. I denied the Charge of Schism, and left it to be proven by the Bishop: That for my Intercommuning, I was then Seven Score of Miles off when it was palled, and knew not of it, till I saw my Name in the printed Paper, and so could not prevent it; and after I was intercommuned, I could not get one Person as would so much as draw up a Petition for me, being straitly charged to the contrary: And that from this and the Fear of further Prejudice, and not from any Contempt of the Laws, it was, that I did not move to have my self taken out of the Letters of *Intercommuning*; that in this and all the Premises I was free and ingenuous with them: That I came not to justify my Breeding before their Lordships, but acknowledged I was a rude Man, one of the Lords having challenged me of Unmannerliness and ill Breeding, that I gave not the Archbishop his Titles: And finally, that I was now in their Lordships Power, and ready to submit to whatever their Lordships determined concerning me.

1677.

This is Mr. *Frazer's* own Account of his Examination, and it agrees perfectly well with another Account written at this Time in short Hand, by one present at the Examination, as the Queries and Answers were given; and that the Reader may have a Specimen of the Manner of their captious Examinations, I have insert it, *App. N^o. 78.*

Copy of his Examination before the Council, January 29. App. N^o. 78. Sent back to Prison, and harshly treated, and next sent to the *Lo.*

After his Examination he was sent back to Prison, and ordained to be kept more strictly than formerly. His Pockets were searched for Letters: Knives, Ink, Pen, and Paper were taken from him, and all Company discharged. He remarks, that the Lord was a Light round about him at this Time, and him they could not shut out, and that Night was the sweetest he had for many Years, and he was lifted up above Death, Sin, Hell, and Wrath, and the Fears of Prelates and Papists, by a full Sense of the Divine Favour. About Six of the Clock next Day, he was awakened by one of the Jaylors, who called to him to make ready to go presently to the *Bass*, for so the Council had determined. Accordingly, he and Mr. *James Mitchel* were carried away by a Guard of Twelve Horse and Thirty Foot, and on Wednesday Morning were delivered to the Governor of the Garison, consisting of Eighteen or Twenty Soldiers.

In the *Bass* he continued Two Years and a Half; and he makes not a few Remarks upon his own and the rest of the Prisoners Circumstances while there, too long to be insert here. Upon the one Hand he records, that he met with much of the Lord's Presence, and many Visits from his Master, and had much sweet Conversation with his Fellow-prisoners, and improved in Knowledge and Grace: But upon the other Side he complains, besides their Opportunities of Preaching were removed, Distance from his Relations, and many other Things, which easily offer to any Body; that the Company of the ungodly was uneasy, they lived among Lions, Wolves, and Serpents, and dwelt in *Kedar*. Their Servants were turned from them frequently, and they obliged to seek new ones; they were deprived often of one anothers Society; their Letters were frequently opened and read, their Diet was extravagantly dear, and they behoved to take it at the Governor's Rates. Many Times they were all shut up close, and not suffered to see or speak to one another, just as Freaks took the Soldiers. They were vexed with the Soldiers mixing in with them, their Blasphemies and Cursings, and ensnaring Discourse on publick Matters. Their Servants were frequently attempted by the Rustians, so that they could scarce get any to serve them. The worst among the Soldiers kept some others among them, from conversing with the Ministers upon religious Matters on the Lord's Day, by force, when several were most willing, and had got some Good this Way: And sometimes in the Winter and Spring they were very hardly put to it for Necessaries, and had nothing but Snow-water, sprinkled upon some Oat Meal, to drink, and a little hard Fish to eat.

Where he continued Two Years and a Half. His Remarks upon his and the other Prisoners their Circumstances there.

Till the Archbishop's Death no Intercession could prevail for liberating the most Part of them; and yet Mr. *Frazer* remarks, that the firm Persuasion of a Deliverance was continually kept up upon his Spirit, and he was made to believe that the God who spoke to the Fish in *Jonah's* Case, would speak to that Rock to give him and his Brethren up: And accordingly, when the rash and unconcerted Attempt at *Bothwell* was broken, and they judged their Case desperate, and all Hope was failing, in the Evening Time it was Light; and the King granted an Indemnity, and sent Orders to liberate all Prisoners for Nonconformity, who had not been concerned in the Rising.

From Hope of a Deliverance kept upon his Spirit.

Upon which, in July 1679. Mr. *Frazer* and Eight or Nine more Ministers were brought out of the *Bass*, and taken to the Tolbooth of *Edinburgh*. The Reason of their being imprisoned there, when taken out, was, that though the King's Orders were unconditional to liberate them, yet the Council would not set them free, until they should either give Bond not to rise in Arms against the King, or any commissionate by him in any Case, and to forbear Field-meetings, and Preaching in Houses, or give Security and Caution to appear when called, under the Pain of Five hundred Pounds *Sterling*. The first the Ministers in all the Points of it would not oblige themselves to, as what they reckoned was a giving up of their Ministry, and therefore behoved to fall in with the other; and in Twenty four Hours Time

He and the rest are liberated July 1679 upon Bonds, and continued free, till taken again November 1681

1677. they and some others in Prison at *Edinburgh*, found Bail for Eight thousand Pounds *Sterling*, and were liberate. Mr. *Frazer* observes, he continued in a wandering Lot, preaching almost every Lord's Day, till *November* 1681. when he and his Cautioner were cited before the Council; at which Time we shall meet with this excellent Person again.

February 1. Mr. Thomas Hogg and Mr. John M'Gilligen from the North, the last sent to the Bass.

I go forward to the Sufferings of some other Ministers about this Time, from the Hints I find in the Council-books anent them. February 1st, the Council order Mr. *Thomas Hogg*, whom they term a noted Keeper of Conventicles, atd intercommuned, to be transported from *Murray* to *Edinburgh* Tolbooth; and Mr. *John M'Gilligen*, of whom before, to be conveyed from one Sheriff to another, to *Edinburgh*. They are informed that the Sheriff of *Nairn* keeps him as a Chaplain, and suffers him to preach and keep Conventicles, and commit other Disorders; and therefore the said Sheriff is ordered likewise to appear before them at *Edinburgh*. Mr. *M'Gilligen* was sent to the *Bass*, and continued there till the 1679. What became of the friendly Sheriff I have not heard, only I find the Council, *March* 1st, by a Letter, give to the Earl of *Seaforth* a severe Reprimand, for granting Warrant to the Sheriff of *Nairn* to give some Liberty to Mr. *M'Gilligen*.

Mr. Andrew Forester imprisoned, and challenged for written Minutes of a Meeting of outed Ministers, 1676. found on him.

Mr. *Andrew Forester*, who had been formerly imprisoned in the *Bass* for preaching at Conventicles, and let out, was lately taken in *Fife*, and brought before the Council, *February* 8th. The great Thing they had against him, was some Papers he had about him when taken, and I give the Account as it stands in the Registers. 'Mr. *Andrew Forester*, when taken had some Papers upon him, by which it appears, that, upon the 20th of *May* 1676. there convened, within the Town of *Edinburgh*, betwixt Fifty and Sixty outed Ministers, who did constitute themselves in Form of a Commission of the Kirk, and voted their Moderator, and appointed a Committee of their Number to bring in Overtures; who accordingly did meet at Night, and drew up a Petition, and Overtures of a most seditious Nature, to be offered to their Meeting; in which they condescend upon, and settle Ways of keeping Correspondence in their several Societies and Synods established by them, and for entring upon Trials, and sending out young Men to the Ministry in their several Societies and Bounds, and for one Synod's corresponding with another, and for providing against any Offer from the State in order to Church-affairs, without Advertisement given unto, or Concert of the several Societies, and for Correspondence with Gentlemen and judicious Elders. Whilk Overtures being, on the said 25th of *May*, presented to the great Meeting, were by them voted and approven; which Paper, containing the said Petition and Overtures, with another Paper bearing the leeting and voting of the Moderator, and what Votes every Minister had, and the Minutes of what passed at those Meetings, being found on the said Mr. *Forester*, and he confessing he was present, and the said Minutes were his Writing; but declining to answer in what House they met, and who was Preses, though he owned he was Clerk, or who were present, and other Circumstances; he is ordered to be kept close Prisoner in *Edinburgh*.'

Remarks on this Meeting.

No more anent this Meeting offers to me than is here; I make no doubt it has been a general Meeting of Correspondence, and probably they voted and concluded the Overtures set down above, for the Management of themselves. As to their sitting as a Commission of the Kirk, is merely an Addition or Inference, and I find all who were Members of those Meetings still declined to take to themselves any judicative Power. We have heard of another Meeting of this Nature this Year, for Regulations to themselves in this difficult Juncture; and after this I much doubt if there were many. What became of Mr. *Forester* I have not learned.

Mr. William M'Millan confined to Balmacallan.

May 3^d, the Earl of *Dumfries* represents to the Council, that Mr. *William M'Millan*, of whose Sufferings I shall afterward give a fuller Account, hath been for some Time imprisoned in *Dumfries* for Nonconformity, and that he may be let out, and confined to the Parish of *Balmacallan*. The Council grant the Desire of a Petition from him to this Purpose.

Mr. James Drummond.

The same Day Mr. *James Drummond*, formerly mentioned, is ordered 'to be brought into *Edinburgh* Tolbooth. The Reason given is, because at his former Liberation he engaged not to keep Conventicles, and yet was taken preaching.' If he made such a Promise, he is almost the only Presbyterian Minister did so at this Time. They all gave Bond to compear when called, but none of them would oblige themselves not to preach.

Mr. Robert Trail younger, his Examination before the Council, he is sent to the Bass.

Mr. *Robert Trail*, Son to Mr. *Robert Trail* Minister at *Edinburgh*, of whom in the former Book, is brought before the Council, *July* 19th. It is narrated in the Article about him, that he was taken at *Edinburgh*, that he had been excepted out of the Indemnity for the Rebellion 1666. When brought before the Council, he acknowledged he had kept House-conventicles; and being interrogate if he had preached at Field-conventicles, he referred that to Probation, and declined to answer, as being criminal by Law: Whereupon he was ordered by the Council to purge himself by Oath, of preaching or hearing at them. This he peremptorily refused, as what in Justice he could not be obliged to in his own Cause. Being interrogate, If he ever conversed with Mr. *John Welsh*; he confessed he had, when upon the *English* Border. He acknowledged he was ordained to the Ministry by Presbyterian Ministers

Ministers at London, in the Year 1670. The Council send him to the *Bass*; and Major *Johnstoun* is ordered a *Premium* of a Thousand Pounds Scots for apprehending him.

1677.

October 9th, I find the Committee for publick Affairs give it as their Opinion to the Council, that Mr. *Robert Trail*, Scot of *Pitlochie*, Mr. *James Drummond*, Mr. *James Frazer* of *Brae*, be liberate from the *Bass*, upon their giving Bonds for their compearing when called. How far this was gone into by the Council as to the rest I know not; but we have heard that Mr. *Frazer* was continued in the *Bass*, notwithstanding of this, by the particular Spite the Primate had against him.

At that Diet, I find that the Council order Mr. *Alexander Pedin*, of whom before, to be liberate from the *Bass*, upon his enacting himself to depart forth of *Britain*, and not to return, under the Pain of being held *pro confesso* to have been at *Pentland*. I am told he was once Precentor at *Fenwick* for some Time.

Mr. *Alexander Pedin* let out of the *Bass* October 9.

Likewise they order Mr. *Thomas Hogg*, who had been brought from the *Bass* to the Tolbooth of *Edinburgh*, to be liberate, and confined to *Kintire*, under the Pain of a Thousand Merks; and Mr. *John McGilligen* is likewise ordered to be liberate, and confined to the Island of *Ila*; and Mr. *Thomas Ross*, who is Prisoner in the Tolbooth of *Tain*, is appointed to be liberate, upon his finding Caution to compear when called, upon the Pain of Two thousand Merks.

Mr. *Hogg* brought from the *Bass* to *Edinburgh* Tolbooth, and confined to *Kintire*, Mr. *McGilligen* to *Ila*, Mr. *Thomas Ross* liberate. Mr. *John Welwood* turned out of *Tarbolton*.

November 1st, Mr. *John Welwood* is informed against, as having intruded upon the Kirk of *Tarbolton* in the Shire of *Air*; and the Council appoint the Earl of *Glencairn*, and the Lord *Ross*, to see that he be turned out, and apprehended. I do not hear he was taken, but very soon the *Highland* Reformers came down to that Country: And, November 15th, Mr. *James Forthie*, Chaplain to the Trinity Hospital at *Edinburgh*, is ordered to be turned out, for his being present at a Conventicle. This is all I meet with this Year, about particular Ministers.

I come now forward to the Severities exercised against particular Noblemen, Gentlemen, and others. My Accounts of them are not so large as were to be wished, being mostly from the Hints about them I observed in the Council-books.

Upon the 8th of *February*, Scot of *Pitlochie*, who had been formerly intercommuned, and was lately taken for being at Conventicles, is brought before the Council, and sent straight to the *Bass*, where I find him October 5th, and ordered to be let out by the Committee for publick Affairs, as hath been noticed.

Scot of *Pitlochie* sent to the *Bass*, where he continues from Feb. to October.

This Year the excellent Lord *Cardross*, of whom before, had new Troubles; whether upon the former iniquous Sentence he had continued in Prison till now, or what was the Occasion of this, I know not: But, *February* 8th, I find the Council allow *Henry Lord Cardross* Liberty to go out of Prison, until the 18th of that Month, because of his Lady's Illness: And upon the First of *March*, they allow the Lord *Cardross* to go about his Affairs, upon a Bond of a Hundred Pounds *Sterling*, to be exacted for every Offence, *toties quoties*, for himself and his Lady, in the Terms the Council appointed formerly. This is rigorously exacted. August 7th, my Lord and his Lady are fined in Half of their yearly valued Rent. The Pretext of this Severity was, that he had baptized Two Children with the outed Ministers. One would think this was a pretty narrow Point, and might have been overlookt; but none of these could be born with by the Bishops.

Lord *Cardross* fined again August 7.

Since I finished what is above, from the Hints in the Council-registers, I am in Case, from original Papers, to give some further Account of my Lord *Cardross*'s Trouble this Year. This excellent Nobleman had continued in Prison now near Two Years. It seems my Lord sent up a Petition to his Majesty, which was answered in a Letter to the Council, dated *February* 24th, 1676. a Copy of which is before me, which relates to Two other Gentlemen as well as him, and I insert it here.

Further Accounts of the Lord *Cardross*'s Trouble this Year.

Right trusty and well beloved Cousins and Counsellors, &c. We greet you well. Having seen and considered the Three inclosed Petitions, from *Henry Lord Cardross*, Sir *Patrick Home* of *Polwart*, and Lieutenant-general *William Drummond*; We have thought fit to signify to you Our Royal Pleasure, and We do hereby expressly require you to exact, and cause full Payment to be made of the Fine imposed by you on the Lord *Cardross*, and to take good Surety from him, that neither he nor his Family will be guilty of such Offences as these for which he was by you fined and committed: After which (and no sooner) you are hereby authorized to set him at Liberty. As for Sir *Patrick Home*'s Desire, it is Our express Pleasure, that the Sentence formerly pronounced by you, whereby he is declared incapable of all publick Trust, may still continue in full Force against him, until Our Pleasure shall be (in Writing under Our Royal Hand) declared to the contrary; but that in the mean Time, you order him to be released from Prison, and to be restored to his Liberty. And as for Lieutenant-general *Drummond*'s Desire, it is Our Royal Pleasure, and We are hereby graciously pleased to authorize and require you to cause him to be set at his full Liberty, hoping that his future Carriage will be such, as that thereby We shall have no Cause to think this Our Royal Favour ill bestowed. For doing all which this shall be

King's Letter about him, *Polwart*, and Lieutenant-general *Drummond*.

1677.

‘ your Warrant, and so We bid you heartily Farewel. Given at Our Court at *Whitehall*, the 24th Day of *February*, 1676. and of Our Reign the 28th Year.’
By his Majesty's Command.

LAWDERDALE.

The Council were willing enough to keep close to this unfavourable Answer; and my Lord continued in Prison, till *February* this Year he is liberate for Ten Days, and his Liberty continued, under a rigorous Bond, as we have just now seen, till a new Process is intended against him, for Two irregular Baptisms. My Lord's Indictment is dated *August* 2^d, and I insert it here from the Original.

Indictment against him for Two Baptisms, Aug. 2.

‘ *CHARLES*, &c. Forasmuch as it is humbly meaned and shown to Us, by Our trusty and well beloved Counsellor Sir *John Nisbet* of *Dirlتون*, Knight, Our Advocate for Our Interest, in the Matter underwritten, That where, albeit by the Sixth Act of the Second Session of Our Second Parliament, it is statute and ordained, That none of Our Subjects of whatsoever Degree or Quality, presume to offer their Children to be baptized by any, but by such as are their Parish Ministers, or else by such Ministers as are authorized by the established Government of the Church, or licensed by Our Council, upon a Certificate from the Minister of the Parish, if he be present, or in his Absence by one of the neighbouring Ministers; and it is declared, that the Father of any Child which shall be otherwise baptized, (he being an Heritor, Liferenter, or proper Wadsetter) shall be fined in a Fourth Part of the valued yearly Rent: Notwithstanding whereof, it is of Verity, That upon the First, Second, Third, and remanent Days of the Months of *January*, *February*, *March*, and remanent Months of the Years of God 1675, 1676 bypast, and 1677 instant, or one or other of the Days of the said Months, *Henry Lord Cardross* hath several Children belonging to him, at the least hath had Two Children baptized by Persons who are not his own Parish Ministers, or by such Ministers as are not authorized by the established Government of the Church, or not licensed by Our Council, without any Certificate from the Ministers of his own Parish, or, in case of his Absence, by one of the neighbouring Ministers; whereby the said *Henry Lord Cardross* hath directly contravened the Tenor of the foresaid Act of Parliament, and thereby incurred the Penalty therein contained, wherefore he ought and should be decerned to make Payment. OUR WILL IS HEREFÖRE, and We charge you strictly, and command, that, incontinent these Our Letters seen, ye pass, and, in Our Name and Authority, command and charge the said *Henry Lord Cardross* personally, and deliver to him a just Copy of these Our Letters, to compear personally before the Lords of secret Council at *Edinburgh*, or where it shall happen them to be for the Time, the Seventh Day of *August* Instant, to answer to the Premises, and give his Oath upon the Verity thereof, certifying him, if he fail so to do, that he shall be held as confest thereupon; and that the Lords of Our Privy Council will proceed and give Sentence in the said Matter, as effiers, according to Justice, as you will answer to Us thereupon. The whilk to do We commit to you, conjunctly and severally, Our full Power, by thir Our Letters, delivering them by you duly execute and indorsate again to the Bearer. Given under Our Signet at *Edinburgh*, the Second Day of *August*, and of Our Reign the Twenty ninth Year, 1677.’

Per actum Dominorum secreti Concilii.

‘ I *Robert Leitch* Messenger, by virtue of the principal Letters rais'd at the Instance of the above designed Sir *John Nisbet*, in his Majesty's Name and Authority, lawfully summon, command, and charge *Henry Lord Cardross*, to compear, Day and Place above express, for the Reasons and Causes above rehearsed.’

Robert Leitch Messenger.

In answer to this, instead of legal Defences, my Lord gives in the following Representation to the Council, when he appeared, *August* 7th.

Unto the Right Honourable, the Lords of his Majesty's Privy Council, the humble Representation of *Henry Lord Cardross*,

Sheweth,

His Answers Aug. 7.

‘ THAT being convened before your Lordships, for having, since *January* 1675. a Child, one or more, baptized, contrary to the Act of Parliament 1670. as is particularly expressed in the Libel; I shall not trouble your Lordships with legal Defences, but plainly lay forth, and humbly submit the Case as it is, and doth consist in my Knowledge, to your Lordships.’

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ships favourable Judgment. It is not unknown to your Lordships, how, and for what Cause I have been kept a Prisoner in the Castle of *Edinburgh*, by the Space of almost Two Years, and thereby sequestrated and shut up, not only from my ordinary Parish, but also from my own Family, in which Time I grant that I had a Child born in the Town of *Edinburgh*; but being restrained, as I have said, and not permitted to attend my Wife in her Labour, much less to perform and discharge the other Duties relating to the Child, I confess that I did neither conceive my self concerned in the foresaid Act of Parliament, being in no Liberty or Capacity to satisfy its Appointment, nor did I enquire nor inform my self further, than to learn that the Child was truly and Christianly baptized, without once asking by what Minister the same was done ----- And this is the true and just Account of this Affair: Seeing therefore that the foresaid Act is made expressly against wilful Withdrawers, and such as presume to offer their Children to be baptized otherwise than is therein ordained; and so that these Things and Characters are noways chargeable upon me a Prisoner, having neither ordinary Parish, nor settled Family, nor so much as Access to have presented my Child to baptize; and lastly, seeing that my long, and more than ordinary Sufferings, are well known to your Lordships, likeas, the Child is now deceased, and so it is most consistent with your Lordships Moderation, not to add Affliction to the afflicted: May it therefore please your Lordships graciously to accept of this my Declaration and Submission, and to acquit me of the foresaid Libel and Indictment.

Notwithstanding of this plain stating the Matter, my Lord is fined as high as the Letter of the Law would permit, in Half a Year's valued Rent. The Severity of this Procedure appears so full from the above Representation, that I need make no Reflections upon it, but go forward to the Sufferings of others this Year.

Thomas Blackwel, *William Stirling*, and *Robert Fork*, Prisoners at *Glasgow*, and formerly declared fugitive, are ordered, *February 8th*, to be brought in Prisoners to *Edinburgh*. Whether they were sent, I know not. We have seen Mr. *Blackwel* escaped out of Prison last Year by the dreadful Fire: It may be by this Time he was taken again, but this I know, his Sufferings were very sore and most illegal. An Information given in to the Government after the Revolution, will give us some Hint of them, though far short of what they really were; which bears, 'That at the pressing Instance of Mr. *Ross*, then Parson of *Glasgow*, and afterwards Bishop of *St. Andrews*, in the Year 1677. Mr. *Blackwel* was committed to Prison, (for House and Field-conventicles, and entertaining Nonconformist Ministers in his House) even when under a most violent Fit of a tormenting Gravel: But one Night the Door being open, and the Jailor drunk, he and *William Stirling*, a Gentleman in Prison with him, got out. The Council cited the Magistrates of *Glasgow*, and they having no Defence to make, were fined in Ten thousand Merks, which Fine was transacted with them for Two thousand Merks, by one of the Managers. After the Indemnity 1679. Mr. *Blackwel* was attacked by the Cautioners for the Jailor, who had paid the Fine, and put again in Prison, and kept there under great Torture of the Gravel for a long Time, and was obliged to transact for Seven thousand Merks to his Pursuers, a good Part of which was paid, though *William Stirling* was not at all pursued.' By this and many other Hardships, he and his Family were reduced to great Difficulties and Incumbrances, and yet kind Providence hath well provided for them since the Revolution. Nothing further offers as to the other Two.

Thomas Blackwel's Sufferings.

Upon the 22^d of *February*, *Robert Blae* late Bailie of *Culross*, is fined for being at Conventicles, in Two thousand Merks *Scots*, and *William Gray* Girdle-maker there, upon the same account, is fined in Two hundred Merks.

Fines in Cause for Conventicles.

Robert Bennet of *Chesters*, upon the 2^d of *May*, is brought before the Council, for being at a Field-conventicle, where they alledge the King's Forces were resisted: And, the same Day, the Soldiers who apprehended *Thomas Blackwel* and *Robert Bennet*, are allowed Ten Pounds *Sterling* per Piece out of the Fines. *June 28th*, I find the Council fine *Bennet* of *Chesters* in Four thousand Merks *Scots*, for Conventicles, and his hearing and conversing with Mr. *John Welsh*, and appoint him to continue in the *Bass* till he pay it.

Bennet of *Chesters* fined in 4000 Merks for one Conventicle.

The same Day, *Adam Stobie* of *Luscar*, is fined by the Council in Three thousand Merks, for keeping Conventicles, withdrawing from publick Ordinances, Refet and Converse with intercommuned Persons, and, after Payment of the Fine, ordered to be transported forth of the Kingdom.

Stobie of *Luscar* in 3000 Merks, and after Payment to be transported.

June 28th, *John Anderson* of *Dowhill* younger, since the Revolution frequently Provost of *Glasgow*, was brought before the Committee of publick Affairs, and was accused of many Conventicles, and a Tract of Nonconformity. All was remitted to his own Oath for Probation, which he refusing to give, was held as confest. He voluntarily acknowledged he had for several Years deserted his own Church at *Glasgow*, and heard the Indulged, that he had a Child baptized by an indulged Minister, that he had been at Five or Six Conventicles: He refused to engage to hear his Parish Minister, and they fine him in Five hundred Pounds *Sterling*, and appoint him to lie in *Edinburgh* Tolbooth till

John Anderson of *Dowhill* younger, fined in 500 Pounds *Sterling*.

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Sir Alexander Bruce of Broomhall fined in 1200 Merks for his Tenants Non-conformity. Charges to many Heritors in Lanerk and Renfrew, to appear before the Council in August, for Non-conformity.

Abstract of that to James Smith of Tullochshaugh.

till he pay it. There he continued close Prisoner till *October 5th*, when I find the Council order him to be liberate upon his Payment of Two thousand Pounds *Scots*.

Sir *Alexander Bruce of Broomhall* is fined, *July 24th*, in Twelve hundred Pounds. He was fully regular and conform himself, but, it seems, had not violently pressed his Tenants to subscribe the Bond; and some of his Tenants had been at Conventicles, and their Fines are accumulated, and he charged to pay them.

Besides these particular Finings, I find a great many Charges issued out, in the End of *July*, against many Heritors in the Shires of *Lanerk* and *Renfrew*, to appear before the Council in *August* next; which brought them to a vast deal of Trouble. The Form of the Charge I need not give at Length, but I shall insert the Abstract of an original one just now before me, and they run all, *mutatis mutandis*, in the same Strain.

‘**CHARLES, &c.** Whereas it is humbly meaned and shewn to Us by Sir *John Nisbet* Our Advocate, That notwithstanding of *Act 1st. Sess. 2^d. 1st Parl.* and several other Laws and Acts of Parliament, withdrawing from publick Ordinances, irregular Marriages and Baptisms, Converse with intercommuned Persons, are punishable, as contained in Our Laws: Nevertheless, it is of Verity, that the Persons underwritten, *James Smith of Tullochshaugh*, (no more are named, because the Charge before me was personally delivered to this Gentleman, in the Parish of *Kilbride* and Shire of *Lanerk*) have in the Years 1674, 5, 6, and 7. kept or been present at Field-conventicles, or in Houses, in the Parishes of *Hamilton, Blantyre, Dunfyre, Kilbride*, or at the Muir of ----- and about or near the said Places, have heard divers outed Ministers preach, expound Scripture, pray, and exercise several other Functions of their Ministry, particularly Mr. *John King*, Mr. *John Dickson*, Mr. *Andrew Mortoun*, &c. and have had their Children baptized, and been married in this disorderly Manner, and have convocate Numbers of People to these Meetings, and withdrawn from their own Churches, or at least have refet and supplied, harboured or corresponded with Mr. *John Welsh*, Mr. *John King*, Mr. *John Dickson*, or others declared Rebels and Traitors, who have been intercommuned: Likeas, the Persons underwritten ----- (a Blank here without their Names) Landlords and Masters to the foresaid Persons, their Rentallers or Tenants, who have not given Obedience to the foresaid Laws, in taking Bonds from them conform thereunto, ought to be answerable for them, and liable, and decerned against for the Pains and Penalties incurred by the said Rentallers and Tenants: As also, the Persons underwritten, ----- Heritors of the Lands above written, upon which the said Conventicles were kept, ought to be liable to the Sum of Fifty Pounds *Sterling*, for each one of the said Conventicles kept on the Ground of their Lands. OUR WILL IS HEREFOR, and We charge you in Our Name and Authority, to charge the haill Persons abovewritten, to compear personally before the Lords of Our Privy Council, the 7th Day of *August* next to come, to answer to the foresaid Complaint, and give their Oaths of Verity upon the respective Articles thereof; with Certification if they fail so to do, they shall be held as confest thereupon, and Decreet and Sentence accordingly pass upon them, and to hear and see such Order taken as appertains, under the Pain of Rebellion. Given under Our Signet at *Edinburgh*, *July 28th, 1677.*’

Remarks upon them.

Bedlans liberate upon Bond.

Lady *Kinkell* fined in 5000. and Lady *Pitlochie* in 1000 Merks.

Kersland confined to *Irwin*, and ordered to be liberate.

Such Charges as this involved the whole Country almost in Trouble, and the Persons particularly charged in great Difficulties and vast Expences to get rid of these Prosecutions; and Multitudes of them were given out. But to return to particular Persons;

August 2^d, *John Cunningham of Bedlane* petitions the Council to be liberate from Prison, because of the heavy Sicknefs he is fallen under. They grant his Liberation, upon his giving Bond and Caution to re-enter when called, under the Penalty of Five thousand Merks.

Upon the 7th of *August*, I find some Ladies fined by the Council. *Margaret Rigg* Lady *Pitlochie*, *Margaret Pitcairn* Lady *Kinkell*, are cited for alledged being at Conventicles, and when not compearing they are held as confessing, and the Lady *Kinkell* fined in Five thousand Merks, and the other in a Thousand, and Letters are directed against them and their Husbands; though, if I mistake it not, *Pitlochie* was at this Time in the *Bass*, at least we have seen that, *October 5th*, an Order is given for liberating *Pitlochie*, and some others, from the *Bass*.

In *October*, the Committee for publick Affairs order *Robert Ker of Kersland* to confine himself to the Town of *Irwin*, and a Mile round it: And, *November 29th*, *Robert Ker*, sometime of *Kersland*, and *Durham of Largo*, Prisoners in *Edinburgh Tolbooth*, are ordered to be liberate without any Conditions; which is not very ordinary at this Time. This Liberation of *Kersland* I set down as I find it; how it came about I know not, and his Friends know nothing about it, or that ever it came to his Knowledge. I meet with no more but what will natively enough fall in upon the following Sections, and so I come to

S E C T. III.

Of the more general Procedure of the Council against Conventicles and Presbyterians, this Year 1677.

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IN this Section I shall give the Reader some View of the Actings of the Council, more common to all the suffering Presbyterians, until the Design of the *Highland Host* was formed, and then give the more direct Preparations for that in the next Section.

February 13th, the Council give Commission to the Lord *Maxwel*, a Papist, to apprehend Presbyterian Ministers and Preachers, and substantial Heritors found at Conventicles, and such as he should be well informed were there, in the Shires of *Dumfries* and *Wigtoun*, and Stewartry of *Kircudbright*: He is likewise impowered to uplift the Five thousand Merks of Fines, lately imposed upon the Parish of *Dunstons* for a Riot.

Commission to Lord *Maxwel* a Papist, to apprehend Presbyterian Ministers and others.

Great Care was taken about this Time to have the Youth formed according to the Course carried on at present; so upon the 6th of *March*, the Council pass an Act, discharging any Students at any University to be admitted to receive University-degrees, till once they had taken the Oath of *Allegiance* and *Declaration*, and that under Pain of Deprivation to the Masters who should confer them. This Bar in the Fountains of Learning, upon all except such who were of a particular Opinion, or cared not what they declared, hindred many Youths from receiving their Degrees, who were as much deserving as these who got them.

Act discharging University-degrees to be conferred but on such as take the Declaration.

The same Day the Council cause write Letters to the Sheriffs, Bailies of Regalities, and other inferior Officers, bearing, That for their Encouragement to prosecute such who haunted Conventicles, they are warranted to uplift for their own Use the Fines by Law due from Tenants, Cottars, and every other Person below the Degree of an Heritor; and likewise they are appointed to uplift the Fines of Heritors, and to be countable for them to the Council. They are required to be diligent and strict in the levying the Fines from all Persons guilty, and send in frequent Accounts of their Diligence to the Council.

Fines for Conventicles given to the Uplifters.

Before the Vacation, upon the same Day, I find the Nomination of the Committee for publick Affairs, with the former Powers, recorded. They are the Earls of *Linlithgow* and *Wintoun*, the Lords *Elphinstoun* and *Belhaven*, the Treasurer-depute, Advocate, and Lord *Collington*, or any Three of them.

Committee for publick Affairs.

Upon the 4th of *April*, the Council in a Letter to the Duke of *Lawderdale*, complain that great Numbers of Conventicle-keepers, Preachers, and Hearers, when proceßed, fugitate and pursued by his Majesty's Forces, go over the Border to *England*, and so escape. They earnestly beg his Majesty may provide a Remedy for this Evil.

Complaint, that Keepers of Conventicles, when pursued, go into *England*.

May 2^d, a good many of the Royal Burghs are writ to by Order of the Council, to be more careful in suppressing of Conventicles, and send punctual Accounts of their Diligence to the Council from Time to Time. The Burghs of *Dumbar*, *Linlithgow*, *Glasgow*, the Regality of *Bunkle* in *Berwick*, and the Town of *Aberdeen*, have Letters ordered to be sent them.

Burghs writ to to prosecute Conventicles.

The same Day, Colonel *Borthwick*, who commands the Forces lying at *Glasgow*, is ordered to be careful to prevent People's going out of that Place to Conventicles. The Council is informed, that early in the Morning on the *Sabbath*, great Numbers there use to go out to Conventicles, and leave their own Churches. The Soldiers are appointed to be set at the Gates, and seize such who offer to leave the Town.

Soldiers set at the Gates of *Glasgow* to prevent People their going to Conventicles.

It hath been before observed, that the Committee for publick Affairs, have now a great Part of the Procedure against Presbyterians in their Hands, and therefore I shall here set down a pretty large Report they give in to the Council of their Proceedings, which is insert in their Books, June 28th, and though it repeat some Things before hinted at, yet containing some other Particulars, and being their own Account, I give it here.

Report of the Procedure of the Committee for publick Affairs.

Report to the Council by the Committee for publick Affairs, June 28th, 1677.

IN the Year 1674. the several Sheriffs being ordered by the Council to proceed against the Keepers of Conventicles, and to report an Account of their Diligence, according to the Act of Parliament, some of the Sheriffs, particularly the Sheriff of *Stirling*, having returned an Account, that they had convened and sentenced several Persons guilty of Conventicles, and other Disorders, issued forth their Precepts, and raised Letters of Horning thereupon, by Warrant of the Lords of Session, but their Sentences were suspended by the said Lords, which they were not in a Capacity, without great Attendance and Ex-

That the former Order discharging Suspension, except by the Council upon Hornings for Conventicles, be renewed.

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pences, to discuss. The Council thought fit to order, that hereafter Letters of Horning, upon the Letters of the Sheriffs and other inferior Magistrates, should be direct by the Authority of the Council only, and that no Suspension thereof should pass but by the Council. And accordingly, Letters of Horning being from Time to Time direct by the Council, it is the Opinion of the Committee that the said Order should be renewed, and that it be recommended to the President of the Session to intimate the same to the Lords, and that the Clerk of the Bills should be discharged to present any Bills for Horning upon the said Precepts, or to present any Bills of Suspension, upon any Charges direct by the Authority of Council, as he will be answerable.

Several in
Glasgow de-
nounced for
Conventicles.

The Committee has ordered Letters of Denunciation to be direct against the Persons within *Glasgow*, who did not compare to answer for Conventicles, and to be denounced, at the Market-cross of the Shire, except *William Govan*, *John Leckie*, and *Mr. William Bell*, whose Appearance is continued till the 11th of *July* next, upon Certificates produced for them.

Mr. Peter
Paterfon im-
prisoned for a
Conventicle.

The Committee being informed, that *Mr. Peter Paterfon*, who was formerly denounced, and Prisoner, for Conventicles and other Disorders, and thereafter, upon his Application confined to the Barony of *Resalrig*, hath so far abused that Favour, that he has kept frequent Meetings in his House, so frequent that People at these Meetings have been without Doors; and there being some of the Sheriff's Officers sent by the Sheriff's Order to take Notice thereof on *Sunday* the 17th Instant, he refused to open his Doors, which they declared before the Committee; and that they saw him and some others with him looking out at his Windows, and heard that there were many Persons within his House, who, upon the Officers Approach made their Escape out at a back Passage. It is the Opinion of the Committee, that his Cautioner ought to be ordered to enter his Person in Prison in the Tolbooth of *Edinburgh* in Forty eight Hours, under the Penalty of Two thousand Merks, conform to his Bond.

Soldiers order-
ed 300 Merks
for apprehend-
ing *Stobie* of
Luscar.

Whereas Captain *John Inglis* a Serjeant, and Four Rate of Musketeers, were at considerable Charges and Trouble in taking of *William Stobie* of *Luscar*, now Prisoner in the Tolbooth of *Edinburgh*; it is the Opinion of the Committee, that it be recommended to the Lords of the Treasury, to allow them Three hundred Merks out of the first and readiest of the said *William Stobie's* Fine, being the Tenth Part of it, to be divided at Sight of the Earl of *Linlithgow*.

Method laid
down anent
Prisoners.

The Committee considering, that divers Persons are imprisoned in the Tolbooth of *Edinburgh*, and divers other Places, who, before their Imprisonment, were denounced his Majesty's Rebels, and put to the Horn for their Contumacy in not appearing before the Council, and several of them intercommuned: It is their Opinion, that in setting them or any of them to Liberty, this Method be followed; That Suspension or Relaxation be passed for them before the Council or Committee, to such a competent Diet as shall be found fit, upon Caution to be found for their personal Compareance at that Diet, and the hail Diets thereafter, until the Suspension be discussed, under a particular Penalty; and that in the mean Time they shall frequent Ordinances in their own Parish-churches, and shall not go to any Conventicles, or correspond with, harbour, or reset any intercommuned Persons, under a particular Penalty, *toties quoties*, conform to the Quality of the Person.

Procedure of
the Magistrates
of *Culross*, a-
bout Mr.
Michael Potter
and *William*
Adam Fugi-
tives.

The Committee having called the Magistrates of *Culross*, who were cited for permitting one *Mr. Michael Potter*, a fugitive Person, to be Schoolmaster there, and for resetting one *William Adam* a fugitive and banished Person, and others; one of the Bailies comparing declared, That the Magistrates knew not the said Schoolmaster was fugitive, and that he is gone to *Holland* Twenty Days since, and that sen sine the School is planted with a regular Person; that *William Adam* had a House in the Town, and his Wife kept a Shop, and that he was very seldom seen himself, and that the Bailie undertook, that if he could be found within their Liberties, to apprehend and present him.

And a Con-
venticle kept
there.

There being a Conventicle kept in *Culross*, Sabbath was Eight Days, which was dissipated by Captain *Buchan*, and about Eighteen Persons seized upon, and imprisoned in *Culross*, upon Examination the Committee finds, that the Magistrates had set some of them at Liberty at their own Hand. The Committee has ordered the Magistrates to call them all back to Prison, and hath condescended upon the Persons most substantial of them, and appointed the Magistrates to produce them before the Council this Day Se'en-night; and if the rest who are mean Persons will give Bond to keep their own Parish-churches, and not keep Conventicles, they have appointed them to liberate them, otherwise to continue them in Prison. The Committee find the Magistrates are culpable, and deserve to be fined; but it is their Opinion, that the Council shall delay to punish them for some Time, that they may see what will be their future Carriage, and have Time to search for and apprehend the said *William Adam*, which the Bailie present undertook to do.

Mr. James
Drummond sent
to the *Baillie*.

Mr. James Drummond being formerly imprisoned for Conventicles in the Town of *Edinburgh*, and set at Liberty upon his Engagement not to keep any in Time to come, being apprehended at *Glasgow*, and liberate upon Caution to compare this Day, he compar-

ed before the Committee, and being examined, he could not deny but that he kept both House and Field-conventicles since he was liberate, contrary to his former Engagement; and being again asked, if he would yet forbear to keep Conventicles, he refused to do. It is the Opinion of the Committee, he should be presently sent to the *Bass*, and thereupon his Cautioners may have up their Bond-foresaid.

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The Lords of his Majesty's Privy Council having considered the foresaid Report, they remit the first Article thereof to the foresaid Committee to be considered further, and approve of the rest of the Articles.

This Report is a Specimen of the Diligence of this Committee, and had all their Reports been recorded in the Registers, I should have been in case to have given a more particular Account of the Procedure of this Time, whereas now I have it but in broken Hints; sometimes from the Council's Actings, and at other Times from the Committee's partial Accounts.

Remarks on this Report.

To go on, *July 19th*, the Council grant a Commission to Sir *William Murray* of *Stenhope*, whom we shall meet with afterwards, to *Posso* and *Isk* Officers of the Militia, to dissipate Conventicles in the Shire of *Peebles*; and the first was very careful in this Matter, and afterward we shall find him clothed with higher Powers.

Commissions against Conventicles in the Shire of *Peebles*.

Upon the *24th of July*, 'The Lords of his Majesty's Privy Council considering that the Proclamation, dated *July 18th 1674*. obliges Heritors for their Tenants, Chamberlains, &c. which was gone into with the greatest Deliberation, will be found most effectual to prevent Conventicles at this Time, ordain the same to be prosecuted, and put in further Execution; and in order thereunto, that upon Information of any Conventicles in any Place, the Heritors to whom Persons present are Tenants, Chamberlains, &c. shall be cited as well as they, to hear and see themselves found liable for their Fines, if they cannot make it appear they have taken Bond of them, and reported the same in due Time, conform to the Proclamation.'

Act ordering Heritors to be cited, as well as Tenants, for Conventicles:

It was upon this that the Charge and Council-letters we heard of in the preceeding Section, against *James Smith* of *Tullochshaugh*, or *Thorntoun*, and many others, was given, and Multitudes of Gentlemen put to a great dale of Trouble: But the Managers stopt not here; it was not thought so good to prosecute Gentlemen upon a Proclamation which had not been much execute for near Four Years, and therefore new Hardships are put upon Heritors, which I shall give Account of, when I have observed, that upon the *26th of July*, the Council are pleased to allow the Prisoners in the *Bass* Liberty to walk every where above the Walls, except Mr. *James Mitchel*, who is to be kept close Prisoner. This was a little refreshing to these worthy Persons.

Which brought many to Trouble.

Mean while, *August 2^d*, the Council come to emit a new Proclamation in Prosecution of that 1674. a Copy of which, with the Bond, see *App. N^o. 79*. by which all Heritors, Wadsetters, and Liferenters, are required to engage themselves by a Bond, not only for themselves and Families, but for all that lived under them, that they shall not keep or be present at any Conventicle, or baptize or marry with outed Ministers, and that under the highest Penalties, which are repeated from the former Acts, and the Obligation is put in the Form of a Bond, and annexed.

Proclamation, *August 2^d*, *App. N^o. 79*.

To secure Obedience to this, *August 7th*, Powers and Commission is granted by the Council, to several Noblemen and Gentlemen in very ample Form, for putting the Laws against Conventicles and other Disorders, in Execution. This was a Kind of high Commission renewed again in little, and very quickly backed more powerfully with a *Highland Host*. I shall first set down the Persons commissioned, with their respective Bounds, and then their Commission and Instructions common to all of them.

Commission given to put this Act in Execution.

The Lord Treasurer is appointed for the Shire of *Edinburgh*; the Earl of *Wintoun*, *Belhaven*, *Haddingtoun*, for the Shire of *Linlithgow*; the Marquis of *Athole* for *Perth*; the Earl of *Hume* for the *Merse* and *Teviotdale*; the Lairds of *Philiphaugh* and *Haining* for *Selkirk*; the Lord *Ross* for the netherward of *Clydsdale* and *Renfrew*; Earl of *Wigtoun* for the upperward of *Clydsdale*; *Robert Dalziel* of *Glanæ* for *Dumfries*; *Richard Murray* of *Burghtoun* for *Kirkcudbright*; the Earl of *Glencairn* for *Air* Shire and *Dumbarton*; Earl of *Argyle* for *Argyle* Shire; *Kinghorn* and Sir *Charles Erskine* of *Cambo* for *Fife* and *Kinross*; *Richard Murray* of *Burghtoun* for *Wigtoun*; Sir *William Murray* of *Stenhope* for *Peebles*; Earl of *Mar* and Lord *Elphinstoun* for *Stirling* and *Clackmannan*; *Errol* and *Marishal* for *Kintore*; the Lairds of *Auchmedden* and *Boyn* for *Bamff* and *Aberdeen*; Earl of *Marishal* for *Kincardin*; Earl of *Murray* for *Elgin*, *Nairn*, and *Inverness*; Sir *John Urquhart* of *Cromarty* for *Cromarty*; Earl of *Airly* for *Forfar*.

Persons for different Shires in the Commission.

Next I insert the Tenor of their Commission, as it stands in the Council-books.

1677.

COMMISSION.

Their Com-
mission.

THE Lords of his Majesty's Privy Council considering, that albeit many Persons have been convened before the Council or Commissioners of Council, for Conventicles, disorderly Marriages and Baptisms, withdrawing from publick Ordinances, and other disorderly Practices, for divers Years past, some whereof are fined, and their Fines not exacted, and others, the far greater Part, are declared Fugitives, for their Contempt in not appearing before the Council, or the Commissioners of Council, and Letters of *Intercommuning* directed against them; and albeit the Escheats of several be gifted to his Majesty's Cash-keeper, for his Majesty's Use, and Decrees of general Declarature passed thereupon; yet, for Want of particular Informations of the Estates of those Persons, and Sums due to them, special Declaratures are not passed on the same, which cannot be done, except particular Persons be pitched upon in several Parts of the Kingdom, where these Persons live, have their Residence and Estates, who might make it their Work, and have some Allowance out of the particular Persons Fines for their Encouragement; have therefore recommended it to ----- to take under his particular Care and Charge the executing the Sentences of the Council already passed, fining any Persons within the Bounds of the Shire of ----- and Royal Burghs within the sament, and executing Letters of Caption against such as are already declared fugitive, for convening Persons not already cited, or not proceeded against, and for putting the Sentences of inferior Magistrates in Execution: With full Warrant and Commission to nominate such a Person or Persons, for whom he will be answerable, as will vigorously go about that Service, and uplift and exact the Fines and Escheats; which Persons are to proceed according to the Instructions given herewith, and he is to call before him the Person or Persons nominate, and require an Account of them, that he may report to the Council: And Sheriffs and all Magistrates are required to give speedy Help and Assistance to the Persons thus nominate; and all Officers of the standing Forces and Militia are to concur to the Execution of the Decrees of Council, or inferior Judicatories in the foresaid, as required, at their Peril. And the Lords declare, that upon Lists given in of Escheats not yet uplifted, they will cause them to be passed in their Name, and they shall have one Half of them, and one Half of the Fines of all Persons within the said Bounds, which shall be uplifted by their Diligence, and the one Half of the Fines, not yet uplifted by Sheriffs and other inferior Magistrates, uplifted by their Diligence; they always being countable to the Treasury for the other Half: And the Lords will grant particular Commissions to the said Persons for uplifting the Fines and Escheats, conform to the Lists given in to and approved by the Council, or their Committee, to stand in full Force till repealed.

*Instructions in pursuance of a Commission given.*Instructions to
them.

YOU are to inform your self of all Persons guilty of withdrawing from publick Ordinances in Parish-churches, of keeping of Conventicles in Houles and Fields, and disorderly Baptisms and Marriages, and send in a List of their Names, Designations, and the Persons to whom they are Tenants, to the Clerks of the Privy Council, that Charges may be given them to answer before the Privy Council, and the Names of all intercommuned Persons, to the end that they may be cited before the Council. You may always convene and pursue any of these Persons before the Sheriff, Steward, Bailie of the Regality, or Magistrates of Burghs within the Bounds, as you shall think fit.

When any Summons are sent from the Council for citing such Delinquents before them, you must take special Care that the Messenger employed cause cite them personally, if possible.

You are to prosecute diligently the uplifting of the Escheats of such Persons as shall be sent you in a List by his Majesty's Solicitor; and in order thereunto ye are to inform your selves of the Rents of their Estates, or Sums due to them, and cause arrest the same, and cause advertise the Debtors and Tenants of their Danger, if they pay after Arrestment; and in case any of them do pay, you are to send in a List of their Names to the Solicitor, that they may be prosecuted for Breach of Arrestment.

You are to cause poind the Goods of such Persons as are fined, or shall be fined, and obtain Decree for making arrested Goods forthcoming, and Decrees of special Declarature, and crave the Sheriff, or other inferior Magistrate's Concourse, if need be.

You are to call from his Majesty's Solicitor for the Names of such as are declared fugitive within your Bounds, and deliver the same in Rolls to the Judges and Clerks of inferior Courts, that they may be debarred from Pursuit or Defence in any Action, till they be relaxed.

You

- 1677.
- You are to apprehend and imprison all intercommuned Persons or Fugitives in your Lifts, and require the Magistrates or Soldiers Assistance.
 - You are to inform your self of all Persons fined before Sheriffs or other Magistrates; and if the Fines be not uplifted, to call for them: And for this end you are to require Lifts from Sheriffs and other Magistrates.
 - You are to inform your self what Diligence Sheriffs and other Magistrates use in Prosecution of the Laws against Conventicles and other Disorders, and report to the Council.
 - You are hereby authorized, upon Application of any Person or Persons fined by Sheriffs or other Magistrates, or hereafter shall be fined upon your Delation, to remit and discharge their Fines, on their giving Bond for their orderly Behaviour hereafter, providing this do not extend to Persons who are or shall be fined for disorderly Baptism or Marriage.
 - You are from Time to Time to advertise the Council, or Committee of it, of all further Expedients thought needful, for putting the Laws against Disorders in Execution; and once every Three Months to send an exact Account of your Diligence.

Follows the Bond mentioned in the Instructions.

I ----- as Principal, and ----- as Cautioner for me, bind and oblige us conjunctly and severally, that I ----- shall frequent the Ordinances in my Parish-church, and I shall not go to House or Field-conventicles at any Time hereafter, nor shall relet, supply, or commune with any intercommuned Persons, under the Penalty of ----- *toties quoties*. Add a Clause of Relief and Registration as usual.

Nota, The Penalty is to be filled up according to the Quality of him who gives the Bond, as the Person Overseer shall see fit: And in case the Person be so mean, that he cannot find Caution, he shall take the Person's own Bond without Caution.

Bond to be pressed by them.

It is almost needless to make any Remarks upon this Commission, and those Powers. The Narrative of the Council Commission refers almost to one Thing, *to wit*, the Want of Knowledge of the Lands of intercommuned Persons; but the Assumption and Inference from these Premises is very large, and almost every Thing relative to the suffering Presbyterians, is not only committed to these Noblemen and Gentlemen named, but they are enabled to subcommit their Power again to as many as they pleased, to be Inquisitors and Oppressors of the Country, and they have the greatest Arguments given them to be severe in their Impositions, the one Half of the Fines to themselves.

Remarks.

When the Proclamation with the Bond came West, the Noblemen, Gentlemen, and Heritors, were very much alarmed with it. They reckoned it the hardest Thing that could be, that they should bind and oblige themselves for those who were not in their Power, and to be required to do Impossibilities: They alledged that many of the Counsellors themselves could not safely bind themselves for their own Families, and how could Country Gentlemen be bound for such Multitudes under such severe Penalties.

Hardships in the Bond.

Upon this Emergent, a great Number of Noblemen, Gentlemen, and Heritors of the Shire of *Air* met; the Earl of *Lowdon* was chosen Preses of the Meeting, and after Reasoning upon this Subject, they agreed upon a Letter to the Council, (a Copy of which I have not seen) wherein they excuse themselves for refusing a Bond which they could not keep, and humbly propose another Expedient for the Peace of their Country, and that was a further extending and enlarging the Liberty to Presbyterians: The Letter was signed by the Earl. This was taken so ill by the Managers, that this excellent Nobleman, (of whom I have it affirmed by such who intimately knew him, that if he had had Opportunities to have exerted his bright Parts, he would have made no less a Figure in the World than his excellent Father) after this was never in Favour, and after several Hardships, at length he took upon him a voluntary Exile, and died at *Leyden*.

Letter, Heritors of *Air* Shire against the Bond signed by Earl of *Lowdon*.

His Character.

In *Clydsdale* the Proclamation was no better entertained. Duke *Hamilton* was no Friend to it, and, as has been noticed, in no good Terms with the Court. The Heritors of *Lanerk* Shire met at *Hamilton*, and unanimously agreed to refuse the Bond. The Requisition was truly so hard, that Persons who had no Inclination to Conventicles, or any Regard to Presbyterians, would not go into it, were it only from a Principle of saving their Estates: They could not bind for their Families, far less their Tenants.

Heritors of *Lanerk* Shire agree to refuse the Bond.

Thus the Proclamation met with Rubs, and the Bond would not go down till crammed, and the Opposition made to the Bond, perhaps inclined the Duke of *Lawderdale* to think of a new *Indulgence*, as was noticed upon the First *Session*, and to make some Proposals anent it, which came to nothing through the Virulence of the Prelates, and only issued in a little softning of the severe Instructions and Commissions in *August*, at the Council's Meeting in *October*.

1677.

Upon this Op-
position to the
Bond Matters
are a little
softned,

With the Account of which I shall end this *Section*. Upon the 5th of *October*, the Com-
mittee for publick Affairs bring in the following Opinion to the Council.

*The Report of the humble Opinion of the Committee for publick Affairs, concern-
ing the Way of prosecuting his Majesty's Laws, against such as disturb the
Government of the Church.*

By an Opinion
of the Com-
mittee of pub-
lick Affairs as
to the Way of
prosecuting the
Laws, &c. 5.

IT is thought fit and necessary for his Majesty's Service, that the Laws against such
disorderly Persons be exactly but regularly put in Execution, in Manner aftermentioned.

1st. That his Majesty's Advocate be special as to Time and Place in libelling against Con-
venticles, and others pursued; but so as he may libel any Day within Four Weeks, or any
Place within such a Parish, or near to the said Parish, for else Conventicles may be kept
upon Confines of Parishes, merely to disappoint his Way of libelling.

2^{do}. When any Person is convened upon a Libel, that in that Case he be only examined
upon his own Guilt and Accession, seeing nothing can be referred to a Defender's Oath,
but what concerneth himself, during the Dependence of a Process.

3^{tio}. That if any Person who is cited, be ready to depone or pay his Fine, he be not
troubled with taking of Bonds or other Engagements; seeing the constant Punishment of such
as do transgress will supply the Necessity of the Bonds, and the Law it self is the strongest
Bond that can be exacted of any Man.

4^{to}. That the Commissions granted to Noblemen and others, in the respective Shires, con-
tinue, and be vigorously executed; but that the pressing of the Bond mentioned in the late
Proclamation be forborn, they always pressing vigorously the Offenders, or giving in to the
Council the Names of the chief Heritors to be pursued, herewith, particular Information of
the Facts and Witnesses Names, according to their Instructions; the Council having con-
sidered, that by a former Proclamation Heritors are to be liable for their Tenants.

5^{to}. The Noblemen and others commisionate in the respective Shires, are to be autho-
rized and impowered, in case any poor and mean Persons, below the Degree of Heritors,
do offer to give Oath as to what Conventicles they have been at, to uplift and receive their
Fines without Necessity of Process; and if they be already fined, denounced, and inter-
communed, the said Persons, upon Obedience, as aforesaid, and sending in a Testificate
thereof, are to be reponed and relaxed from Horning and Intercommuning, and all other
Executions, without Necessity of putting them to any Bond; and upon Application to be
made to the Council, by Heritors and other Persons above the Degree of Tenants, and
upon their giving Oath as to their particular Guilt, and paying their Fines accordingly, the
Council will reponed and relax them from the Horn, and all Execution following thereup-
on: Or if the said Heritors apply themselves to the respective Commissioners, and give
their Oath, and pay their Fines to them, upon Certificates, from the Commissioners, of their
Obedience, the Council will reponed and relax them from the Horn, and all Execution fol-
lowing thereupon. And the said Commissioners are to be authorized to take their Oaths,
and receive the Fines, for which they are to be countable to the Council, conform to the
Council's Instructions. And it is declared by the Council, that the former Instructions sent
to the Commissioners the 7th of *August* last, are to stand and continue in full Force, ex-
cept in so far as is hereby discharged: And this Instruction is to be transmitted to the several
Commissioners, that the same and the former Instructions may be the Rule of their Pro-
cedure.

That the indulged Ministers shall not be put to the Necessity of seeking yearly War-
rants for their Stipends, but that the Heritors of the Parishes where they live be autho-
rized and appointed to pay their Stipends, according as they serve the Cure, in hail or in
Part; and if any of these indulged Ministers shall be found to contravene their Instru-
ctions, that the Council proceed against them as they shall find Occasion.

L A W D E R D A L E I. P. Con.

Edinburgh, October 5th, 1677. the Lords of his Majesty's Privy Council having heard and
considered the above Report, approve thereof, and appoint an Act to be extended con-
form thereunto.

Roths Cancel. I. P. D. S. C.

Accordingly there was an extended Act drawn, and Doubles of it sent to all concerned.
I have one in mine Eye just now, under the Clerk's Hand; but it being just the above Parti-
culars, it needs not be repeated.

This little breathing Time to Presbyterians, if I may term it so, soon went over, and was succeeded by a very black Cloud, and the *Highlanders* were quickly brought down to execute the Laws which had been thus a little slackned. No other Thing as to the Council's Procedure offers, but what will come in upon the following *Section*; unless it be, that in September the Council ' find a great many Prisoners have lien long in *Edinburgh* and *Canongate* ' Tolbooth, without receiving any Dittay, and therefore order the Advocate and the Justiciary-court to prosecute them.' This was an Act of Justice, either to prosecute or dismiss; but within a little it was most common for Persons to lie many Months in nasty Prisons, yea, several Years, without any Libel or Prosecution; and a good many died under these long and harsh Imprisonments. But I come to end this *Chapter* by

1677.

This Breathing is followed by the Highland Host.

S E C T. IV.

Of the more immediate Inlets to the Highland Host, and preparative Steps of the Managers towards the End of this Year 1677.

THE sending down the barbarous *Highlanders* to waste and depopulate the western Shires of *Scotland*, where the greatest Numbers of Presbyterians were, is so black a Part of this History, and we have so lame Accounts of it hitherto, that I shall give the larger Deduction of this horrid Scene of Oppression and Cruelty; and of design that the Reader may have a full View of it, I have left the Procedure of the Council, relative to this, out of the former *Section*, and give it all together, in as far as it was transacted this Year, here, as an Introduction to the Account of the coming down of this Host, in the Beginning of the next Year, that so the Whole of this melancholy Story may be together.

The Account of the Highland Host drawn down from its Springs.

That I may draw down this Account from its Rise and Springs, the Reader by this Time will have noticed, That a great, and, to be sure, the best Part of the Subjects of *Scotland*, were disgusted and uneasy by the Introduction of Prelacy, and the longer the Bishops and Clergy were known, the more were they hated.

Many uneasy at Prelacy.

To calm and ease People under their Discontent, the King was pleased, in the Year 1669. to grant an *Indulgence* to a good many Parishes in the West Country, where indeed Prelacy was most generally displeasing. This issued in a general Abstinence in these Places, from these innocent Meetings termed *Conventicles*; for which, besides their known Principles, the Insufficiency and Scandalousness of the conform Clergy, afforded Presbyterians an ample Apology.

Indulgence granted in the West.

Yet, in Places secluded from that Favour, *Conventicles* were very frequent; but the Carriage of Ministers and People at them was so peaceable, and joyn'd with all Regard and Deference to the King's Majesty, and lawful Authority, that 'bating their being contrary to the Laws made to gratify the Prelates, nothing of Disloyalty could be charged upon them, even under the greatest Severities exercised against the Haunters of them, by Imprisonments of Multitudes of all Qualities and Sexes, Finings, Confinings, Denouncings, and Intercommunications. A Paper writ by a Gentleman of very good Intelligence at this Time, says, *That by a sober Computation it appeared, that before the End of this Year 1677. near Seventeen thousand were thus harassed.*

Conventicles continue frequent, but in the most peaceable Manner.

This was the State of the Country this Summer, when the Duke of *Lawderdale* came down; the Views of which, with the Prospect he had of the Fruitlessness of Conversions by the Soldiers and Force, made him inclinable to interpose with the King, for an Enlargement of his Royal Favour to his oppressed and yet peaceable Subjects.

Duke of Lawderdale, when he comes down, is for a further Indulgence to Presbyterians.

No sooner did the Bishops hear of this, but they used all the Interest they had to stifle this Design: 'They plied their Friends at Court in the Duke's Absence, aggravated the Numbers of Presbyterians, and insisted upon the pretended Hazard from their being in Arms at their Meetings, and represented every Thing they could think upon that might inflame the King against Presbyterians.

The Bishops oppose this, and misrepresent Presbyterians.

They were likewise very careful to improve some private Animosities which were among our Managers and Ministers of State, to further their Purposes; and the Primate was, by his Craft and Cunning, extremely well fitted to play his Game with both Sides, and scarce ever exerted himself more than at this Juncture.

And the Primate improves the different Parties at Court.

The Duke, if at all hearty in this Design, had not brought it to any Maturity, nor laid his Measures so as to be able to go through with it; and finding the Prelates, and such who had pack'd Cards with them, stronger than at first he imagined, gave up his Design, and left the Presbyterians to the Fury of the Bishops.

The Duke yields.

1677.

The Cry of the Church raised from a pretended Infurrection.

A Handle for which was taken from a Scuffle in Fife, in October, twixt Carstairs and some other Gentlemen.

In place of the *Indulgence*, all that was done issued in the above *Overtures*, *October 5th*, for moderating a little the rigid Procedure against the suffering Presbyterians. Mean while, the Prelates and their Party raised a mighty Cry of the *Danger of their Church*, from an intended Infurrection, which had not the least Shadow of Ground; and this they alledged was not to be prevented by Condescension to Dissenters, but by the vigorous Application of Force and Violence.

This Story of a designed Rising, was mightily strengthened by a Scuffle that happened in *Fife* at this Time. In the Beginning of *October* this Year, the abovementioned Captain *Carstairs* was chased off by some Gentlemen in their own Defence. This Fellow had been for some Time very busy against Presbyterians in the East Parts of *Fife*, and committed many Severities: He had turned out the Lady *Colvil* from her House, and obliged her to flee; and hide for some Time in the Mountains and Fields, which very much broke her Health: He had most wrongously imprisoned not a few in that Country: He went about most officiously, with about a Dozen of Men in Company, without any Commission from the King, having the alone Warrant of the Archbishop's single Commission, under Pretext of searching for denounced and intercommuned Persons, and seized Gentlemens Horses, and committed many Disorders. Six or Seven Gentlemen, some of them obnoxious to the Government for their Nonconformity, met without any Design I can learn, in the House of *John Balfour* of *Kinkloch*. I hear *Alexander Hamilton* of *Kinkel*, *Robert Hamilton* a younger Son to Sir *Robert Hamilton* of *Preston*, whom we shall afterward meet with, and Two or Three more were there. *Carstairs* getting Notice of them, comes up to the House with Ten or Twelve Horsemen. The Gentlemen had no previous Notice of it, and one of them was accidentally at the Door. *Philip Garret*, an *Irish* Tinker, one of *Carstairs's* Men, comes up first, and seeing a Man at the Door, without any Provocation, or asking Questions, fires upon him, and happily missed him, he getting into the House. *Garret*, a desperate bold Fellow, dismounts and follows him into the House. By this Time the Gentlemen within were sufficiently alarmed, and one of them fired at *Garret*, and wounded him in the Shoulder, and he fell. *Carstairs* and his Men fired in at the Windows of the Chamber upon the Gentlemen, and wounded one of them. It was now Time for them to get out, and very briskly they broke out of the House, and attacked *Carstairs* and his Men, who very quickly fled. They pursued a little, but no more Blood was shed; only *Kinkel's* Horse was shot, and *Garret* received some Wounds with a Sword, but they spared his Life, which was more, I imagine, than he would have done to them, had they been in his Circumstances; and he afterwards recovered.

The Gentlemen denounced, and all charged upon the Presbyterians;

Carstairs comes, or sends an Information to the Council in his own Way, and being supported by his Patron the Primate, this Matter made a terrible Noise; and the Council find this an high Act of Rebellion, and resisting of lawful Authority; while the Gentlemen peaceably retired, having done nothing but in Self-defence, and what did not exceed *moderamen inculpatæ tutelæ*. However, all of them, and many others not concerned, were cited before the Council, and none compearing, they were denounced Rebels, and this Matter was charged on the Body of Presbyterians, who were not in the least concerned in it; and it was not so much as known for some Time in the West Country.

And was improved by the Prelates against them.

In England the King was much solicited to lessen the publick Charges, by disbanded the Forces; and, as a Pretext to keep them, the hardest Measures were resolved on against Nonconformists in Scotland.

The Bishops push violent Measures in Council.

This Scuffle fell in just when the Bishops were seeking a Handle to misrepresent the Presbyterians, and they carefully improved it, and *Lawderdale* suffered himself to be carried down the Stream, and being once embarked, violent Measures were effectually pushed.

I am told by a Person I can entirely credit, who was at *London* at this Time, that he heard from good Hands, that the King was now very much pushed by the Whiggs, and the Affecters of Liberty in this Time of Peace, to retrench the Charges the Kingdom of *England* was at in maintaining an Army, and wanted a plausible Handle for keeping it up; and that it was concerted in the Cabin-council, that all Measures should be taken to exasperate the *Scots* Phanaticks, as they were called, to some Broil or other, that there might be a Pretence to keep up the standing Forces; and that the Duke of *Lawderdale* was writ to, and acquainted with the Design; and when he came up to Court, towards the End of *October*, the Project of gratifying the Prelates in violent Measures, and of bringing down the Highlanders, was brought to a Bearing.

Whatever be in this, which at this Distance I am not able to determine, the Bishops in Council pushed their Design briskly, and very soon got this Invasion on the West Country brought about.

And the Council, *October 17th*, write a Letter to the Earls of *Glencairn* and *Dundonald*, and the Lord *Ross*, to convocate the Heritors of the Shires of *Air* and *Renfrew*, and to fall upon some Measures to bear down Conventicles, otherwise they would be obliged to other Courses. The Letter it self is as follows.

My Lords,

1677.

There having been frequent Informations sent in here, of extraordinary Insolencies committed not only against the present orthodox Clergy, by usurping their Pulpits, threatening and abusing their Persons, and setting up of Conventicle-houses, and keeping of scandalous and seditious Conventicles in the Fields, the great Seminaries of Rebellion; but likewise of the great Prejudice that is like to arise to his Majesty's Authority and Government, and to the Peace of the Kingdom in general: We did therefore think it necessary, in a frequent Meeting of Council this Day, to require your Lordships to send particular Expresses with sure Bearers, to call together the Commissioners of the Excise and Militia, and Justices of the Peace, specified in the List here inclosed; and when they meet at *Irwin*, the 2^d Day of *November* next, that you seriously represent to them, how highly, in his Majesty's Name, we resent the foresaid Outrages and Affronts done to the Government, in the Shires of *Air* and *Renfrew*, which have been frequently represented to be the most considerable Seminaries of Rebellion in this Kingdom; tho' none hath more eminently tasted of his Majesty's Clemency, nor hath his Majesty indulged any Shires so much as these: And albeit his Majesty's Service, and the Quiet of the Kingdom, would require such severe Courses to be taken for curbing those Insolencies, as might very much prejudice the Heritors of those Shires; yet his Majesty and Council being further desirous to make them inexcusable, and to the end that the Kingdom may see that the Prejudice of Heritors shall arise from their own Negligence: Therefore we thought fit, that the foresaid Persons should be called together in a Meeting, and under Characters allowed for that effect by Act of Parliament, that they may deliberate upon, and take such effectual Course in the Affairs of the said Shires, and for quieting the same in obedience to his Majesty's Laws, (which are the true and only Rule of Loyalty and Faithfulness) as may prevent the necessary and severe Courses that must be taken for securing the Peace in those Parts: In which if they fail, (which will be thought strange, where there is no Force to oppose them) we are fully resolved to repress by Force, and his Majesty's Authority, all such rebellious and factious Courses, without respect to the Disadvantage of the Heritors, whom his Majesty will then look upon as involved in such a Degree of Guilt, as may allow the greatest Degree of Severity as may be used against that Country. So expecting you will represent this to the Meeting, and that they will shew their ready Compliance, we are

Council's Letter, October 17, to *Glencairn*, *Durdonald*, and *Reys*, to call the Heritors in *Air* and *Renfrew*, to bear down Conventicles, otherwise they would take farther Courses.

Edinburgh, October

17th, 1677.

Your Lordships, &c.

It may be necessary, before I go on to what followed upon this, to notice some Things that will set the Nature and Design of this Letter in a due Light. The Reader hath already observed with me, that the Narratives of Acts and Proclamations, Letters and other Papers of this Period, have as much many Times in them agreeable to the Party-design of the Paper, as to Truth, and Things are represented and aggravated quite otherwise than an ordinary Observer of them, as they passed in the Country, could take them up; and indeed for my Share I cannot reconcile some of them with Matters of Fact I am fully assured of.

No great Weight to be laid upon Narratives to publick Papers.

Very much of this appears in the Paper just now set down, and it was necessary to found the severe Threatning here sent to the West-country Gentlemen, which otherwise had been altogether groundless, that they should aggravate and misrepresent Matters.

Things aggravated in this Letter,

The West of *Scotland* was indeed the But of the Bishops Malice, because they would never cordially submit to them, and there the greatest Numbers of the firmest Presbyterians were; and now the Prelates had the fairest Opportunity to gratify their violent Inclinations. Many Gentlemen had refused the Council's Proclamation, and Bond of the 2^d of *August*, already; and they well knew they would continue to refuse it, and therefore a Narrative of this harsh Nature here, must be made up some way to bear the Inference they were to draw from it.

From the Prelates Malice against the West.

And the Council are made to say, *They have received frequent Informations of Insolencies, Usurpations, &c.* That the Lords had such Informations I am not to dispute, but all depends upon the Truth of them; and tho' the Primate himself should have given them, as to any Thing appearing to me, they are false as to the Two Shires pointed at here; yea, the Matter of some of them will bear me out when I term them so. To instance a little: As to Insolencies, Threatnings, and abusing the Persons of the *orthodox Clergy*, except it was one or Two Instances, and that on no small Provocation, not one of these Riots that have come before the Council were in these Shires, and indeed of late the personal Attacks upon the Curates were very few. The Instances of invading of Pulpits are yet fewer, *that is*, none at all, as far as I mind, in the preceeding Years; and had they been this Year, no doubt Council-proccesses would have been raised anent them. Where Pulpits were vacant or deserted, it is owned, at the Invitation of Heritors and People, Presbyterian Ministers did sometimes preach in them; but I have no Instances in those Shires of their doing this, even where they

Few Invasions of Pulpits in those Shires; Riots and Field-conventicles more frequent elsewhere.

1677.

they were ill filled; in those Cafes they went to the Fields. And then as to keeping Field-conventicles, and in Houses, the Gentlemen could not but wonder to find themselves singled out, and represented as *the great Seminaries of Rebellion* this Way, when the most Part of Shires on the South of *Tay* were far more used to this than they: And the Reason is plain, because, generally speaking, the *Indulgence* prevented this, and it was very rare, if ever, at least till afterwards, that Conventicles were kept in Parishes where Ministers were indulged; and except in some remoter Parts, to which the *Indulgence* did not reach, there were few or none; and there they had the same Reasons with the rest of the Nation.

An Account of
the Conven-
ticle-houses
set up.

The only Thing singular, and it was not to these Shires either, was to have set up Conventicle-houses, as they call them. And the Truth of this was, that a few Country-people in a mountainous solitary Country, without any Concert with the Body of Presbyterians, had set up Two Houses of Turf and Thatch, (no *magnificent Fabrick*, as we shall afterward hear them termed) to cover themselves from the Severities of the Weather. This was no greater Matter than what was connived at within a few Paces of Cathedrals in *England* and *Ireland*, most frequently.

Further Re-
marks upon
this Letter.

The Gentlemen could not but complain, that these Things charged upon them were partly false, and where there was any Ground, other Places were more deep in them than they: But the Design was against the West, and the Council's Information behaved to correspond with it. In short, his Majesty's Government was in no Manner of Danger, or the Peace of the Country; for, as hath been observed, in Prayer and Sermons both, all Loyalty was expressed by Presbyterians, though I shall not defend any Excesses run to some Time after this.

I cannot say indeed Presbyterians were of Opinion with the Council, *That his Majesty's Laws were the true and only Rule of Faithfulness and Loyalty*, since they reckoned some of them sinful, and others harsh upon them, and contrary to the King's true Interest, and rather to be looked on as Things impetrate by the Bishops, than the King's Inclinations. They indeed reckoned the Word of God and moral Law, and what was agreeable thereto, the only Rule, and not the Will or Law of any Man, or Society of Men.

In short, the Thing sought of the Gentlemen was not really in their Power, to suppress and bear down Conventicles; for though they had inclined to do so, as I hope the most of them did not, and durst not hinder the pure Preaching of the Gospel; yet their Tenants and the Body of the People, excepting the Parishes of the *Indulged*, were the Persons who heard the Gospel preached, and would not, without a superior Force, be restrained from so doing; so that the Council's Argument, *That there was no Force to oppose*, is nothing at all to the Purpose.

All this is but
Sham, and a
feeking a Co-
lour to fall on.

But really the Whole of this Application to the Gentlemen, was at Bottom nothing but Sham, and a Feint to be a Colour for their own after severe Proceedings, which, I suppose at this very Time, were resolved upon by some of them. And this appears evident to me, from a Resolution I find recorded in the Council-books, the Day before the Gentlemen met, and without waiting for the Return of their Letter, which I insert.

And the High-
landers invited,
Nov. 1. before
the Gentlemen
can meet.

'*Edinburgh, November 1st*, upon some Informations of some growing Disorders and Insolencies in the western Shires, it was thought fit a Proclamation be drawn in case of an Insurrection, and the nearest *Highlanders* should be ordered to meet at *Stirling* upon Advertisement by Proclamation, and Letters are to be writ to Noblemen and Gentlemen, to have their Vassals and Tenants ready, and at a Call. It was further thought fit that Arms and Ammunition should be sent to *Stirling*. The Forces at *Glasgow* are ordered to *Falkirk*, and new Men are to be presently levied to complete them, and the Soldiers ordered for the *Highlands* countermanded.'

Remarks on
this.

These Informations anent an Insurrection were perfectly false, and, I doubt not, made up by some Body, to help on the Prelates cruel Measures. What Insolencies were committed since their Letter, Two Weeks before, I know not; for any Thing I can learn there was nothing singular. But this plainly shows, that they were so far from rendring the West inexcusable by their Letter, that they were really jesting them upon the Matter, and had resolved upon the *Highland Host* beforehand in all Events. I thought it necessary to give these Remarks in the Entry upon this first Paper, and they will save me very much the Labour of Reflections upon the virulent Narratives, and other Papers that follow. I return now to the Consequents of the Council's Letter.

The Three Noblemen were careful to obey their Instructions, and got together the Gentlemen of the Two Shires in the Lists sent them. I have not seen the Lists, but by the Issue it does not appear that the Gentlemen had the Council's Will for their Law and Rule.

Nov. 2. the
Gentlemen
meet at *Irwin*,
and make
Three Re-
solves.

November 2^d, they met at *Irwin* very fully, and after a good deal of Reasoning *pro* and *con* upon the Council's Letter communicate to them, and a serious Deliberation upon the State of Affairs among them, and a cordial Profession of their Loyalty, for Answer to the Noblemen appointed by the Council to deal with them, they came in unanimously to Three Resolves. '1st. That they found it not within the Compass of their Power to suppress Conventicles. 2^d. That it is their humble Opinion from former Experience, that a Toleration

of Presbyterians is the only proper Expedient to settle and preserve the Peace, and cause the foresaid Meetings to cease. ^{3th}. That it is their humble Motion, that the Extent thereof be no less than what his Majesty had graciously vouchsafed to his Kingdoms of England and Ireland.

1677.

This Return was given by the Meeting, to the Noblemen who had convocate them, and attended at *Irwin*; but their Lordships knowing how unacceptable it would be to the Council, declined receiving of it; and the Gentlemen would not alter their Resolutions, and so the Meeting ended.

The Noblemen would not receive all these Resolutions.

The Three Lords sent a Return in Writ to the Council, which I find read and recorded November 8th. Their Letter follows.

And only communicate the bill to the Council, by their Letter, Nov. 3.

My Lords,

WE received the Council's Order on *Sunday* last at Night, and used all Dispatch in sending Expresses, and went to *Irwin* yesterday Morning, being *Friday, November 2^d*, where we were very frequently met by all who were advertised, to whom we communicated the Council's Letter to us, desiring them seriously to deliberate thereupon, and to take such effectual Course for quieting these Shires, in obedience to his Majesty's Laws, and suppressing the Disorders therein committed: Which they took to their serious Consideration, and continued together yesterday, and much of the Night, and made their Report to us, That after the Consideration of the whole Affair, it was not in their Power to quiet the Disorders; which they desired us to communicate to your Lordships. We are

Irwin, November 3^d, 1677.

Your Lordships, &c.

When this Letter came, the Refusal in it was very ill taken by the leading Persons in Council, at least they appeared to do so, though I question not it was according to the Desire of some of their Hearts, and what they waited for, as a Handle to go on in their violent Project against the West Country; and they came now to follow out their Design formerly agreed upon, of raising such a Number of Highlanders, a barbarous savage People, accustomed to Rapin and Spoil, as might over-run and depopulate the Western Shires, in a Time of profound Peace: And to them they resolved to joyn some of the standing Militia, an Establishment founded upon the *Tender* made to the King some Years ago, *Act 25th, Sess. 3^d, Parl. 1st, Charles II.* wherein is offered, 'a sufficient Army, completely furnished and provided for; and, if need be, all 'twixt Sixty and Sixteen, for accomplishing whatsoever Service the King should be concerned in, through any Part of his Dominions in *Scotland, England, or Ireland.*' By imploying them at this Juncture, they promised themselves, by the most rigid Extremity of Violence, to drive Presbyterians to an absolute Conformity, and compel them to strain their Consciences to a servile Compliance with whatsoever Bonds and Impositions it should please the Bishops in Council to propose.

Upon the Receipt of which, the Managers set on with their Project, raising the Highlanders, and sending them with the Militia to the West Country.

This Resolution seems to be gone into, as many of the Violences of this Period, without any expresse Orders from Court, whatever Hints there might be before or after this, of which I am uncertain, but have been informed, that *Lawderdale*, when afterwards taxed with this Severity, was heard to wish *the Breast it bred in to beal, for his Share.*

Probably at first without Orders from Court.

And therefore, the Managers must wait some Time, till the King's Letter came down, empowering them to enter upon this barbarous Scene, the Materials of which probably were sent up to Court from *Edinburgh*. In the mean time, they are not idle in preparing and disposing Matters for executing of their Design, being, no question, sure enough of a good Return.

But they take Care to get them.

Accordingly, the Council, *November 15th*, appoint the Guards to muster at *Larber-muir* upon the 20th, and that the Commissioners of the Militia meet at *Edinburgh* upon the 19th, under the severest Penalties. *November 26th*, they order Four Companies of Soldiers to be quartered about *Edinburgh*.

Mean while they prepare Matters.

November 27th, Letters are appointed to be writ to the absent Counsellors, to be present next Council-day, when, it seems, they were more directly to enter upon their Design. The same Day, they establish a Post 'twixt *Edinburgh* and *Port-patrick*, for corresponding with *Ireland*.

To clear this Establishment, I find by other Narratives at this Time, that when the King had repeated Accounts laid before him, of the Hazard of an Insurrection, from the Numbers of armed Men at Conventicles, which was in it self really groundless, he offered them the Assistance of his *English* Forces, and several Troops were ordered to draw down towards the Border: And the Viscount of *Granard*, Lieutenant-general of the Forces in *Ireland*, had Orders sent him, to draw the *Irish* Forces down towards the Coast, and caution them there, to be in a Readiness to come over to *Scotland* upon a Call. But the Zeal

And decline Help from England and Ireland.

1677.

of our Council prevented any Need of Foreigners, and their *Highland Host* answered their barbarous Projects a great deal better than regular Troops.

Next Council-day, *December 6th*, Letters are writ to Earls of *Huntley, Perth, and Airly*, to put their Men in a Posture of marching, that they be in a Readiness for a Call. It seems they were now assured their Orders were ready at Court, and at length they came down.

Dec. 20. they
receive the
King's Letter,
dated Dec. 11.

And, *December 20th*, a Letter from the King, of the Date *December 11th*, is read in Council, by which they are fully impowered to act as they desired, upon the Western Shires. This, as the Foundation of their Proceedings afterwards, tho' impetrate by themselves, I set down here, and close this Year with it. It is intituled in the Registers,

Letter from the King, anent the Western and other Shires, and suppressing Disorders there.

CHARLES R.

About suppress-
ing Disorders
in the West,
and other
Shires.

Right trusty and well beloved, &c. We have been very much concerned at the Accounts We have had, not only out of *Scotland*, but from several other Hands, of the great and insufferable Insolencies lately committed by the Phanaticks, especially in the Shires of *Air, Renfrew, Stewartry of Kirkcudbright*, and other adjacent Places, and also in *Teviotdale*, and even in *Fife*, where numerous Conventicles, which by Act of Parliament are declared *Rendevouzes of Rebellion*, have been kept, with solemn Communion of many Hundreds of People, and seditious and treasonable Doctrine preached against Our Person, and all under Us, inciting the Subjects to open Rebellion, and to rise in Arms against Us and Our Authority and Laws, unlawful Oaths imposed, the Churches and Pulpits of the regular Clergy usurped, by Force invaded, and their Persons still threatned with Assassination and Murder; and, what they have not formerly attempted, Preaching-houses have been lately built, and unlawful Meetings of pretended Synods and Presbyteries kept; thereby designing to prosecute their rebellious Intentions, and to perpetuate the Schism.

These Insolencies being so recent, have moved Us to provide fit and timeous Remedies; and therefore We have appointed some of Our *English* Forces to march to the North, near the *Scots* Border, and a Part of Our Army in *Ireland* to lie at *Belfast*, near the Sea-coast, towards *Scotland*.

We have been with much Satisfaction informed, That you have required the Noblemen and others who have Interest, and considerable Vassals and Following in the Highlands, and Places thereto adjacent, to be in Readiness, with what Forces they can bring out, to rendezvouze at *Stirling*, upon the first Advertisement; which We do very much approve, and give you Our very hearty Thanks for your Care therein. And whereas We are informed, that those Noblemen have made an Offer of a considerable Number of Horse and Foot, to be in Readiness to rendezvouze at *Stirling*, and from thence to march with Our standing Forces, upon the first Advertisement, for the Prosecution of Our Service; and seeing We are fully resolved to maintain, preserve and defend the Government of the Church in that Our Kingdom, as it is now established by Law, and not to suffer Our Authority to be thus invaded and trode upon, nor longer to endure the Insolencies formerly mentioned:

Therefore We do hereby require and authorize you, to command all these Forces beforementioned, both standing Forces and others, to march to these Shires and Places beforementioned, so infested with rebellious Practices, and there to take effectual Courses for reducing them to due Obedience to Us and Our Laws, by taking free Quarter from those that are disaffected, and by disarming of all you shall find necessary, and securing all Horses above such a Value as ye shall think fit, by causing the Heritors and Liferenters engage and give Bond for their Tenants, and others that live upon and possess their Lands, that they shall keep no Conventicles, that they shall live orderly and obedient to the Laws; and by causing the Tenants and Masters of Families give the like Bonds, by causing every Parish and the Heritors of it, give Surety that no Conventicles shall be kept within any Part of the Parish, Property or Common, nor harbour or commune with the Rebels, or Persons intercommuned, and for keeping the Persons, Families, and Goods of the regular Ministers harmless; and that under such Penalties as ye shall think fit, by causing all Heritors, Tenants, Liferenters, and others, take the Oath of *Allegiance* to Us, by using and prosecuting all other Means and Methods, and taking all other effectual Courses for effectuating the Premises, and putting at last an End to these Insolencies and Disorders; and, in case of Resistance, that in Our Name you give Warrant to resist them by Force of Arms.

And for the more effectual Prosecution of these Our Commands, that you punish the Disobedient, or those you judge disaffected, by Fining, Confining, Imprisonment, or Banishment. And further, that ye place sufficient Garisons in all Places where ye shall, from Time

Time to Time, find it necessary. And if at any Time hereafter ye shall judge, that these Forces ye have prepared, are not sufficient for this Undertaking, We do impower and authorize you to call to your Assistance those of Our Forces now lying in the North of England, and the North of Ireland, one or both as you shall find Cause; and for that effect We have given them Our express Commands to come to Scotland for your Assistance, whenever they shall be advertised. 1677.

And lastly, We do authorize and require you, to call together Our Militia of that Our ancient Kingdom, Horse or Foot, or any Part thereof, and to command and charge all Heritors, Freeholders, and others, and, if need be, all betwixt Sixty and Sixteen, to come and attend Our Host, under the Pain of Treason, according to the ancient Laws of that Our Kingdom; and that ye, in Our Name and Authority, emit such Proclamations as ye shall find necessary for this Our Service, from Time to Time. We doubt not your ready Obedience to all these Our Commands; of all which We expect frequent and full Accounts from Time to Time, and so We bid you heartily Farewel. Given at Whitehall, December 11th, 1677.

This Letter and these Powers are what the Primate was extremely pleased with, and was pushing for these many Years, but more moderate Courses had prevailed. I shall only notice, that the King plainly speaks of the bringing in of the Highlanders as their Act, not his, and thanks them for it; that the great Design in his Majesty's consenting to this unprecedented Method, was the maintaining and defending the Prelatical Establishment, which being contrary to the Inclinations of Multitudes, needed Violence to support it; and that there was no Counteracting of his Majesty, but only a Refusal of Obedience to his Commands, as to the Government of the Church, among Presbyterians: And lastly, new Impositions are here allowed, not only Bonds from Heritors, but Masters, and Parishes, &c. as above; all which were vigorously executed next Year. Remarks upon it.

C H A P. XIII.

Of the Highland Host, and the State and some particular Sufferings of Presbyterians, during the Year 1678. 1678.

NOW I come to end this Second Book, with an Account of the down coming of the Highlanders, and other Things this Year, which, with the Oppressions formerly mentioned, and some other Incidents, made Way for the Second Rising, which was dissipated at Bothwell-bridge; the History of which will begin the next Book. The Highland Host makes way for the Rising next Year.

There was no Provocation given by Presbyterians, nor any Occasion for this terrible Instance of the Prelates Fury, in this unprecedented Oppression of the King's Subjects, save the Preaching and Hearing the Gospel, to which they wanted not altogether Encouragement from some who went in heartily to this Inroad upon them, and which they reckoned their civil as well as religious Right. General Observes on the sending the Highlanders upon the West.

No question but our Managers were some way on a Lock: They had peremptorily established loathed Episcopacy, the Dissatisfactions with that Establishment were every Day growing, People's Consciences will not be forced, and real Principles are unalterable, and only confirmed and stiffened by Violence and Impositions: The Affection of Presbyterians to the Gospel was heightened and inflamed by their Sufferings, and, as has been observed for some Years, their Boldness increased, Conventicles grew, and Field-preachers and Preachings turn frequent.

Now Episcopacy must either be slackned, or the People destroyed; and we may easily guess which of the Two a Government, almost entirely in the Hands of Prelates, grated by the Growth of those who disowned them, will choose; and at length it is determined, that these who will not bow shall break; and the bringing down of the Highlanders is thought the fittest Way, by free Quarter, to bring Presbyterians to take the Bond. The West Country was their Nest, and populous; but to make that a Hunting-field and desolate, in some People's Eyes, was better than its continuing inhabited with such Rebels to Prelacy.

1678.

The Bishops and their Party had a double Chance and Venture in this Expedient; either People's Consciences would be subdued, and a tame Subjection to Prelacy brought about, which I can scarce imagine the more thinking Part of the Council expected; or, the Oppression of the Savages would turn wise Men mad, and drive common People to a Tumult and Rebellion, and then a fair Handle would be given, to make a Sacrifice of them to the Resentments of the Prelates, and the Duke of York would have a good large Hunting-field.

But *Mens Thoughts are Vanity*; neither of these succeeded according to their Wishes; a better Temper was kept, than almost could have been expected, by the oppressed People; and yet, generally speaking, they stood firm to their Principles: And the Issue was a greater Abhorrence in many, of Prelacy and Prelates, as the Authors and Abettors of these extraordinary and unparallelled Methods, and greater Pity to the Persecuted. And the gallant Stand made to these oppressive Courses, by a good Number of the Nobility and Gentry in the West, was very honourable for them, and much exposed this Politick.

Sum of this
Chapter.

Upon this Chapter then, I shall give as large an Account of the Beginnings, Progress, and Removal of this Highland Host, as the Papers I have afford me; and it will be pretty large. Then I may come to consider the Consequents and Effects of this Incurfion, and Damage done to the Country thereby, and the Approbation and Accounts of it by the Court: And after I have given what is relative to this Matter all together, I shall give a Relation of Mr. Mitchell's Trial in the Entry of this Year, of the Procedure against Conventicles, and particular Persons, and end this Year by gathering up some other Things which come not so properly in upon the former Heads. These Heads will afford Matter for several Sections.

SECT. I.

An Account of the Commission for raising the Highlanders, and some other Things which passed before they actually marched.

Commission
of Aray for
raising the
Highlanders.

Remarks upon
it.
App. No. 80.

IT will be proper to begin this Account with the Commission of Aray, or for raising the Highlanders and Militia. The Managers having refused the first Offer of bringing in Forces from England and Ireland, they agree upon the levying and modelling an Army themselves, known in Scotland by the Name of the *Highland Host*.

And upon the 26th of December last, a Commission passes the Seals at *Edinburgh*, which I have given at full Length, App. No. 80. that I may not swell the History it self with Papers which now come upon me in Multitudes. The Reflections formerly made will save me the Trouble of insisting here. It was one of the Branches of the Sufferings of Presbyterians, to be loaded in the publick Papers of this Period, with most spiteful and false Epithets. I hope the fair Representation of plain Matters of Fact about them in this History, will be a sufficient Vindication; and so I pass the common-place Reproaches of *Nurseries of Sedition, Rendezvous of Rebellion*, and others of that Nature, as usual Flourishes of the railing Eloquence of this Time. I have already noticed, that the invading of the Persons of the Clergy, and committing Riots on them, when examined, were many Times found to be done by Persons who were pleased to take on the Mask of Presbyterians, and were common Robbers oft-times; and such Practices were still disowned by the Body of Presbyterians. The Charge of invading of Pulpits, and building of Meeting-houses, hath been considered likewise. As to what followeth, the killing and wounding of some who acted in the King's Name; nothing of this Kind was found, after the most diligent Search, in the West Country, to which this Charge must relate: And the Business of Carstairs and Garret hath been already narrated. There follows a Clause in the Commission, *Noblemen and others, who did offer any of their Vassals, Tenants, or Adherents, for the Assistance of Our Forces*, which deserves Notice. I am well assured, that severals who in this Commission, and subsequent Proclamations, are said to offer their Assistance, were indeed forced thereunto by absolute Command, under the Pain of Rebellion and Forfeiture. I do not question indeed but many of the *Highland Clans* would very willingly offer themselves to take Quarters, in a better Soil than their own; but the Question still remains, how far it was equitable and just to accept such Offers of a People living by Rapin and Stealth, against loyal and peaceable Subjects. The Forces were under the military Law, even the Militia were under Regulations, but the *Highland Vassals, Tenants, and Adherents*, were a lawless Company; every Body knew it, and their Actions were proportioned. This Crew is ordered to take Quarters for Money in their March,

March, that was, whatever they were pleased to give, *i. e.* none; for generally they had it not to give; and, where refused, to force Quarters. They are beforehand indemnified for wounding, killing, &c. all such who made Opposition to the King's Authority. This is severe enough, when Keepers of Conventicles are made Rebels. Next, they are impowered to seize all they suspect; and all that bear the Name of Presbyterians, and had any Thing in their Houses, were to the *Highlanders* suspect Persons: And as if all this were not enough, all whom they please to pitch upon in the Places where they come, *must rise and march with them, under the highest Pains.* After such a Commission we need not be surpris'd to hear of dreadful Ravage and Barbarities exercised; and tho' these were very sad, yet I can scarce say they were much beyond the Powers granted here.

All the Copies I have seen of this Commission have the Names of the Persons blank, because they were given to the Commanders severally. The Marquis of *Arbottle*, the Earls of *Mar*, *Murray*, *Cathness*, *Perth*, *Strathmore*, and *Airly*, gathered up what Men they thought good, from the Places they were concerned in, and my Lord *Linlithgow*, with his regular Forces, joyns them at *Stirling*, and when pass'd that Place westward, they live on free Quarters, and press the Bond, as we shall hear, disarm the Country, seize upon Houses, and leave Garisons where the Committee of Council, joyned with them, see good. And the Lord of *Huntley* is ordered to keep the Peace in the North, and look after the *Highlanders* Houses and Families, when they are about this Sort of publick Service, of bearing down Presbyterians in the West.

When Matters are thus forming, several Noblemen and Gentlemen, evidently seeing the terrible Effects of this Method now entring upon, resolved to go up to Court, and essay to inform the King truly of the present Circumstances of *Scotland*. As soon as this took Air, the Bishops, and *Lawderdale*, now at *Edinburgh*, do all in their Power to stop this, and, *January 3^d*, they pass an Act of Council discharging all Noblemen, Gentlemen, and Heritors to go off the Kingdom, without Permission from the Council, and that under the highest Pains; and requiring all 'twixt Sixty and Sixteen to be in a Readiness to joyn the King's Host. It was no Wonder this illegal Step was taken to cover another, for we may suppose, if the King, when from under the Management of *Lawderdale*, had got a just Information of the State of Things, he would have stop't this Procedure.

That the Reader may not want a Paper so much to the King as well as Country's Loss at such a Juncture, I have insert the Proclamation here.

Act prohibiting Noblemen and others to go out of the Kingdom without Licence,
January 3^d, 1678.

The Lords of his Majesty's Privy Council taking to their Consideration, that upon the great Disorders lately committed in some western and other Shires, they did write to them, requiring them in his Majesty's Name, to take such Course therein as might secure the Peace in these Places, with Certification to them, if they failed therein, they would employ his Majesty's Authority for doing thereof; which Offer having received no satisfactory Answer, and they having declared that they were not able to suppress the Disorders, nor free the Country thereof, his Majesty did command and warrant his Privy Council, to arm such of his Militia, and such others as should offer to serve him, for redressing the said Disorders, and authorize them to charge all Heritors and others, and, if need be, all betwixt Sixty and Sixteen, to come and attend his Majesty's Host, under the Pain of Treason, according to the ancient Laws of this Kingdom: In obedience to which his Majesty's Royal Commands, the said Lords have thought fit to send a Committee of his Majesty's Privy Council, to attend the Forces so to be employed; and therefore, lest any Person should withdraw from the said Service, by going out of the Kingdom, the said Lords do hereby require and command all Noblemen, Heritors, and Magistrates of Burghs Royal, excepting actual Traffickers in Burghs, to remain and continue within this Kingdom, and not to remove forth thereof upon any Pretext whatsoever, without special Licence from the Council, as they will be answerable at their highest Peril: And ordain Letters of Publication to be made, direct to the Lyon King at Arms his Brethren, Herald, Mace-bearers, Pursuivants, and Messengers at Arms, to pass to the Market-cross of *Edinburgh*, and other Places needful, and thereat, in his Majesty's Name and Authority, by open Proclamation, make Publication of the Premises, that none pretend Ignorance; and ordain the said Letters to be printed.

LAWDERDALE P.

And the rest of the Lords of the Sederunt.

1678.

And the Persons they most suspected were by Letters called to attend the Host.

Besides this Proclamation, another Method the Managers took to stop the foresaid Design, was, writing particular Letters to Persons whom they most suspected, ordering them to attend the King's Host. Among others there was a Letter writ to the Duke of *Hamilton*, which I here insert.

May it please your Grace,

Copy of that to Duke *Hamilton*.

WE having received a Letter from his Majesty, commanding us to use his Authority in arming such of his standing Forces, of his Militia, and others, who voluntarily offer their Assistance in his Majesty's Service, we have, in obedience to his Royal Commands, resolved, that such of his Majesty's Forces as shall be thought necessary for that his Service in the West Country, shall rendezvous at *Stirling*, and from thence march to the western Shires; and to the end all Things may be done regularly and legally in that Expedition, we have likewise resolved, that a Committee of his Majesty's Privy Council shall go along with his Forces there. Likeas, we have resolved, that for the same Reason the Sheriffs and other principal Officers in these Countries, shall attend the said Committee; and your Grace being Sheriff Principal of the Sherifffdom of *Lanerk*, and Bailie of the Regality of *Glasgow*, we have thought fit hereby to desire and require you to attend the said Committee at *Glasgow*, the 26th Day of this Instant, and to receive and obey such Orders from the Council, or the said Committee, from Time to Time, as shall be thought necessary for his Majesty's Service; hoping, that in this extraordinary Exigency your Grace will express such Respect to his Majesty's Interest, and Obedience to his Commands, as may encourage others who are engaged in that Service.' Signed, at Command of the Council, by

Edinburgh, January 3^d, 1678.

Your Grace's most humble Servant

L A W D E R D A L E, I. P. D. Con.

The Duke excuses himself.

The Duke of *Hamilton* was the Nobleman of the greatest Rank and Interest in the West, and a Privy Counsellor; yet he is not, for Reasons obvious enough, put upon the Committee. And I find, *January 21st*, a Letter from him is read in Council, excusing himself from attending the Committee, by Reason of his Indisposition; and the Council send their Orders to the Gentlemen of the Shire of *Lanerk*, to meet at *Hamilton* when the Committee requires them, and receive their Orders.

The Chancellor prevails with many Heritors in *Fife* to sign the Bond.

Upon the 10th of *January*, the Bond came in, signed by the Shire of *Fife*, to the Council, which was the leading Card to the Shires on the South-side of *Tay*, and therefore I shall give some Account of it. When the Design of the *Highland* Host was now formed, the Chancellor *Rothès* went over in the End of *December*, and laid out himself to save his own Shire, by prevailing with the Heritors to take the Bond. He wanted not abundance of Difficulty among them; yet at length, partly by Promises, and partly by Threats, he prevailed with the most Part of the Heritors to sign the following Bond at *Compar* of *Fife*, *January 3^d*, 1678.

Tenor of the Bond signed by them, *Jan. 3^d*.

WE the Noblemen, Barons, and Heritors of the Sherifffdom of *Fife*, underscribing, faithfully bind and oblige us, that we, our Wives, Bairns and Servants, respectively, shall no ways be present at any Conventicles or disorderly Meeting in Time coming, under the Pains and Penalties contained in Acts of Parliament made thereanent. As also, we bind and oblige us, that our haill Tenants and Cottars *respective*, their Wives, Bairns, and Servants, shall likewise abstain and refrain from the said Conventicles, and other illegal Meetings not authorized by Law; and in case any of them shall contravene the same, we shall take and apprehend any Person or Persons guilty thereof, and present them to the Judge Ordinary, that they may be fined and imprisoned therefore, as is provided by the Acts of Parliament made thereanent; otherwise we shall remove them and their Families from off our Ground: And if we fail herein, we shall be liable to such Pains and Penalties as the Delinquents have incurred by the Law. And for the more Security, consenting thir Presents be registrated in the Books of Council, &c.'

This, when presented to the Council, is found insufficient, and they ordered to sign another.

This Bond signed was presented by the Chancellor to the Council, on the foresaid Day; and tho' every Body will think this a strict enough Tie, especially for Persons not in their Power, yet the Council find it unsatisfactory. There was at this Time a Coldness 'twixt *Lawderdale* and *Rothès*; whether it was from this, or that they had another Draught in prospect for the West Country, I know not; but altho' both the Primate and the Chancellor defended this Draught, yet *Lawderdale* over-ruled them, and a new Draught is agreed upon, and sent to the Heritors to sign. Which I likewise insert here.

1678.

WE the Noblemen, Barons, and Heritors of the Sheriffdom of *Fife*, underscribing, faithfully bind and oblige us, that we, our Wives, Bairns and Servants, respectively, shall no ways be present at any Conventicle or disorderly Meeting, in Time coming, but shall live orderly, in obedience to the Law, under the Pains and Penalties contained in the Acts of Parliament thereanent. As also, we bind and oblige us, that our haill Tenants and Cottars *respective*, their Wives, Bairns and Servants, shall likewise abstain and refrain from the said Conventicles, and other illegal Meetings not authorized by Law: And further, that we or they shall not reset, supply, or commune with forfeited Persons, intercommuned Ministers, or vagrant Preachers; but do our utmost to apprehend their Persons. And in case our said Cottars, Tenants, and their foresaids shall contravene, we shall take and apprehend, &c.' as in the former Draught, which needs not be repeated.

They form it with a Clause as to Ministers and Preachers.

This new Bond is sent back to *Fife* to be signed; and, besides the signing of this Bond, I find the Council, the said Day, order a Hundred Men to be drawn out of the Four Militia Regiments, and to march up and down the Shire, and repress and root out Conventicles; and these are ordained to be maintained by the Shire. The Pretext of all this is, That in the Shire of *Fife* Mr. *Welsh* began Field-conventicles, and from thence they spread through the Kingdom. As far as I know, all was submitted to, as better than the Highland Host.

A Hundred Men to be raised, to root out Conventicles, at the Expense of the Shire.

January 15th, the Council order a Train of Artillery to be transported from *Edinburgh* to *Linlithgow*, from thence to *Kilsyth*, and from thence to *Glasgow*: And a Thousand Merks were issued out of the Treasury, for the Charges of this needless Transportation of Artillery. They had neither Fortifications nor Armies to deal with, but a peaceable unprovided Country.

Train of Artillery sent West.

Upon the 18th of *January*, the Council appoint a Committee of their Number, to attend and go along with the Army, and grant them a very large Commission and Powers, which I have annexed, App. N^o. 81. I need make no Reflections upon it. The Names of the Persons to whom this Power is given, were, the Marquis of *Athole*, the Earls of *Mar*, *Murray*, *Glencairn*, *Wigtoun*, *Strathmore*, *Linlithgow*, *Airly*, *Cathness*, *Perth*, and the Lord *Ross*, Eleven in Number, of which Nine of them were Commanders of the Army, and had brought down the Highlanders, and so were the more like to see to their own Adherents and Followers, and manage the Host to good Purpose.

Council-committee to attend the Host, with their Commission, App. N^o. 81.

With this Commission, the Council joyn large and very remarkable Instructions unto their Committee, which being the Ground-work of what follows, I insert them here.

Instructions to the Committee for the West.

I. 'YOU are carefully and vigorously to prosecute the Commission granted to you by the Council, being of the Date of these Presents.'

Instructions to them.

II. 'At the first Meeting at *Glasgow*, you are to require the Sheriffs Principal of the Shire of *Stirling*, *Wigtoun*, *Dumfries*, and the Sheriff-depute of *Roxburgh*, (in regard of the Sheriff Principal's Absence) immediately to convene the haill Heritors, Liferenters, conjunct Fiars, and others within the Shires, for subscribing these Bonds mentioned in the following Instructions, and appoint them to return an Account of their Diligence and Obedience to you, betwixt and the 7th Day of *February* next. You are also to require the Sheriff Principal of the Shire of *Lanerk*, Bailie of the Regality of *Glasgow*, the Sheriff-depute of the Shire of *Renfrew*, (in regard of the Sheriff Principal's Absence forth of the Kingdom) and Steward Principal of the Stewartry of *Kirkcudbright*, as also to convene the haill Heritors, Liferenters, conjunct Fiars, and others within the said Shires, Regality and Stewartry, for subscribing the said Bonds mentioned in the Instructions following; and to cause the Leaders of the Horsemen of the Militia-troops of these Bounds, deliver up to them the haill Militia-arms, Swords, Pistols, Holsters, &c. and likewise the haill Heritors, or other Persons in whose Hands they are, to do the like. As also, you are to cause the Sheriff of the said Shire of *Lanerk*, Bailie of the Regality of *Glasgow*, Sheriff-depute of the Shire of *Renfrew*, and Steward of *Kirkcudbright*, to disarm all other Persons, of what Degree or Quality soever, in these Bounds, and to send in the Arms, and all Ammunition that is within the same, Towns and Villages, to you, to be disposed of as you shall be instructed by his Majesty's Privy Council, conform to the following Instruction. And you are to order the said Sheriff, Bailie, and Steward, to report an Account of their Diligence to you, betwixt and the said 7th Day of *February*; and you are to return to the Council an Account of these Orders given by you, and of the Obedience given thereto, at all possible Speed; and you are not to disarm the Shires of *Stirling*, *Roxburgh*, *Galloway*, or *Dumfries*, until further Orders from the Council.'

1678.

III. ' In prosecution of your Commission, you are to go alongst with the Forces appointed to rendezvouze at *Stirling* the 24th of *January* instant, both standing Forces, Highlandmen, Militia, or others, and from thence to go to *Glasgow*, and from thence to the Shire of *Air*, where you are first to get an exact Roll of the Names of all the Heritors of that Shire, and of all the Heritors of all the Jurisdictions, Stewartries, Bailiaries, Regalities, and others that are within the Bounds thereof.'

IV. ' That you take special Care, at your first coming to the Shire of *Air*, to cause the Leaders of Horsemen of the Militia-troops of that Shire, bring in to you the haill Militia-arms, Swords, Pistols, Holsters, &c. and likewise the haill Heritors or other Persons, in whose Hands they are, to be disposed of by you, as you shall be instructed by the Privy Council thereanent; and in case of their Refusal or Disobedience, to quarter upon the Con-traveners, and to inflict upon them such other Punishment you find just: That in like Man-ner you give Orders for inbringing of all the Arms whatsoever, and of all the Ammunition that is within the Bounds of the said Shire, and Jurisdiction lying therein, and of all Towns and Burghs within the same, that is in the Hands and Possession of any Person whatsoever, of whatsoever Degree or Quality, whether Heritor, Tenant, Servant, Cottar, Tradesman, or others whatsoever, to be disposed of by you, as is mentioned in the fore-going Article: And, in prosecution hereof, that you give Orders to the Major-general, or the commanding Officers for the Time, and in the Place, for seizing and searching for all such Arms and Ammunition; and, if need be, that you take the Oaths of all Persons Havers of Arms, either by your selves or such as you shall appoint; and generally, that you use all other effectual Means, and take all other Courses for totally disarming of the said Shire, as soon as possible. You are vigorously to prosecute all such, whether Heritors or others, as have been present at Field-conventicles, and all such as have convocate People thereto, since the 1st of *January* 1677. and all such as have preached or exercised at Conventicles, or have invaded Kirks or Pulpits, or all such as have threatned or invaded the Persons or Goods of the regular Ministers, and all that have been accessory to the building of Preaching-houses, and all Heritors, Liferenters, and Landlords, that have connived at the building of the said Houses, since the 24th Day of *March* 1674 Years, and to cause burn these Meeting-houses, and rase them to the Ground.'

V. ' You are to prosecute such as have withdrawn hitherto from the publick Ordinances, or that are guilty of irregular Baptisms or Marriages; and generally, that you put in Execution all Acts of Parliament and Acts of Council made anent the Disorders particularly abovementioned, according to the Tenor thereof; and that you particularly censure and punish all other Delicts and Transgressions mentioned in these Acts, and which are not here particularly enumerate; by which Delicts it is not understood Persons hearing of indulged Ministers in the Parishes to which they are confined.'

VI. ' That according to the Power of Justiciary mentioned in your Commission, you do criminally indict all Rebels, forfeited Persons, or such as you shall apprehend, who have taken Arms, and all such whose Crimes, by the Acts of Parliament, are capital and punishable by Death, and inflict upon them the Pains and Punishments mentioned in the Acts of Parliament.'

VII. ' That after you have received true and perfect Lists of all the Heritors, Liferenters, and Landlords within the Shire of *Air*, and haill Jurisdictions lying locally within the same, that you summon all of them, without Respect of Persons, to compear before you, and command and require them, within such Time as you shall think fit to prescribe, to engage and give sufficient Bond and Security to you and the Council, whereby they oblige themselves for all their Tenants, and others whatsoever, that live upon or possess their Lands, that they shall keep no Conventicles, nor be accessory to the keeping thereof, or convening of Persons thereto, and that they shall otherwise live orderly and obedient to the Laws, and that under such pecunial Sums and other Testifications, as you shall find Cause: And in case of their postponing or refusing to give the said Bonds and Security, that you proceed against them, by Fining, Confining, Imprisoning, Banishing, or other arbitrary Punishment, according to Law, as you find Cause.'

VIII. ' That you likewise bring before you, or any appointed by you, the haill Tenants and Masters of Families within the said Shire, and cause them give the like Bonds, for themselves, their Wives and Families, and likewise the Men-servants to give Bond for themselves: And all this not only for relieving the Heritors or Masters, but likewise for binding of the Tenants themselves for observing the Premisses; and, in case of Delay or Refusal, to proceed to Punishment against them, as is prescribed to be inflicted upon the Heritors; and that you use all other Ways to get exact Rolls of all the Tenants and others abovementioned, either by ordaining the Masters to give in the same upon Oath, and by getting the Rolls, which was the Method for imposing the Militia, or to take any other effectual Way for a full Discovery thereof.'

IX. ' That

IX. ' That you cause the Heritors of every Parish give Bond for securing the Persons and Goods of their regular Ministers, and that under such pecunial Sums and other Penalties as you shall find Cause; and for avoiding of Multiplicity of Bonds, and saving of Time, you are to consider, if this Clause relating to regular Ministers, may not be meet in the former Bonds to be given by the Heritors, and likewise in the abovementioned Bonds to be given by the Tenants and Landlords, and their Servants, and to proceed therein as you find Cause, either joyntly or separately.'

X. ' That if you find the former Bonds do not sufficiently secure against Conventicles, that you cause the Heritors, Liferenters, and Landlords, within every Parish, give Security that no Conventicles shall be kept within any Part of their Lands, Property or Common-ty, nor harbour or commune with Rebels and Persons intercommuned, and the Obligation be either included in the first Bond, or taken separately, as you find Cause.'

XI. ' That you cause all Magistrates of Burghs, whether Royal, Regality, or Baronies, and if need be, all Landlords, Heritors, and Inhabitants within these Burghs, give the like Bonds and Security, such as is mentioned in the 6th, 7th, 8th and 9th foregoing Articles, and that under such pecunial Pains and Penalties as you shall find Cause.'

XII. ' That you cause secure all Horses above Fifty Pounds Scots Price and Value, so as the Owners and others shall not be capable to have the Use of them, in case of any Insurrection or Rebellion; and this either by causing the Owners and their Masters (if they be Tenants) give Security, that all Horses above the foresaid Value shall be put off the Shire, betwixt and the first Day of May next to come, and to take any other effectual Course to make the said Resolution, as to the Horses, practicable.'

XIII. ' That at your coming to the Shire of *Air*, or any other Time, as you shall find Cause, you give Order to the Major-general to quarter the Officers and Soldiers, Horse and Foot, whether standing Forces, Highlandmen, Militia, or others, upon all Persons, whether Heritors, Tenants, or others, within and without Burgh, excepting such Persons as the Privy Council shall think fit to order to be free of Quartering, and that such Quartering be according to the Tenor of the Commissions granted to the several Noblemen, who are appointed to bring together their *Highland Forces* and Following, and to such Orders as the Major-general shall receive from the Privy Council thereanent.'

XIV. ' That you give Orders for placing sufficient Garisons in all Houses and Places within the said Shire and Jurisdictions therein, that you shall find necessary, and that these Garisons be furnished sufficiently in all Things necessary, by such adjacent Places as you shall think fit to appoint.'

XV. ' That after you have prosecuted your Instructions in the Shire of *Air*, and reduced the same to Order, or sooner, if you find Cause, or as shall be advised by the Council, that you go from thence to the Shire of *Lanerk*, and from thence to the Shire of *Renfrew*, and from thence to the Stewartry of *Kirkcudbright*, and that you proceed according to the Method mentioned in the foregoing Instructions, which are hereby declared to be applicable to these Shires and Places, as well as to the Shire of *Air*, so that whatever is mentioned in relation to that Shire, is understood to be meant as to all these other Shires and Places, and not only so, but as to all other neighbouring Shires, and adjacent Places to these Shires and Places, that ye shall understand to be infested with such Disorders, and you go or send to these Places adjacent, and there to prosecute the foregoing Instructions, or either of them, as you shall find Cause.'

XVI. ' And in case it fall out, that any be so perniciously wicked as to rise in Arms, or to continue in the Prosecution of their Field-conventicles in Arms, that you give Order to the Major-general to reduce them by Force of Arms; and that so many of them as shall be taken alive, by virtue of the Power of Justiciary contained in your Commission, you cause indict them criminally, and, being found guilty, you cause inflict upon them the Pains and Penalties due to Rebels and Traitors.'

XVII. ' That what Orders you give to the Major-general and commanding Officers, be subscribed by a *Quorum* of the Committee at least. All which Orders so given you are to leave the Execution thereof to the Major-general, to be distribute to these under his Command, as he shall think fit, wherein he is to do as he will be answerable.'

XVIII. ' You are to cause all Heritors in those western Shires and Places adjacent, and also all Tenants, Landlords, and Masters of Families, within and without Burgh, and Magistrates of Burghs, all Sheriff-deputes, Steward-deputes, and Bailie-deputes, and others that exerce any manner of Jurisdiction, take the Oath of *Allegiance* to his Majesty; and in this you are to consider whether they are to do this at the giving of the Bond abovementioned, or to leave it in the last Place, and that because it will take up much Time to convene so many Persons over again; and in this you are to do as the Case requires.'

XIX. ' You are to choose one of your Number to preside among you from Time to Time; and what Persons are cited or brought before the Committee, the List of their Names are to be signed by the President, when the Warrant is given for Citation; and, when the Persons are called, the President is to observe that none be omitted, and that all

1678.

‘ Bonds taken, and all Acts done by the Committee, and all the Progress made in the foregoing Service, is to be put in Order, to be returned to the Council to be approved, and to remain in Record. Subscribed *ut federant*, except the Two Archbishops.’

And they are clothed with a Justiciary Power.

All the Lands of Counsellors saved from Quartering.

Their first Meeting to be at Glasgow, Jan. 62. but a Party of Soldiers are sent surprisingly, Sunday, Jan. 13. and seize some Fugitives;

Upon a false Information from the Bishops of a Communion designed that Day there :

Occasioned by a private Day of Fasting kept at Glasgow.

John Anderson of Dovehill made Prisoner, and soon released.

Effays of the Heritors of the West, to preserve themselves from the Highland Host.

Representations from the Shire of Air to the Council, by Nine of their Numbers.

But have no Access to present it.

By these Instructions they are to manage the Army, and give Orders to the Country, Sheriffs, and other Magistrates: And to complete all, and render them fully Masters of the Lives of the West Country, as, by their Army, they were of their Liberty and Fortunes, they or any Three of them are clothed the same Day by the Council with a Justiciary Power, and commisionate to be a criminal Court. I need not insert their Justiciary Commission, since it runs in common Form, and we have had already Copies of it after *Pentland*.

But to save their own Bacon and their Friends, after all these Powers at the same Diet, The Lords of his Majesty's Privy Council warrant and order the Committee to free all the Lands of Counsellors, and such as subscribe the Bond, and obey the Orders of the Committee, from Quartering.' And the Council appoint the first Meeting of their Committee to be at *Glasgow*, *January 26th*.

Every Body knew, some Weeks ago, that the general Rendevouz of the Forces was appointed at *Stirling* upon the 24th, and agreeably to this, the Committee of Council is ordered at *Glasgow* the 26th; yet, very surprisingly, the Half of the regular Forces, a Squadron of Horse, and Four Companies of Foot got secret Orders upon the 9th; and upon *Sunday* the 13th of *January*, in Time of publick Worship, came in upon the Town of *Glasgow*, and made immediately a strict and narrow Search for Arms, and fugitive and intercommuned Persons. The same was done, I hear, in the Town of *Edinburgh* at the very same Time. At *Glasgow* some Persons were committed to Prison, and, after a few Days, released. These Forces took up their Quarters, as Harbingers to the *Highlanders*, and their Carriage was high and insolent enough, but was obscured quickly by their Followers.

They themselves afterward owned this sudden Attack of *Glasgow*, was upon a wrong Information. The Matter was thus: The Bishop of *Argyle* and some others, (and indeed not a few of the Marches of the Soldiers were, upon the Bishops and Curates Informations, oft-times ill grounded) had represented that a Communion was to be celebrated at *Glasgow* that Lord's Day by the outed Ministers, after which they were pleased to imagine to themselves, and frighten the Managers with, the Fancy that an Insurrection was to follow.

The real Ground, if it may be called so, of this Fright, was, that the Presbyterians in and about *Glasgow*, Ministers and others, upon the certain Accounts of the *Highland Host*, and the Committee of Council their coming West, expecting a very sharp and severe Trial, had kept the *Tuesday* of that Week as a Day of private Fasting, Humiliation, and Prayer to the Lord, in this Time of Distress and Darknes.

However, the Story takes, and the Soldiers are quartered at *Glasgow*, to prevent an Insurrection that was never once thought of by the Presbyterians. *John Anderson* of *Dovehill* younger, at the Revolution first Provost of *Glasgow*, of whom before, was taken; the Soaprie there was guarded, and closely searched for Arms and Ammunition, but nothing found, save that Gentleman's Sword and Pistols. When they found their Mistake, within a little he was liberate, upon Bond and Caution to answer when called to what should be laid to his Charge.

I shall end this Section with an Account of some Attempts of the Gentlemen of the West Country, to preserve themselves and their Neighbours from this barbarous Attack. I want the precise Time, but it was about the Beginning of this Month, I suppose, and about the Time of the Application from the Shire of *Fife*.

The Nobility and Gentry of the Shire of *Air*, apprehending this Project of the *Highland Host* to be chiefly levelled against them, thought good to commisionate Nine of their Number to come into *Edinburgh*, and represent to the Council, ‘ The Peaceableness of their Country, and that albeit their People were indeed addicted to Conventicles, and thought they had Principle and solid Reasons for so being, yet this was only in these Parishes which were denied the Benefit of the *Indulgence*; and that not only in their Shire, but likewise in the better Part of the Kingdom, the same mild Course, which his Majesty had taken with his other Kingdoms, would certainly prove the most infallible Mean to put a Period to these alledged Disorders; which, even yet, they were not without Hope to obtain from the benign Disposition of their Prince, and their Lordships Intercession; That finally, as they were not conscious to themselves of a disloyal Thought, so they could not discern the least Tendency in the People to Disorder or Rebellion; and therefore humbly they deprecate that severe Procedure of sending among them so inhumane and barbarous a Crew.’

When they came to Town, *Lawderdale*, the better to make them understand they had now incurred his highest Displeasure, would not so much as allow them Access to speak to him, and would by no means hearken to any Applications made by the Mediation of others: And when it was proposed to him and others, that the standing Forces only might be sent to execute the Law, in which Case some offered to engage for the Peace of the whole Shire, this

this likewise was peremptorily rejected; and the Gentlemen were told that nothing would satisfy but their present signing the Bond, and their obliging themselves upon the Spot, that all the rest of the Heritors should do the like. 1678.

This was what the Commissioners could not do, and so they returned without being able to effectuate any Thing in the Errand upon which they came; nay, they could not so much as obtain a small Delay of the Orders to the Forces to march, until the Shire were met and acquainted with these Terms now proposed. Thus the violent Measures now resolved upon by the Duke, at the Instigation of the Prelates, at all Hazards must be execute: And accordingly, in the End of this Month, the Host marched, and harassed the West; of which I come now to give some Account.

S E C T. II.

Of the March, Motions, Procedure, and Return of the Highland Host, the pressing of the Bond, and other Actings of the Committee joyned with them, January, February, and March, 1678.

I Come now to the more direct Relation of the Proceedings of this Host and Army, which could not be prevented by any Applications made; and I shall give as distinct a Narrative of it as I can, from the Papers I have met with, and intermix likewise the Procedure of the Council at *Edinburgh*, upon the Accounts sent them from the West.

Procedure of the Host, Army, Committee and Council at *Edinburgh*.

Upon the 24th of *January*, the Northern Army rendezvouze at *Stirling*, where, besides other Pieces of Rudeness, they raised Fire more than once. The Earls were their Colonels, when regimented; their Lairds and Chieftains were their Captains; their Adherents and Friends Under-officers, and the very Scum of that uncivilized Country were their common Soldiers: These, with the *Angus* Militia, and some Gentlemen from *Perth* Shire, march from *Stirling* the 25th, and, with the regular Forces, they are all at or about *Glasgow* the 26th.

Highland Army rendezvouze at *Stirling*, Jan. 24. Their Officers.

Their Numbers were as follow. About a Thousand Foot of regular Forces; the *Angus* Militia and *Perth* Shire Gentlemen about Two thousand two hundred; and of the Highlanders about Six thousand; the Horse-guards were Eight Score, and Five other Troops of Horse, beside the several Retinues of the Lords of the Committee and others waiting on; and a vast Number of Straglers who came only for Booty and Plunder; so that, by an easy Calculation, they may be reckoned Ten thousand in all.

Their Numbers about 10000.

They had no small Store of Ammunition with them, Four Field-pieces, vast Numbers of Spades, Shovels, Mattocks, as if they had been to have attacked great Fortifications. They had good Store of Iron-shackles, as if they were to lead back vast Numbers of Slaves; and Thumb-locks, as they call them, to make their Examinations and Trials with. The Musketeers had their Daggers so made, as, if need were, to fasten upon the Mouth of their Pieces, and maul Horse, like our Bayonets, not yet brought to Perfection. In this Posture came they West.

Their Furniture.

So formidable a Company could not but put all the Country into a mighty Consternation, in a Time of profound Peace. They were surprized to find that real, the Reports whereof they could not perswade themselves to have been any Thing but Threatnings, to fright People to an absolute Compliance: And the Amazement of the Gentlemen and Officers in the Army, who were of any Temper or Reason, was little less, when they entred into a Country perfectly peaceable and quiet, which had been represented, and they expected to find, up in actual Rebellion.

Surprize upon all Sides.

At *Glasgow* the Committee of Council meet, and open their Instructions, and fall about their Work of disarming the peaceable Country, and pressing the Bond. And upon the 28th of *January*, they have the Sheriffs of *Roxburgh*, *Stirling* Shire, *Lanerk*, *Renfrew*, *Wigtoun*, *Dumfries*, and the Stewartry of *Kirkcudbright* before them, having been formerly ordered to attend, ready to receive their Orders. The Orders they give will best appear from their Instructions, which follow.

The Committee meet first, Jan. 28.

1678.

Committee's Instructions to the Sheriffs, Glasgow, January 28th, 1678.

Their Instructions to the Sheriffs.

THE Lords of the Committee of Council, impowered by his Majesty's Privy Council to meet in the West, do, in prosecution of the Commission and Instructions given to them by the Privy Council, hereby require ----- Sheriffs of the Shire of ----- to convene the haill Heritors, Liferenters, conjunct Fiars, and others within the said Shire, for subscribing a Bond, the Copy whereof is signed, and herewith sent by the Lords of the Committee. And further, the said Lords do require the said Sheriff, to cause the Leaders of the Horsemen of the Militia-troops of that Shire, deliver up to him the haill Militia-arms, Swords, Pistols, Holsters, &c. and likewise the haill Heritors, or other Persons in whose Hands they are, to do the like: As also the said Sheriff is hereby ordered to disarm all other Persons, of what Degree or Quality soever, in that Shire, excepting Privy Counsellors, and all Officers and Soldiers who are under the King's Pay, who are not to be disarmed at all, and excepting Noblemen and Gentlemen of Quality, who are to have Licence to wear their Swords only; the Roll of the Names of which Gentlemen of Quality the said Sheriffs are to return to the Committee. And for the more effectual disarming of that Shire, the said Sheriff is hereby ordained to do the same upon Oath, as to what Arms they have, and by all other Means and Ways for Discovery hereof, and total disarming of the said Shire, excepting as aforesaid, and send in the Arms and all Ammunition that is within the said Shire, or within the Towns and Villages thereof, to ----- to be kept in the said Castle till further Order: Ordaining hereby the said Sheriff to report an Account of his Diligence and Obedience in the Premises, to the Lords of the Committee, betwixt and the 7th of February next. It is hereby understood, that all Burghs both of Regality and Barony in the said Shire, are hereby included.

Wigtoun.	Mar.
Strathmore.	Glencairn.
Airly.	Murray.
Cathness.	Linlithgow.
Rofs.	Perth.
Atbole.	

The Arms in the Shires of *Lanerk*, *Dumbarton*, and *Renfrew*, were to be delivered to the Earl of *Wigtoun*, Captain of the Castle of *Dumbarton*.

Copy of the Bond, Glasgow, January 28th, 1678.

Copy of the Bond.

WE ----- faithfully bind and oblige us, that we, our Wives, Bairns and Servants *respective*, shall no ways be present at any Conventicles or disorderly Meetings in Time coming, but shall live orderly, in obedience to the Law, under the Pains and Penalties contained in the Acts of Parliament made thereagainst: As also, we bind and oblige us, that our haill Tenants and Cottars *respective*, their Wives, Bairns, and Servants shall likewise abstain and refrain from the said Conventicles, and other illegal Meetings not authorized by the Law, and that they shall live orderly and in obedience to the same: And further, that we nor they shall not refet, supply, or commune with forfeited Persons, intercommuned Ministers, vagrant Preachers; but shall do our utmost Endeavours to apprehend their Persons; and in case our said Tenants, Cottars, or their forefaids shall contravene, we shall take and apprehend any Person or Persons guilty thereof, and present them to the Judge Ordinary, that they may be fined or imprisoned therefore, as is provided by Acts of Parliament made thereanent, otherwise we shall remove them and their Families off our Ground; and, if we shall fail herein, we shall be liable to such Pains and Penalties as the said Delinquents have incurred by Law. Consenting thir Presents, &c.

Subscribed *ut supra*.

Additional Clause upon a Protection given.

Such who took the Bond being to receive Protection thereupon, were further appointed by the Committee, *January 31st*, to subscribe this additional Clause. 'And I do further hereby oblige me, That I shall not own any Persons, Lands or Goods, but such as do properly belong to my self, under colour of the Protection given unto me, and that under such Pains and Penalties as the Council or Committee of Council shall impose, in case I contravene.'

Number of the Signers of the Bond at Glasgow, 1678.

I have in mine Eye the List of such who signed the Bond in the City of *Glasgow*, beginning with the Magistrates; *James Campbel* Provost, *John Jobustoun*, *John Campbel*, *James Colquhoun*,

Colquhoun, Bailies; and except the Counsellors and a few Merchants, the rest are but Tradesmen and mean Persons, and the whole Number in that large City but One hundred and fifty three. The Refusal of this Bond was the Pretext of all the vast Desolation and Severities, exercised at this Time upon the West of Scotland; and all the Power and Influence of these bootless Apostles did not prevail upon many to take it. Some few indeed did sign it every where, who were willing to fall in with any Thing which came about, but the most and best refused.

By the way, it may not be amiss here to observe, That it was as reasonable for Presbyterians, some Years ago, to press the *Covenants* upon Malignants who scrupled them, as it is in the Managers to press this *Bond* on Presbyterians. 'Tis not my Province now to compare the Matter of the one with the other here; the Difference there is prodigiously great, there being evidently in the *Covenants* nothing but what was agreeable to the Moral Law, and what People were really bound to, whether they had sworn them or not: Neither will I take on me to vindicate any rigorous Methods, said (perhaps upon no solid Grounds) to have been taken to violent People to the *Covenants* themselves; this is proper to be left to such as give us the History of the Times wherein this is alledged to be done, who, I am perswaded, may give a very satisfying and reasonable Account of any Thing done by Presbyterians, as a Body, this way; tho' I profess it as my Opinion, That Force and Violence is no proper Way to deal with Consciences: But certainly the Procedure of this Period, in violenting People into the *Declaration, Bond, and Test*, ought for ever to stop the Mouths of the Episcopal Faction, as to their Complaints of Presbyterian Severities in pressing the *Covenants*, which they never did by a Highland Host, when the Power was in their Hand. And I hope, after this, for their own Sake, we shall have no more Clamour from that Side upon this Score.

It will likewise be remembred, that no longer since than *October 5th*, the Council, when in a calm Temper, give it as their Judgment, That the pressing of this *Bond* is to be forborn; and give a solid Reason for it, *That the Law it self is the strongest Bond that can be exacted of any Man*. The sudden Change in pressing this *Bond*, thus laid aside, is not so much for the Honour of such a Body of Men, and too great a Proof that their Counsels fluctuate. The Cause is plain, the Body of the Nobility and Gentry were against the *Bond*, as what would ruine many of their Tenants; the Prelates were for it and violent Measures, and prevailed at Court, and so the Change comes.

Many were the Papers written at this Time against this *Bond*: Some of them are too large to be here, or in the *Appendix*, insert. There was a short Paper handed about, which contains a tolerable Compend of the *Objections* against the *Bond*; and that the Reader may have a Taste of what was said upon this Head, I insert it.

Objections against the pressed Bond, 1678.

I. 'THE Council hath no Power to press this *Bond*, or any other, upon the Lieges, all their Power being to secure Peace, according to standing Law, and to execute the Law upon Contraveners; and he who takes this *Bond*, unless he were enjoined by King and Parliament, owns and allows the assumed Power of the Council. Never was any Bond imposed before this but by King and Parliament.'

II. 'No Man of Presbyterian Principles can take this *Bond*, because it obligeth him to walk according to the Law establishing Episcopacy, and to take that to be a Rule which he believeth unlawful; and Conscience should not be forced and pressed without Information before: And he who is of another Judgment, and takes the *Bond*, does thereby encourage the Magistrate to press Presbyterians to take it; and so allows Men to be pressed and oppressed in their Estates and Persons, merely for differing in their Principles, as to Church-government. And 'tis to be hoped, tender-hearted Episcopal Men, and indifferent Persons, will not allow this: Yet he who takes it condemns him who does not.'

III. 'The *Bond* obliges him who takes it, to give no Relief to outed vagrant Ministers, whereas sometimes they may be great Objects of Charity: And if we are not to shut our Bowels of Pity and Compassion to *Turks* and *Pagans* in Misery, how can we suffer them to be shut up from a Christian, who only differs from us in a simple disputable Point of Government? especially when our Saviour's Rule obligeth us to do good to all, especially the Household of Faith; and when our Relations are vagrant Ministers, this *Bond* obligeth us to be unnatural.'

IV. 'The *Bond* obligeth us not to converse with them; and sometimes a Man may be in that Strait, that he must have them, when he can get no others, for the spiritual Benefit of his Soul; and I know not how we should be tied up from conversing with any not excommunicate: And who gave the Council Power to excommunicate! Sometimes this may tie up one from his nearest Relations.'

1678.

Many refused the Bond every where.

Pressing the Covenant and the Bond compared.

This Violence as to the Bond, contrary to the Agreement of Council, *Oct. 5.* last.

Many Papers writ against the Bond.

Objections against the Bond.

1678.

V. 'The *Bond* obligeth us to take and apprehend such as it speaks of; and how unsuitable is it for Gentlemen, and most of the King's free Lieges, to turn Macers and Messengers at Arms! and who can be forced to that unless he please! We are only obliged to take Traitors, or such as are guilty of Lese-majesty.'

VI. 'When the controverted Thing is pretended to be Matter of Conscience, I do not see how any Person can bind for more than himself; and consequently whoever takes this *Bond*, binds himself to a Thing impossible. And how shall any Nobleman and Gentleman bind himself to that which all the King's Forces could not do?'

VII. 'When the Magistrate makes Laws which a Man's Conscience will not suffer him to obey actively, he certainly ought to be content with the Subject's passive Obedience, or paying the Penalty included in the said Laws; or else the Magistrate should appoint such Scruplers to depart the Kingdom: But 'tis hard to require active Obedience, and force People to it.'

VIII. 'The Alternative of the *Bond*, either to do, or pay the Penalties respective, will not answer Objections, tho' it be the Thing made Use of; for nothing which we judge unlawful should be the Alternative of a Promise, but should be absolutely refused: If it were otherwise, a Christian in *Turky* at this Rate might bind himself under a great Sum, not to bow his Knee to *Jesus Christ*, and who would think the Man a good Christian who would do so? Or the King's Subject might at this Rate bind himself to an Usurper, to fight against his lawful Sovereign under such Penalty. I fancy the King would not take this Shift off his Hand, that he bound himself to the Penalty, and not to actual fighting.'

IX. 'He who by taking the *Bond* promises faithfully to do such and such Things, either intends to do them or not. If he do promise, and intend to do them, he must judge them lawful, and so must answer the former Reasons: If he intend not to do the Thing, he then faithfully promises to do what he never intended, and this is Dissimulation and Hypocrisy, and if he think the Thing unlawful, it is not just to promise it; and who will afterward believe that Man, who can tell that he never intended to do what he faithfully promises?'

Lastly. 'To take the *Bond* only for Fear of Loss, and to put by an ill Hour, is unworthy of a Christian, who should rather choose the forest Suffering than the least of Sin; and should any Man do ill that good may come of it? Such distrust and offend God.'

That the Reader may see how contrary the pressing of this *Bond* was unto standing Law, I have annexed, *App. No. 82.* a Minute of some Reasons in Law against the *Bond*; and a larger and more full Discussion of this Matter, such as are at Leisure will find *App. No. 83.*

And that I may put all that offers at present upon this *Bond* together, it may be further observed, that those Reasons were so plain, that as it was but few Presbyterians whom the violent Measures at this Time prevailed upon; so when, by Force and Fraud some of easier Tempers than others had taken it, many and bitter were their Reflections upon it. I give but one Instance, in the Case of a very sensible Countryman, who was surprized into it, *Hugh McCutcheon* in *Air Shire*, and left and spread abroad the Paper I insert, *App. No. 84.* upon this Occasion, which will likewise let us in to the Force and Fraud used to cram the *Bond* down poor People's Throats.

By virtue of these Instructions the Sheriffs acted, according to their different Tempers, as we shall hear just now in their Reports.

Little other Thing was done at *Glasgow*, save the ordering the Quarters of the Army, and the administering the *Bond* to the Inhabitants of that City, as has been noticed, and the giving it to Nine timorous Gentlemen, who, in order to procure Protections from quartering came in and offered themselves, anticipating the proper Time of taking it, although the Committee sat there Ten Days, and even on the *Sabbath* it self in Time of Sermon: Mean while they suffered the Country round about to be ruined by the *Highlanders*.

While at *Glasgow*, I find a Letter read from the Committee in Council, signifying their Work and Business is much over at *Glasgow*. 'This is read *February 1st*; and another Letter comes of the Date of *February 3^d* at *Glasgow*, after the *Highlanders* are ordered to march to *Air Shire*, bearing, 'That they had sent the Double of a *Bond*, the same with that signed in *Fife*, to *Roxburgh, Wigtoun, Lanerk, Renfrew, Stirling, and Dumfries*; but finding the Shire of *Air*, and Jurisdictions thereunto belonging, are in a Condition far different from that of the rest of the Shires, in regard the Council having given Warrant to the Commissioners of Excise and Militia to secure the Peace, and free the Country from Disorders, they did not give that Obedience which became them: And considering that they were instructed to go a greater Length with them in the first Place than with others; they tell the Council, We have drawn the Draught of a *Bond* for that Shire, which if your Grace and the Council approve, or give Order that the first *Bond* be subscribed, we shall be ready to proceed accordingly. We have also sent a Copy of the Letters to be made Use of against Delinquents.'

This

Reasons in Law against the *Bond*, *App. No. 82.* A larger Paper against it, *App. No. 83.* Few take it, and such as do, it is grievous to them, as in *Hugh McCutcheon's Case.*

App. No. 84.

Little done at *Glasgow*, tho' the Committee sat Ten Days, and even on the *Sabbath*.

Committee's Letter to the Council, signifying they have sent Copies of the *Bond* to several Shires, but, are with their Allowance, to take another Method with *Air Shire*.

This perhaps may have been the first Proposal of the Bond of *Lawborrows* we shall presently hear more of, and the Charge and Indictment to be used; and this Proposal seems to have come from the Committee, at the Instigation perhaps of some others, by whom they were pushed to the most violent Measures.

1678.

Observations on it.

However, the Council the same Day make a Return, 'That they think it fit they offer to the Shire of *Air* at first the same Bond with other Shires, leaving the Committee afterwards to require further Bonds, as they see Cause, according to their Instructions: And they recommend to them to take the same Course with the Stewartry of *Kirkcudbright*, as with the other Shires; and think fit they proceed to disarm the other Shires, according to their Instructions; and seriously recommend it to them to allow of no Proposals that may be made, to arm private Persons or Shires, on pretext of securing the Peace.' The Committee were in no great Hazard of soft Measures, and so this last Clause was well enough obeyed.

Council's Return.

Upon the 2^d of *February*, the Host began to march westward, and against the 7th they were scattered all over *Cunningham* and *Kyle*. In the Country round *Glasgow*, and in their March, and while in the Shire of *Air*, they carried as rudely and insolently as if they had been a declared Enemy in a conquered Country. Some general View may be taken of the Damage done, by it self: Here I am but upon their March, and only notice, That whither ever they spread, they not only took the full Latitude of the above narrated Commission, in pressing Horses for their Carriages, not only from Country-people, but even off those who travelled on the Road; but likewise would overturn Loads they met with, and took the Horses of Labourers wherever they found them, without Distinction; yea, every where almost they took them out of the very Ploughs, and the Labouring the Ground was stopt all the Country over; though by our Law, agreeable to the Divine Law, *Deut.* 24. 6. it be criminal, even in the Execution of a legal Sentence, to pound Horses or Oxen during the whole Time of Labour. The Loss, especially of the Shire of *Air* by this Incursion, indeed cannot be reckoned; and the Reader will remark, that the *Highlanders* are let loose upon them, even before the Committee go West, or any Offer of the *Bond* is made them.

They march to *Air* Shire, Feb. 2. Their Rascals in their March.

Upon the 7th of *February* the Committee sit down at *Air*, and among the first Things they do, the Earl of *Cassils* is appointed to pull down the Meeting-houses in *Carrick*. The Earl had already, in obedience to Orders, delivered up all his Arms, save his walking Sword. This he signified to the Committee, and since he had nothing to defend himself in case of Opposition, he begged that some of the Soldiers, at least of the neighbouring Gentlemen, might go with him to assist him: This was refused. Next, he desired he might have some of his own Arms back, in case of a Rabble of the Country-people, or a tumultuary Crowd, were it but of Women in defence of their Meeting-houses, might hinder or affront him; neither could this be allowed him. This made him demur a little upon so unreasonable a Demand, till one of the Members of the Committee, a Friend of his, whispered him in the Ear, that there was but a Hair-breadth 'twixt him and Imprisonment, if he made any further Difficulty; whereupon he declined their Orders no longer. But some Country-people having Notice of what had passed, out of regard to my Lord, saved him the Labour, and they were turned down to the Ground before the Earl came. In the Council-registers, *February* 18th, I find it noticed, 'That Orders were given and execute by the Earl of *Cassils*, for demolishing Two Meeting-houses in *Carrick*.' We may hear more of this afterward in his Case.

Committee sit down at *Air* Feb. 7. The Earl of *Cassils* ordered to demolish the Meeting-houses in *Carrick*, with their unreasonable Demands of him.

Their next Work that Day was to call for the Returns of the Sheriffs, anent the Bond appointed to be made this Day: The Return from *Dumfries* and *Niddale*, it seems, pleased them best, and was voted satisfactory.

Report of the Sheriffs of *Dumfries*.

The Return from *Renfrew* was displeasing to them. Mr. *Ezekiel Montgomery*, whom we shall afterward meet with, was Sheriff-depute, and his Report was, That only Two Gentlemen, and these among the lowest, and Three Burgesses, had taken the Bond; and a very small Number of Arms, by what was expected, were given up. Mr. *Montgomery* petitioned for a new Day, and he would deal further in the Shire, and begged the Committee's Sense of these Words in his Instructions, *That Gentlemen of Quality might be permitted to wear their Swords*. They told him he was to understand by Gentlemen of *Quality*, only those who took the Bond. Which, when he desired might be given him under their Lordships Hands, since he was but a Servant, there were only Three of them signed it, and withal discharged him to produce it, but in case of Necessity. This shows there were in the Committee who were for running Matters to Heights, and this was an Article, it seems, they were not instructed in, and afterwards, upon their Motion, had it sent them in their additional Instructions, of which in their own Room.

Of *Renfrew*.

The Report from the Shire of *Lanerk* dissatisfied them most of all, so that the Petition of the Sheriff-depute was thrown over the Bar: My Information bears, that of Two thousand nine hundred Heritors and Feuars in that Shire, only Nine of the former, and those of no great Interest, and Ten of the last had subscribed the Bond. The Duke of *Hamilton*, Lords *Blantyre* and *Carmichael*, did peremptorily decline it.

In

1678.

A new Day
allowed to
other Shires,
and Interroga-
tions upon
Oath, about
Arms extended
to all Shires.

In the more remote Shires, the Sheriffs, some of them pretending the Copy of the *Bond* had not come to them, waved a Report, and begged a new Day, both to present the *Bond* a Second Time, and to renew their Enquiry for Arms. This was granted, and they were appointed to interrogate every Person upon Oath, 'Whether he had any Arms? or disposed of any since *January 1st, 1678?* if gifted or sold? and to whom? or if hid? and where?' These *Queries* were extended to all the Shires, and, for the greater Terror, the Officers of the *Highlanders* in some Places, were intrusted with this Business; and the Houses of Noble-men, Gentlemen, and others narrowly searched. Thus the whole Country was turned naked, and utterly put out of case either to serve the King, or defend themselves, in case of intestine Commotion, or foreign Invasion. Some Gentlemen indeed represented to the Committee; that though they were most ready to yield their Arms, yet, unless their Lordships and the Council would grant them Receipts of what was given up, they understood not what Assurance they had to give them up, since the whole Country had been enjoined to provide themselves in Militia-arms at their own Charges, and had done it, and not received them from the King's Magazine; and they might as well be commanded to give the Money out of their Pockets. But all that could be said was to no Purpose.

Such Reports, from the Places where they resolved to have Obedience, coming to the Council, let them see, that the *Bond* would not go down in the West, after all they could do: And this puts them upon new Measures, probably some of them were advised to by the Committee, especially the odd Step of *Lawborrows*.

New Measures
fallen upon at
Edinburgh, up-
on the Back-
wardness of
the West to
the Bond.

Council's Pro-
clamation, Feb.
11. about the
Bond.
App. N^o. 85.

Remarks upon
it.

Upon the 11th of *February*, the Council issue out a Proclamation, to forward the taking of the *Bond* discharging Masters to receive Tenants or Servants, without Certificates that they have taken the *Bond*. I have annexed it, App. N^o. 85. The Design of it is plain enough, to prevent Tenants and Servants coming out of these Places where the *Bond* was pressed, to other Places, and for making this Imposition universal. The Narrative of it is very bitter, and the publick Papers, since Sir *John Nisbet's* being laid aside, have a peculiar Edge and Flourish against Presbyterians. It is cunningly enough insinuate, as if only the Commons of *Scotland* had been withdrawn from their Parish-churches; but it is well enough known, that Persons of very good Note abstracted themselves, and a good many of the best Quality in the Kingdom, though now and then they joyned in Worship, were very much dissatisfied both with the Prelates and their Clergy. The Presbyterian Ministers are said to *assume impiously the holy Orders of the Church*. To say nothing of the Phrase, much used indeed by the Papists, it is evident Presbyterian Ministers had been *impiously* laid aside from the Exercise of the holy Office of the Ministry, and did not assume it, but had been regularly placed in it, not by the Supremacy, but the laying on of the Hands of the Presbytery. If the Penner had spoke of the then Clergy, as in the *holy Orders of the King*, it had been pretty agreeable to Fact. They are most groundlessly charged with *seditions and false Doctrine and Principles, not allowed in any Protestant or Christian Church*. Such a Charge needs better Proof than the Word of the Compiler. If Sedition be meant of any Thing spoken or done against the illimited Supremacy and Episcopacy, it may be the Ministers would not be very careful to vindicate themselves from this Charge; but as to false Doctrine and Principles, &c. they have been abundantly vindicated many Times, and taught or held nothing but what was according to the holy Scriptures, and our *Confession of Faith*, now since the *Revolution* happily embodied in our Law, and made a Part of our civil Rights. The statutory Part is, *That no Tenant or Servant be received without Testificate of their Carriage, agreeable to the Bond annexed*, upon the Pain of arbitrary Punishment; and a softning Clause is added, discharging Prosecutions after Year and Day.

Bond signed at
Edinburgh, by
Counsellors
and Lords of
Session.

The *Bond* annexed to the Proclamation is the same with what is above, unless it be that the Word *Pains* is taken out, upon the Alledgance that some scarred at it, as importing corporal Punishment. This *Bond* was, *February 11th*, signed by all the Counsellors present, and they appoint the Lords of Session to sign it when they meet. Such great Patterns had no great Weight on the West of *Scotland*; and, by their Informations from the Committee, they find that there was no great Prospect of making Profelytes to this *Bond*.

Act, Feb. 14. for
securing the
publick Peace.
App. N^o. 86.

Remarks upon
it.
Many Noble-
men refuse the
Bond in other
Shires.

And therefore, upon the 14th of *February*, the Council make an Act for *securing the publick Peace*, as they term it, which I have insert, App. N^o. 86. as one of the odd Stretches made at this Time, and deserves some Reflections, which would come better from one skilled in our *Scots Law*, than the Writer of this *History*.

As an Historian, I shall remark, that the Managers were grated with the Accounts of the general Refusal of this *Bond* every where. Beside those from the West, the Reader had just now, in *Fife*, the Earl of *Crawford*, the Lords *Balmerinock*, *Melvil*, and *Newark*, stuck at it: In *Stirling* Shire, the Earl of *Callender* Sheriff Principal, and the Viscount of *Kilgobbin*: In *Teviotdale*, the Earl of *Roxburgh*; and in all these Shires, a great many Barons and Gentlemen, and many of the most learned Lawiers peremptorily refused the *Bond*.

The Managers therefore, to force a general Compliance with the *Bond*, fell upon this new and unprecedented Method, by a most ignominious Debasing of the Prerogative and Majesty of the King, to make him crave *Lawborrows* of his Subjects. A Parallel to this I believe will

Observations
on the Law-
borrows in
this Act.

will scarce be found in any other Law in other Kingdoms. The Import of Lawborrows in Scotland, is, when Two Neighbours are at Variance, the one procures from the Council, or any competent Court, Letters charging the other to find Caution and Surety, that the Complainer, his Wife, Bairns, &c. shall be skaithless from the Person complained upon, his Wife, Bairns, &c. in their Body, Lands, Heritages, &c. and before such Letters can be granted, the Complainer must give his Oath expressly, that he dreads bodily Harm, Trouble, and Molestation from the Person complained upon.

This is not uncommon nor unreasonable among private Persons; but that the King or the State should require this of Subjects, and the meanest of them, who refuse an unreasonable Bond, beside that this proceeds notoriously upon a *sinister Narration, and wrongous Information*, the usual Reasons for a Suspension of Lawborrows, it is wholly without Example, and really in it self Nonsense: It cannot but raise the highest Jealousies between the King and his People, and declares him to be in Dread of them, and makes him the Complainer upon them to the Council, and the Council Complainers to themselves.

Upon Perusal of the Narrative of this Act, the Reader will find it stuffed with the greatest Bitterness and Malice, and designed to expose Presbyterians, and the Refusers of the Bond, to Reproach and Obloquy: And to be an Apology for this unaccountable Method now a taking, much of the Matter in it has been already considered, and I shall only make a few cursory Remarks further.

The Western Shires, in order to palliate present Severities against them, are branded with *Humoursomness, Schism, and Sedition*. It was a pretty strong *Humour* indeed that made Presbyterians suffer so much as they did, without rising in *Sedition and Rebellion* in its proper Sense; and nothing but the Force of Truth could have supported them, and it was the Sense of their Duty to God and the King, made them bear so long. Next, *A la mode 1661*. all the tyrannical Usurpations under *Cromwel*, are charged upon Presbyterian Ministers, who were the Persons who opposed him most. The aggravating of the Guilt of Field-meetings, from the *Indemnity*, hath been already considered; as likewise most, if not all the Branches that follow. The holding Assemblies they never pretended to, Sessions were allowed to the *Indulged*, and no other kept for them, and the same Defences hold for their keeping of Presbyteries, *that is*, Meetings for Exercise of Discipline, and other proper Ministerial Acts that were advanced for their Preaching. Their *taxing the Subjects for their Maintenance*, is both false and invidious; and they are as calumniously charged with *railing against the King, and denying the Lawfulness of an Oath of Allegiance*. The very *Covenants* they maintained the Obligation of, contain a strict Oath of *Allegiance*; many of them took the Oath of *Allegiance*, and none of them disowned the King's Authority. The *Odium* of sending an Army upon the West Country, is, in the next room, thrown upon the Noblemen and Gentlemen who had sincerely declared it was not in their Power to suppress Conventicles, and proposed the only habile Way for this; which had appeared so reasonable, that the Council themselves, till over-ruled, were convinced of the Need of more moderate Measures. *Lastly*. The *Alternative in the Bond* is insisted upon, as easy either to *remove or present* their Tenants, when only Three Days ago, they themselves had taken away any Force here by their Proclamation.

After this long and invidious Narrative, the Council find the Refusers of the Bond to be *disaffected Persons to the King's Majesty*, and declare them, by whole Sale, *suspect Persons*; and require them to enact themselves, &c. in the Books of Council, to keep the Peace, not to haunt Conventicles, or commune with intercommuned Persons, and to keep the Incumbents skaithless, under the Penalty of the Double of their yearly valued Rent, and an arbitrary Punishment to others, &c. as in the Act it self at more Length.

Such a Rigour as this Act bears, seems plainly designed to make a standing Army necessary, which the Primate and others, now finding the Highland Host did not answer their Expectations, pushed for, and saw would be a good Mean of Tyranny and Oppression through the whole Island. The Springs of such unaccountable Steps cannot, at this Distance, be positively determined; but it seems plain, there was somewhat of larger Extent than even to Presbyterians, at Bottom: And it was openly enough said, that some Persons who durst not abide Trial elsewhere, inclined to make their Stay in Scotland necessary, by raising slanderous Reports, and filling the Court with Apprehensions of seditious Disorders and Hazards, and by a numerous Force here to overaw their Enemies: And when the Party who appeared against them were disabled, then would be a proper Time to call a packt Parliament, and therefrom procure a Ratification of their illegal and criminal Actings. How well grounded these Jealousies were, I must leave to others; and shall end this Account of this Act, with the Sense that People had of the Lawborrows at this Time, in a Letter writ upon this Subject, which sufficiently exposes it, App. N^o. 87. In short, King Charles I. was much blamed, for declaring his Scots Subjects Rebels; but the Managers made his Son ridiculous, in asking Lawborrows from his Subjects.

Joynly with this Act the Council send additional Instructions to their Committee at Air, which I shall here insert, as relating to the same Subject, and given the same Day.

Misrepresentation of Presbyterians answered.

This Act designed to pave the Way for a standing Army.

A Letter upon the Lawborrows. App. N^o. 87.

1678.

Additional Instructions to the Committee of Council, now at Air.

Additional In-
structions from
the Council to
their Commit-
tee, Feb. 14.

‘ That no Means be left unessayed, to reduce the Heritors and others to Obedience, who have not taken the *Bond*, you are, according to the Form of the Libel (the Indictment, a Copy of which will be presently insert, and which, I suppose, was formerly sent in to the Council, and by them returned to the Committee) formerly sent, to insist against and pursue them who shall not compear to take the *Bond*, or compearing, shall refuse the same, for all Conventicles kept by them, their Wives, Tenants, Servants, or others, upon their Lands; as also, for withdrawing from the Church, and irregular Baptisms and Marriages, and for all Prejudice done to the regular Ministers, in their Persons and Goods, in the Parishes where they have Interest; and that for all the Days, Months, and Years, since the 24th of *March* 1674. and for these Disorders likewise to pursue the Tenants and others living upon their Lands.’

‘ You are likewise to pursue the said Heritors and Liferenters, for all Conventicles kept on their own Lands, since the 24th of *March* 1674. each Conventicle being Fifty Pounds *Sterling*; as also to pursue them, and their Tenants, and others, for building, and convening at building of Preaching-houses; the Fine to be arbitrary.’

‘ You are to command all Sheriffs, Stewards, Bailies of Regalities, and their Deputes, to take the *Bond* themselves; and, in case they refuse, to proceed against them, of whatever Quality they be of, as is mentioned in the former Instructions.’

‘ That all Heritors who shall take the *Bond*, be allowed to wear their Swords; and that all Heritors who shall not compear, being cited by Proclamation or otherwise, to take the *Bond*, or who compearing shall refuse the *Bond*, shall not be allowed to wear their Swords or any other Weapons, whatsoever Quality they be of.’

‘ That after ye have removed from the Shire of *Air*, and fully settled the same, ye go next to the Shire of *Lanerk*, and from thence to the Shire of *Renfrew*, where you are to prosecute the same Methods you have done or shall do in the Shire of *Air*.’

‘ It is earnestly recommended to your Lordships, to be careful of the Security of such as have taken the *Bond*, or shall enact themselves for keeping the Peace, and particularly those of the Sheriffdom of *Niddale*, for the further Encouragement of such as shall obey.’

‘ That you prosecute the former Instructions, in so far as they are not hereby altered or innovate.’

Instructions anent the Lawborrows.

Instructions as
to the Lawbor-
rows.

‘ You are to represent, That if the *Bond* be not taken, his Majesty and Council do so far distrust the Refusers and Delayers, as to crave Surety of them, conform to this Act: And whatever Heritor compears, he must presently either take the *Bond*, or, if he refuse or delay, he must at the Bar be charged, upon Six Days, to enact himself. But it is the Council’s Pleasure, that only the chief Heritors shall be first taken with Caption, they being first denounced, as is usual in *Lawborrows*. If any compear not, you must charge them personally, or at their Dwelling-places, upon Six Days, to compear and enact themselves; and if they be absent, you must cause denounce them, and they will likewise be taken with Caption.’

‘ You will give Order to charge such as refuse, in the Shires of *Renfrew* and *Lanerk*, so that the Executions may be ready, before you be ready to leave *Air*.’

‘ We hope you will observe the great Inconveniencies that will ensue upon the not taking of the *Bond*; for such as refuse will be liable in Two Years valued Rent, which is the Certification, if they, their Men-servants or Tenants contravene; and, by and attour this, they will be liable for all the Delinquencies of the Tenants and Servants, conform to former Proclamations; whereas such Heritors as take the *Bond*, will be tenderly dealt with as to By-gones.’

Signed *February* 14th, 1678.

St. Andrews.

Glasgow.

Sir George Kinnaird.

Röthes.

Lawderdale.

Aboyne.

And that the Reader may have all that relates to this Subject of *Lawborrows* at once under his View, I shall subjoyn the Indictment given to those who refused the *Bond*, and the Form of the Charge of *Lawborrows*.

INDICTMENT.

1678.

I John Schaw Macer to the Privy Council, by virtue of and conform to the principal Letters, raised at the Instance of Mr. Roderick Mackenzie Advocate, Depute to Sir George Mackenzie of Rosebaugh, his Majesty's Advocate, summon and charge you ----- to compare personally before the Lords of the Committee of Council, met at Air by Commission from his Majesty's Privy Council, at Air, the 20th Day of February Instant, or where it shall happen them to be for the Time, to answer to the Libel raised against you, at the Instance of the said Mr. Roderick Mackenzie, for your withdrawing from Ordinances, and for being present at House and Field-conventicles, where Mr. John Welsh a declared Traitor, Mr. George Johnston, Mr. Andrew Mortoun, Mr. Donald Cargill, Mr. John Rae, Mr. Edward Jamison, Mr. John Welwood, Mr. ----- Muir, or some others, outed and vagrant Preachers, did take upon them the Exercise or the Office of the Ministry, at least for convocating Persons to Field-conventicles, at least for being married, or having Children baptized thereat; at the least for harbouring, resetting, corresponding and intercommuning with the foresaid Persons, and other intercommuned Persons; at the least for inviting or instigating these Ministers unto these Disorders, and to exercise the Ministry in divers Places; at the least for countenancing or communing with Persons who did instigate these outed Ministers to these Disorders; at the least for building of Preaching and Meeting-houses; at least for hounding out to, or countenancing these disorderly Practices; at the least have had Conventicles kept in your Houses, or upon the Ground of your Lands; at least some of your Tenants and Servants have been at the said Conventicles and disorderly Meetings, for whom you are answerable, and have incurred like Pains through their Guilt due to them by Law; and that upon the First, Second, Third, and remanent Days of the Months of April, May, and remanent Months of the Year 1674. of January, February, and remanent Months 1675, 76, 77, and 78. or upon one or other of the Days of the Years and Months foresaid, and to give your Oath upon the Verity thereof; and to hear yourself decerned to make Payment of the Penalties contained in the Acts of Parliament, made against the Crimes above specified, or otherwise proceeded against, and punished therefore: With Certification, if you fail, you shall be holden as confest: And to hear and see your self decerned to give Bond, that ye, your Tenants and others living upon your Lands, shall live orderly, and in obedience to the Law hereafter: And to hear and see such Order taken thereanent, as appertains, under the Pain of Rebellion, and putting of you to the Horn; conform to the principal Letters in all Points, which are of the Date the 14th of February, 1678.

Form of the Indictment given to the Refulcers of the Bond.

Per actum Dominorum Commissionis.
Jo. Schaw Macer.

Charge of Lawborrows.

I Robert Leitch Messenger, Sheriff in that Part, by virtue of our Sovereign Lord's Letters, in his Majesty's Name and Authority command and charge you ----- who has not taken the Bond, obliging your self, your Wife, Bairns, Tenants, Cottars, Servants, and others, that they nor you shall not go to Conventicles, and the other Terms therein mentioned, to compare personally before the Lords of the Committee of his Majesty's Privy Council, met at Air, or wherever it shall happen them to be for the Time, to enact your self in the Books of Privy Council, that you, your Wife, Bairns, Tenants, Cottars, and Servants, shall keep his Majesty's Peace, and particularly that you nor they shall not go to Field-conventicles, nor harbour or commune with Rebels or intercommuned Persons, and that you and they shall keep the Persons, Families and Goods of the regular Minister or Ministers, in the Parish in which you dwell and reside, harmless, and that under the Pain of your doubled valued Rent yearly, in case of Failure: And in Name and Authority foresaid, command and charge you to enact your self in Manner and to the Effect foresaid, within Six Days next after this my Charge, under the Pain of Rebellion, and putting you to the Horn: Wherein if you fail, the said Space being come and bygone, you shall be incontinently thereafter denounced his Majesty's Rebel, and put to his Highness's Horn, for your Contemption and Disobedience; conform to the principal Letters in all Points, which are dated at Holy-rood-house, the 14th of February, 1678. and of his Majesty's Reign the 30th Year.'

Charge of Lawborrows

Per actum Dominorum Concilii.
Robert Leitch Messenger.

It is Time now to return to the Proceedings of the Committee at Air. When at their Desire Matters are thus making ready for their Work, the 19th and 20th of February, at Air, they
D d d d d d 2

1678.

Act of the
Committee,
citing the He-
ritors of the
Shire before
them, Feb. 9.

they are in the mean Time forwarding Matters in the Shire, while the *Highlanders* and the Army are wasting and depopulating the Country round about them.

Upon the 9th of *February*, the Committee caused publish an Act, commanding all Heritors, &c. in the Shire, to compare before the Committee, at several Diets, the 18th, 19th, 20th, and 21st Instant, to take the *Bond*. There were Three Acts made for the Three Jurisdictions, *Kyle, Carrick, and Cunningham*. A Copy of their Act for the First will be enough to be insert.

At Air, February 9th, 1678.

THE Lords of the Committee of Council, met in the West by Commission from his Majesty's Privy Council, do, in obedience to the said Commission and Instructions given to them, hereby require and command all and sundry the Heritors, Liferenters, and Landlords, within the Parishes underwritten, and Magistrates of Burghs Royal within the same, viz. the Magistrates and Council of the Town of *Air*, and Heritors of the Parish thereof, the Heritors and others foresaid of the Parishes of *Monktoun, Craigie, Riccartoun, Auchinleck, Barnwell, Dalrymple, Symington, and Muirkirk*, within the Shire of *Air*, to compare personally before the Lords of the Committee, upon the 18th Day Instant, within the Tolbooth of the Burgh of *Air*: As also the Heritors and others foresaid, of the Parishes of *Mauchlin, old and new Tarbolton, Coiltoun, Cumnock, old and new Ochiltree, Dalmellington, Dundonald, St. Quivox, and Galsoun*, within the said Shire, to compare personally the 19th Instant; and then and there to subscribe such Bonds as the Committee shall appoint, for the securing the Peace and Quiet of the Country, and preserving the same from Disorders hereafter: Wherein the said Persons are not to fail, as they will be answerable at their highest Peril; and ordain Publication to be made hereof, at the Market-crofs of *Air*, and the respective Parishes foresaid, upon a *Sabbath Day* after Divine Service, that none pretend Ignorance.

<i>Strathmore,</i>	<i>Glencairn,</i>
<i>Airly,</i>	<i>Murray,</i>
<i>Cathness,</i>	<i>Linlithgow.</i>
<i>Mar,</i>	

Citations given
in Terms of
this Act, as
also to bring
Arms.

Accordingly I find Intimations were made by Sheriffs Officers in every Parish, in the Terms of the said Act. I have before me just now the Citation of the Parish of *Dundonald*, and another Citation to the Heritors and whole Parishioners of *Dundonald*, to meet at the Parish-kirk or Kirk-town thereof, the 13th Day of *February*, and bring with them, their Cottars and Servants within their Bounds, as likewise their Arms of all Sorts, Muskets, Pistols, Swords, Pikes, Halberds, *Lochaber Axes*, Durks, and the like, to be delivered upon Oath, on Pain of Quartering. As likewise all the Militia-arms; and I doubt not the like Summons were given to every Parish in the Shire.

Committee's
Proclamation
against har-
bouring Ten-
ants who re-
fuse the *Bond*.

And, *February* 11th, the Committee published a Proclamation against harbouring or sheltering such Tenants and Cottars as should be removed by their Masters for not taking the *Bond*, under the Penalty of Six hundred Pounds *Scots* for each Tenant, and Three hundred Pounds for each Cottar. This is the Day when the Council emitted their Proclamation to the same effect, without specifying the Fine, as we have heard; so well do the two Meetings jump.

Heritors ap-
pear before the
Committee,
Feb. 19, 20, 21.

Bond of Relief
to the Magi-
strates of *Air*,
App. No. 88.

I come forward to the 19th, 20th and following Days of *February*, when the Heritors of *Air* Shire were before the Committee. A great Number appeared, and very few took the *Bond*, except the Earl of *Dumfries, Auchmannoch*, and some few others of no great Consideration, with the Magistrates of the Town of *Air*; and for their Security, there was a *Bond of Relief* to the Magistrates and Town-council drawn up, and signed by the Burgeses and Inhabitants of *Air*, a Copy whereof I have inserted, App. No. 88. And I suppose the same Practice was used in other Burghs where the Magistrates went into the *Bond*.

Many refuse
the *Bond*, with
their respectful
Carriage.

Vast Numbers refused the signing of the *Bond* with the greatest Stedfastness and Deliberation. They made the most ample Declarations of their Loyalty to his Majesty, and begged that their pressing Difficulties upon the *Bond* now proposed, might not be reputed as proceeding from any Want of Respect to the King, but from the Force of what they had to say against the *Bond*; and then gave a Hint at the Reasons which obliged them to refuse it: That the *Bond* was in it self imprestible, that they knew no Law obliging them to engage for their Tenants, or to force them to go into it; and many other Things to this effect.

The above In-
dictment was
delivered to
them, and the
Charge, with
Threatnings.

Upon their Refusal they had the Indictment above set down delivered to them, to answer in 24 Hours before the Committee; and the Charge of Lawborrows. One Gentleman with some Fervour refusing the *Bond*, had his Indictment and Charge given him by the Preses of the Committee, with an Assurance that the *Highlanders* who were in another Gentle-
man's

man's Land, who had now complied, should be presently removed, and put upon his, by and attour those he had before. The Gentleman told them, he had no Answer to that Argument, and could not help it; that he would answer his Indictment the best Way he could, but before he would comply with the *Lawborrows*, he would go to Prison.

Next Day, the Refusers were called to answer to their Indictment. My Lord Cochran was among the first called upon, and he signified to them, that he and others in his Circumstances could not but be surprized with the Shortness of the Time they had given them; and having a Lawier to plead against them, he humbly pleaded, it was necessary their Diet should be prolonged, and they have Liberty to consult with Advocates; and seeing they were called to depone upon a Crime that might be capital, they could not be obliged to depone: Whereupon the Advocate past from that, and restricted his Libel to an arbitrary Punishment. My Lord urged, That it was much to be doubted how far the Advocate's passing from that Part of the Libel would stand; and although it did, no Defender by Law can be obliged to give his Oath, where the Punishment may be any way *corporis afflictiva, quia nemo est dominus membrorum suorum*, as very good Lawiers urge.

Upon this all were removed, and the Lords gave their Interlocutor on what was propounded. 1^{mo}. That as to the first Defence, the Council's Diets were peremptory, and so they must answer presently. And as to the other, 2^{do}. The Lords make an Act, declaring, That whatever the Deponents declared, should never infer capital Punishment. And yet it will be found the Opinion of the best of Lawiers, That neither the Declaration of the Pursuer, the Advocate, nor even of the Council, will be sufficient Security to depone, since his Majesty and the publick Interest can never be prejudged by any Declaration of his Officers.

When my Lord is called in, and the Lords Mind delivered to him, and he urged to give his Oath upon the Libel, he propounded another Defence, That by Act of Council, October 5th last, all Libels against Conventicles are to be restricted to a Month backwards, and none is bound to swear but for himself; and these who are ready to purge themselves by their Oath, from their own Guilt, are not to have any Bond presented them. My Lord was asked, if he had an Extract of that Act: He said, Not, but it was well enough known, and referred the Matter to the personal Knowledge of the Lords and the Advocate. The Advocate declared he knew nothing of it; upon which my Lord referred the Matter to the Clerk's Oath. He was again removed, and the Lords gave for Answer, That they remembered of no such Act of Council, and they would not oblige their Clerk to depone in that Matter.

Upon my Lord Cochran's being called in again, he was acquainted with their Interlocutor, and was again urged to depone, or be holden as confest: And after some Explanations allowed upon the Libel, he gave his Oath, That he was free of Conventicles, and all his Scrivants, to his Knowledge. Then some new *Queries* were offered him, which he refused to answer, they not being in his Libel, and craved the Lords Answer upon this Defence: And they gave it, That he was not obliged to depone upon any Thing not contained in his Libel, and so adjourned till the Afternoon. I have given this large Account of their rigorous Procedure with this excellent Person, from Letters writ by one who was present at the Whole, now before me; and I shall be but short upon the rest, because they ran much in the same Strain with them; and others of the Gentlemen of the Shire insisted much, on the same Things, and received the same Treatment.

After Noon, the Lord Cathcart, Sir John Cochran, and the Laird of Cessnock, being called, refused the Bond, insisting upon the same Heads my Lord Cochran urged: And the Laird of Kilbirnie did, in a particular Manner, urge the Act of Council above spoken of, October 5th. The Lords told him, they knew of no such Act: He offered to produce a Copy of it. The Lords would not receive it, and said, If there was any such Act, it was taken away by posterior Acts of Council. Kilbirnie offered to take Instruments upon his Offer of Production. The Earl of Cathness, for some Time, hindred him from taking Instruments, by insisting on the Danger there was in so doing; but when he could not prevail, he procured a sudden Adjournment of that *Sederunt*, to prevent him.

In the After-diets, all who were present being severally threatned with exorbitant Fines, Confinement, double Quartering, and Imprisonment, if they persisted in their Refusal to depone, were compelled at length to answer all the Articles of their Indictment, confessing or denying according to their Innocence or Guilt, and the Clerk marked what they said severally: Yea, so peremptory were the Committee in the Matter, that a young Lord having the Bond presented to him, and advancing as his Defence that he could not take it in respect he is Minor, and his Friends have the Management of his Estate, and the Power of putting in or out Tenants, for whom in Reason he could not be answerable; yet the Lords gave him his Charge with the rest.

Notwithstanding of all this Rigour, they prevailed with none in the Shire of Air to sign the Bond, but these named, and a very few petty Heritors; whereas the Earls of Cassils and Lowdon, the Lords Montgomery, Cochran, Cathcart, Bargeny, with all the rest of the Gentlemen and Heritors, and the whole Town of Irwin, did peremptorily refuse. Whereupon, according to Orders, they came all to be denounced the King's Rebels, and to be put to the Horn.

1678.

My Lord Cochran's Defence in Answer to the Indictment.

The Lords Interlocutor, with Remarks.

My Lord's Second Defence, from Act of Council, October 5, 1677, which the Lords deny, that they remember.

My Lord Cochran gives his Oath, but refuses to swear upon new Queries.

Committee's Proceedure with Lord Cathcart, Sir John Cochran, Cessnock, and Kilbirnie.

With others they use great Threatnings, and give the Charge to a Nobleman who was Minor.

Very few take the Bond, and the Refusers are denounced, and put to the Horn.

1678.

Some Gentle-
men in Carrick
summarily im-
prisoned.

Committee's
Proclamation
about Horses.

Mean while
the Highlan-
ders spoil the
Country ter-
ribly, without
Distinction,
and without
any Opposi-
tion.

Express from
the Council to
dismiss the
Highlanders.

Informations
from the Com-
mittee to the
Council.

The Council
appoint the
Militia of the
Leithians, &c.
to march West
in room of the
Highlanders.
Garisons ap-
pointed. The
Town of Irwin
appointed to
find Magis-
trates who
will sign the
Bond, or lose
their Privi-
leges.

Burgefs Tick-
ets of all who
refused the
Bond at Glas-
gow, to be torn.
The same as
to Stirling.

Garisons plac-
ed in Blair-
guban, Barskin-
ning, and
Cesnock.

A Letter from
the regular
Clergy, desir-
ing Garisons.

I hear those gallant Patriots offered a Security for themselves and Tenants, which went a great Length, and was termed a *Ratihabition*; but I have no distinct Accounts of it, and can only tell the Reader it was refused.

There is scarce any more come to my Hand, of the Procedure of the Committee at *Air*, save that by their Orders several Gentlemen in *Carrick* were summarily imprisoned; and upon the 22^d of *February*, the Committee issued out a Proclamation, 'commanding all Heritors and Landlords, who have not signed the Bond, to put out of their Possession all Horses above the Value of Fifty Pounds *Scots*, 'twixt and the 1st of *March* next, and all Tenants or Servants to do the like, 'twixt and the 1st of *May* next, under the Pain of forfeiting the Horse, and Payment of a Hundred Pounds *Scots* for each Horse or Mare above the said Value.' This Proclamation was most rigorous, and not only disabled the Country entirely for their own Defence, but likewise for necessary Labour, manuring the Ground, and Commerce.

While the Committee are thus employed, the Militia and Highlanders were to the utmost ravaging *Kyle*, *Carrick*, and *Cunningham*, where they committed the most notorious Outrages, wounded and dismembred some Persons without the least Shadow of Provocation; and I don't find, but, generally speaking, the few Heritors and Tenants who took the *Bond*, suffered much the same with those who refused it, for the *Highlanders* sent to execute the Laws, spared no Body, and acted without Rule, which might easily have been guessed at before their coming. And it is a Circumstance strange enough, and some way beyond Expectation, that the poor oppressed People were so quiet, and patiently endured the spoiling of their Goods, and other Outrages done to their Persons; that the Committee and Army were not disturbed with so much as a false Alarm, except once, when, without a Shadow of Ground, it was talked, That a Number of People were gathered together upon the Hills about *Fenwick Muir*, and in Arms. This was so far credited, that about Two or Three hundred were chosen out of the Army to go thither in all Haste, and when they came, they found their Comrades lying in all Security up and down any Houses that were thereabout, never having heard of any such Matter; and so they had nothing to fight with but their own Shadows, and Herds of Cattle.

But about the 22^d of *February*, an Express came to *Air* from the Council, which was said to be very dissatisfying to the most Part of the Lords: The Contents were kept secret; but it was rumoured, it contained Orders to send off the *Highlanders*. I shall now give what offers from the Council-records, since I broke off.

Upon the 18th of *February*, the Council are informed, 'That upon Information some Men were risen in Arms in *Fenwick*, the Committee had sent out a Party, but none appeared, neither could they learn that any had been there in Arms. They are further informed, that several Days had been spent in disarming the Country upon Oath, and good Numbers of Arms had been brought in; that the Meeting-houses had been demolished.'

The same Day the Council order the *Highlanders* to be dismissed and sent home to their Houses; and they appoint the Militia of *Mid-lothian*, *East-lothian*, *Peebles*, and *Linlithgow*, to march towards *Glasgow* in their Room.

And, *February* 26th, a Letter comes from the Committee to the Council, desiring Garisons may be appointed when the *Highlanders* remove, which is granted; and the Council order the Earl of *Cassils* to send in Lists of the Persons who built the Meeting-houses in *Carrick*, which are now demolished. And, upon the 27th of *February*, the Committee are appointed to intimate to the Town of *Irwin*, that they must find Persons fit to serve in the Magistracy, who are willing to take the *Allegiance*, *Declaration*, and sign the *Bond*, otherwise lose their Privileges, and that against a prefixed Day.

At the same Diet the Council pass an Act as to the City of *Glasgow*. 'The Lords of Council hereby empower the Magistrates of *Glasgow*, to rive the Burgefs and Guild-brother Tickets of all such as refuse to take the *Bond* for Relief of the Magistrates, these being Privileges depending upon his Majesty's free Pleasure, and should not be enjoyed by such as are disorderly, especially in Burghs, where such Disorders are looked upon as most dangerous: That they approve of their turning out ----- *Marshal* from the Council, for refusing this; and recommend to them to turn all out of Council who refuse the *Bond*.' The same Act is passed with respect to *Stirling*.

Upon the last of *February*, the Council recommends to the Committee to burden none who have signed the *Bond*, with Provision for the Garisons. And, *March* 1st, a Letter comes from the Committee, signifying that they have appointed Garisons in *Blairguban* and *Barskimming*, and *Cesnock* in *Kyle*, One hundred and twenty Foot and Forty Horse in the First, and Fifty Foot and Ten Horse in the other Two Houses.

I find by a Letter writ by a Person of very good Intelligence from *Edinburgh*, *February* 29th, that this Business of the Garisons had its Rise from a Letter from the regular Clergy in the West, to the Archbishop of *Glasgow*, wherein they signify, that they may come away from their Charges as soon as the Host comes eastward, if Garisons be not settled. This Letter of theirs I have not seen, but it appears to me to be referred unto in another Letter, which, my

my Copy of it bears, was writ by the Presbytery of *Air* to the Archbishop of *Glasgow*, in 1678.
the End of *February* this Year, which I here insert.

May it please your Grace,

IF we had received your Grace's Answer to our last Letter, we possibly could have given your Grace a better Information of Affairs than now we can; but, my Lord, we thought it our Duty to transmit to your Grace our humble Opinion of several Occurrences. 1st. The great and leading Men in this Country are all gone into *Edinburgh*, and expect to be sheltered there; therefore it is fit they be severely dealt with, sought after, and forced to Obedience, otherwise the Commonalty, who absolutely depend upon them, will never be brought to Conformity. 2^{dly}. The indulged Ministers must be stinted of their Liberty, and some new Tie laid upon them, or they absolutely removed; for let People say what they will, most of these Disorders flow from them. 3^{dly}. That the leading Men of this Country now at *Edinburgh*, be not protected by the Council, but taken and sent hither; for the Committee think their Credit highly concerned in it: If after they have been at the Pains of prosecuting them this length, the Council do protect them, it will be a great Discouragement to them in their Procedure for the future. 4^{thly}. The *Garisons* appointed here are but Three, and too weakly manned, and they are too far from the Heart of the Shire, and it will be fit Two hundred Men be left in *Garison* at *Air*. This is the humble Opinion of your Grace's

Most humble and obedient
Sons in the Lord.

This Letter needs no Commentary, it speaks out the genuin Spirit of the regular Clergy, and confirms what has been often remarked, That the Prelates and their Underlings were very deep in all those rigorous Courses. At this Time I find the Archbishop of *Glasgow* goes up to Court, to prevent, if possible, the Informations of the oppressed Noblemen and Gentlemen; and I have before me a Draught of an Address to the King, sent up with him. In all the Copies I have seen, it is joyned with the above Letter, but I shall not say it came from the same Meeting, since it does not expressly bear it; but I suspect it may, and perhaps does refer to the former Memorial or Letter. As it is I insert it.

May it please your most sacred Majesty,

THE Danger this Church is exposed unto in the present Circumstances, which are such as threaten the Dissolution thereof, hath necessitate us, in the Discharge of our Duty, to desire the Lord Archbishop of *Glasgow*, humbly to address your Royal Presence, and to offer unto your Princely Consideration, how inconsistent the violent and irregular Courses of those who rent the Church, (and prosecute us, for no other Reason but that of our absolute and entire Dependence on your Majesty's Authority) are, with the Rights and Interests of your Majesty's Crown and Government, as well as with the Safety of your People, and the Reverence due to Religion; for no other End, but that your Majesty's Authority may be vindicated and rescued from the Persecution of the open Disturbers of the Church, and their Abettors, who, for their own Ends, endeavour to constrain the People, and to debauch them equally from their Loyalty as their Religion, as your Majesty will more fully perceive, by a Memorial to be offered to your Majesty at your Con-
veniency, herewith sent.

I know no further about this Application from the Clergy to the King at this Time, than is contained in this Paper. Before I return to the Procedure of the Committee, I shall take notice of a few more Hints I find in the Letter I made Use of just now, from a good Hand, *Edinburgh, February 29th*, which I meet not with elsewhere. The Gentleman tells his Friend, That Two Troops of the East and West *Lothian* Militia had got Twenty Days Pay advanced, and their Officers were resolved to pay for every Thing, but the Soldiers were the very worst of Men, any sober Persons, who had no Mind to go, put any they could get in their Room. He adds, that a Letter of Thanks was come from the King to the Council, for their Care to put the Laws against Disturbers of the Peace to Execution, and orders the *Bond* to be pressed on all with Care, and *Garisons* to be settled where it is refused, at the Charges of the Refusers. He says, there is an Overture here (at *Edinburgh*) on Foot among the Heritors of *Clydsdale, Air, and Renfrew*, to offer to the Council to suppress Field-conventicles, which yet others think is too hard to be engaged in: There are a great many of them here, but nothing is yet concluded. The Advocates, yesterday, (*February 28th*) had a peremptory Command from the Lords of Session to take the *Bond*, as the last Diet it would be in their Offer, with Certification of Deposition if they refused: There are about Fifty have taken it. It is talked by some who would have it so, that the chief

1678.

chief in the House being asked, If there was any Law for it, by some Gentlemen concerned; their Answer was, There was none, but they minded not to be Martyrs for any civil Privilege. Sir *George Lockhart* has not yet taken it, his Lady being lately dead. The Writers to the Signet have all taken it, but Six or Seven. *Argyle*, the President, and *Craigie*, are seeking to have the Lawborrows altered, and made easier, viz. Each Master of a Family to engage for themselves and Family, that in case their Families transgress, they shall delate them to the Judge Ordinary for their Exoneration. It is thought the Committee will proceed the same way in *Chydale* and *Renfrew*. as in *Air*. The Magistrates of *Irwin* are to be cited before the Council, having refused the *Bond*, for officiating these Years bygone without taking the *Declaration*.

In the End of Feb the Highlanders are ordered home.

To return now to the West Country; The Committee, in prosecution of the Council's Appointment, towards the End of *February*, order the *Highlanders* home. Experience let our Managers see, that the West Country would neither sign the *Bond*, nor yet rise in Arms, as the Prelates expected, but were patient under all the arbitrary Courses taken with them; and some of them began to be ashamed they had tried an Experiment, as ineffectual for its designed End, as odious in it self: And as it was never tried before, so I hope it shall never be attempted afterwards.

August Militia and some others continue till the End of April.

So after the *Highlanders* had wasted the Country, tho' they liked their Quarters very well, yet they marched off, except Five hundred, who, with the *Angus* Militia and standing Forces, continued till the End of *April*, when Orders came to dismiss them.

In their Return they are loaded with Spoil.

When the *Highlanders* went back, one would have thought they had been at the sacking of some besieged Town, by their Baggage and Luggage. They were loaded with Spoil: They carried away a great many Horses, and no small Quantity of Goods out of Merchants Shops, whole Webs of linen and woollen Cloth, some silver Plate bearing the Names and Arms of Gentlemen. You would have seen them with Loads of Bed-clothes, Carpets, Men and Womens wearing Clothes, Pots, Pans, Gridirons, Shoes, and other Furniture, whereof they had pillaged the Country: And Two of their Colonels, *Airly* and *Strathmore*, are said to have sent home great Sums of Money, which could not all be the Produce of their Pay; and no great Wonder, when from one Country Parish by Calculation it was found, that one way and another a Thousand Pounds *Sterling* had been exacted and got.

Some of them stripped of it at Glasgow.

In their Return homeward, they continued to take free Quarter, and this without Restraint, except that now and then a few Country-people, without Arms, would set upon some of them, after they were disbanded, and retook their own Goods, without taking any thing but what belonged to themselves.

I am further told by one who was present, That the Students at the College of *Glasgow*, and other Youths in Town with them, stopt the Bridge of *Glasgow*, the River being high, against near Two thousand of them; neither did they permit them to pass, till they had delivered the Spoil they carried with them, and only Forty of them were allowed to pass at once, and conveyed out at the West Port, and not suffered to go through the Town; that the Custom-house was near by filled with Pots, Pans, Bed-clothes, Wearing-clothes, Rugg-coats, gray Clokes, and the like: But, unless it was in the Parish of *Campsie*, where one of the *Highlanders* was killed, I do not hear of any other Resistance made any where.

The Council's Account of the Procedure of the Committee,

This is all come to my Hand, as to the Procedure of the Highland Host and Committee, in the Shire of *Air*, and I cannot better sum it up than in the Council's own Account of it to the King, in their Letter, *March 6th*, which I insert, tho' much of the Matter of it hath been already set down.

May it please your sacred Majesty,

In their Letter to the King, March 6.

When we, who have the Honour to be your Council here, considered by what fatal Steps our Country was formerly led into that execrable Rebellion, and did, with Regret, see, that some Courses lately taken in several disaffected Shires, did resemble too much the Beginnings of these unhappy Times, we did endeavour, by a constant Application, to reclaim and punish such as, under the false Designs of Conscience and Law, poisoned your Subjects; and we did particularly invite and impower the Shires of *Air* and *Renfrew*, to secure the Peace against these growing Insolencies, and were resolved to have taken the same Methods with those of other Shires: But finding, by the Answers of these Shires, that they resolved to force your Majesty to a new Indulgence, where probably they would not have stopt, if Force could have prevailed, we resolved to make no more Addresses to other Shires, lest they might have been influenced by their Example, and so the Faction might have grown, and appeared considerable. Whereupon, it having been thought high Time to acquaint your Majesty with the true State of this Kingdom, your Majesty, by your Royal Letter, dated the 11th of *December*, declared you were resolved no more to suffer that daily Increase of Rebellion, and did, for preventing thereof, order us to employ such Forces, as some of your good Subjects here would add voluntarily to your own standing Forces, and those of the Militia, thereby to pluck up the very Roots of these rebellious

bellions Courses. And thereupon we granted Commission, to such Noblemen as offered their Service to us, for levying their Tenants and Vassals, and impowered both them and the Officers of your Militia, to quarter in those Countries, which had suffered these Field-conventicles, declared by your Laws to be the *Rendezvous of Rebellion*, and had suffered declared Traitors, and intercommuned Rebels, to frequent their Jurisdictions.' 1678.

'And that your Majesty's Service might be effectually prosecuted, we granted the Commissions and Instructions herewith sent, to a very considerable Committee of Our Number, who quartered your Majesty's Forces, first in that Shire of *Air*, who had refused to secure the Peace; for securing of which we caused draw a *Bond*, to be presented to the Heritors and Liferenters within this Kingdom: And that they might see there was nothing offered to them which was not in it self legal as well as fit, the same was taken unanimously by all the Members of your Majesty's Privy Council, Senators of the College of Justice, Commissioners of your Treasury, Lords of your Exchequer, and by all the Advocates, Writers, and other Servants who depended upon these Courts; except by some few Advocates, who being every way inconsiderable, were debarred from their Employment.'

'But this Bond being presented to the Heritors and Burghs within the Shire of *Air*, and many of them having refused, we did, by Act of Council, ordain the Refusers to be charged with *Lawborrows*, that is to say, To secure the Peace in Manner mentioned in the Act herewith sent; and did ordain the Burgeses, in some suspected Towns, who refused, to have their Burges-tickets cancelled and destroyed, debarring them from all Trade and Commerce; conceiving that such who would not secure your Peace, ought not to enjoy such large Privileges by your free Bounty. But lest the Tenants of such who obeyed, should run in to these who would not oblige them to live peaceably and orderly, we, by a Proclamation, discharged them to be reset without a Testificate from their former Master, or the Minister of the Parish where they lived.'

'These disorderly Shires were also disarmed, and Garisons placed in some, and to be placed in other Houses, who are to be furnished with Coal, Candle, &c. by such as refuse to secure the Peace.'

'Your Service being fully dispatched in *Air*, your Committee are to come to *Lanerk*, where they are resolved to settle the Shires of *Renfrew*, *Dumbarton*, and *Lanerk*, in the former Method: And to the end your Majesty may know who will refuse to secure your Peace in all the Shires, we are resolved to send the *Bond* to all other Shires: Of which your Majesty may expect a constant Account from Time to Time.'

'We are fully convinced that the meaner Sort would not dare to appear in such open Insolencies, if they were not encouraged by Persons of greater Eminency, and who, by how much they are the more considerable, are so much the more to be *jealous*; tumultuary Rabbles being then only dangerous, when they get a Head, and when Delusions in Opinion form themselves into, and mix themselves with Faction and humours Opposition to Authority, of which your Majesty has of late had too convincing Proofs.'

'This being the true State of your Majesty's Affairs, and our Endeavours, which some are pleased to represent to your People, as wanting your Approbation, or as done without your special Knowledge, tho' we have managed that special Trust committed to us, according to Law, and the Power, and within the Limits prescribed to us by your Royal Letter; yet we thought it our Duty to subject them and our selves to your Majesty's Royal Determination, that we may be both strengthened and directed thereby, being only then satisfied with our selves, when owned by your Majesty, as'

May it please your Majesty,

Your most faithful, &c.

This Letter needs no Observations, the Matter of it has been already considered, and the Groundlessness of the ill-natured Insinuations in it, which are now common Stile, discovered. Its plain Intent is, by a fawning Submission, to get the King's Approbation to their rigorous Proceedings, which they lay all upon himself, tho' it was they who impetrate the Letter they speak of, from him. This they got, as we shall hear. Remarks upon it.

It is Time now to give some Account of the Procedure of the Council and Committee, in the Month of *March*, and after the Highlanders are sent Home, laden with the Plunder of the West Country. Proceedings after the Highlanders are sent off.

Upon the 1st of *March*, another Letter is read in Council, from the Committee, giving an Account, That they have charged all who have not taken the *Bond*, with *Lawborrows*, and they have sent in Lists to the Council, that, as soon as the Day elapses, they may be denounced; but withal signify, That the Noblemen and Gentlemen charged, are not at their Houses, but come into *Edinburgh*, and that all the rest design to follow; and thus that Part of the Council's Instructions, for apprehending the chief Persons concerned, will be disap- All who take not the Bond are charged with Lawborrows.

1678.

pointed. They add, That the whole Heritors in *Renfrew* and *Lanerk* are charged with *Lawborrows*.

Petition offered by my Lord Colman and others, refused.

About the Beginning of *March*, my Lord *Cochran*, the Laird of *Kilbirnie*, and some other Gentlemen, offered a Petition to the Council, for a Suspension of the Charge of *Lawborrows* for some little Time, till they deliberate better on this Matter. The Letter before me, from which I have this Account, dated *March 7th*, says, *All Things are managed with such Secrecy, that it is not known what Answer is given.* By the Records I find, that, *March 7th*, the Council signify to the Committee, *That they will receive no Petition from the Gentlemen come to Edinburgh, and that they had commanded them by Proclamation to remove.*

Act of the Committee about Garisons in *Air* Shire, *March 4.*

Mean while, at *Air*, the Committee come to pass their Act anent Garisons in the Shire of *Air*, which is not long, and I insert it here, together with the Consequents of it. The Act follows.

At Air, March 4th, 1678.

The Lords of the Committee of the Council met in the West, by Commission from his Majesty's Privy Council, in pursuance of their Commands, appointing Garisons in the Shire of *Air*, and Jurisdictions within the same, having ordained Garisons to be in the Places following, viz. in the House of Blairquhan in Carrick, of a Hundred Foot and Twenty Horse; another in Barskimming, of Fifty Foot and Ten Horse; a Third in Cessnock, of the same Number; and appointed the Committee to call for and ordain the Commissioners of the Excise of the said Shire, to provide Pots, Pans, and other Necessaries to the said Garisons; and, in obedience to a Billive directed to the said Commissioners by the said Committee, some of them having this Day appeared, who were appointed to provide these Necessaries, the said Lords have thought fit hereby to give Warrant to the said Commissioners present, to call and convene the rest of the Commissioners absent, to meet at *Air*, the 7th of *March* instant, and, with all Diligence, to go about the providing of One hundred and twenty six Beds, Twenty four Pots, as many Pans, Two hundred and sixty Spoons, Sixty Timber Dishes, as many Timber Cups, and Forty Timber Stoups, and to distribute them to the said Garisons proportionally, conform to the Number of Men; also to provide Coal and Candle for the Garisons respective, and to report an Account to the Committee of their Obedience herein, upon the 8th instant, as they will be answerable. And it is hereby declared, that no Heritor within the said Bounds, who have taken the Bond, to be burdened with any Part of the Expence of the said Garisons.

Strathmore.	Glencairn:
Airly.	Murray.
Cathness.	Linlithgow.

Whether the Meeting was full on the 8th, and refused, or not so full as they inclined, I know not; but, I find, on the 9th of *March*, the Committee pass another Act on this Subject.

At Air, March 9th, 1678.

Their Act, *March 9.*

The Lords of the Committee, having received his Majesty's Privy Council their Commands, appointing them to call the Commissioners of Excise within the Shire of *Air*, and Jurisdictions thereof, that they, with them, might set Prices upon all the necessary Provisions, such as, Meat and Drink for Soldiers, Horse Meat, and other Necessaries for the Maintenance of the Garisons, and appointing the Committee to lay their Commands upon the said Commissioners, to be careful that the foresaid Necessaries be provided, and carried in to the said Garisons for their Money, at the Prices set down by the Committee; and besides Coal, Candle, Bedding, Pots, Pans, which are to be furnisht them without Money, as is ordinary in such Cases; certifying the said Commissioners, if they shall fail in causing provide and carry the said necessary Provisions to the Garisons, daily, from Time to Time, the Officers and Soldiers shall be allowed to take the same from the next adjacent Places, at these Rates, except the Lands of Privy Counsellors, and those employed in his Majesty's Service, or such as have taken or shall take the Bond. The foresaid Lords do, in prosecution of the Council's Commands aforesaid, ordain the Clerks to the Commissioners of the said Shire, to call and convene the said Commissioners, in the ordinary Manner, to meet at *Air*, the 12th Day of *March*, by Ten of the Clock in the Forenoon, to set down prices, and take Order for furnishing the said Garisons: With Certification, the Officers and Soldiers will be allowed to take these Necessaries from the next adjacent

Places,

places, with the Rates to be set down by the Committee, conform to the Council's Warrant. 1678.
 Subscribed *ut supra*.

The Commissioners of Excise did not meet upon the 12th, the most of them were Persons who had refused the *Bond*, and besides, they would not so far homologate the iniquous Imposition of Garisons in Time of Peace, as to be active in providing them; and the very same Reasons almost which hindred them from taking the *Bond*, weighed with them in this Case: Therefore the Committee do this Business by themselves in their Act this Day, which follows.

The Commissioners of Excise do not meet, and the Committee

At Air, March 12th, 1678.

The Lords of the Committee having, by Order of his Majesty's Privy Council, caused warn the Commissioners of Excise in the Shire of Air, to meet this Day with the Committee, to set Prices on the Provisions following, for the Use of the Garisons; and they having refused to convene, the Committee do hereby give Warrant to the Governors of the respective Garisons, to cause bring in Provisions and other Necessaries, when the same can be most conveniently had in the next adjacent Parishes, they paying the Prices underwritten, which the Committee has thought fit, in absence of the foresaid, to set thereupon, viz. Each Stone of Hay sh. 2, each Cheave of Straw sh. 4, each Boll of Oats sh. 50 in Carrick, 55 in Kyle; each Boll of Meal 5 Berks; each Boll of Malt L. 5, each Stone of Cheese L. 1. sh. 10, each Stone of Pork L. 1. sh. 16, each Peck of French gray Salt sh. 10, each Peck of Scots Salt sh. 5, each Stone of Butter L. 2. sh. 8, each Dozen of Eggs sh. 1. d. 4, each Pint of Milk sh. 1, each Pen sh. 4, each Hutton Bulk L. 2. And ordain the said Prices to continue until the Council or Committee give further Order thereanent.

Make a new Act for the Rates of Provisions, March 12.

Subscribed *ut supra*.

Upon this the Officers of the Army go on to bring in from the adjacent Places what they need, and call the Heritors of every Parish near their Garison to meet. The Copy of the Summons to the Parish of *Dundonald* I have before me. 'These are ordering the Heritors of the Parish of *Dundonald*, to be at *Galsfoun* upon *Munday* next, being the 25th of *March*, to meet with the other Commissioners of the adjacent Parishes to the Garison of *Cesnock*, for casting of the Proportion of the said Parish, for furnishing the said Garison, all protected Persons being free: And to that effect, to bring the Valuations of the said protected Persons with them, as they will be answerable. Given at *Cesnock*, the 22^d of *March*, 1678.'

The Commanders of the Garisons provide themselves.

W I N D R A M.

'Tho' the Provisions of the Garisons be thus set a going, yet I find the Council going on against the Gentlemen, who refused Concurrence, for their Absence. They had been cited before the Council for their not obeying the Committee, and, upon *April* 3^d, the Council pass the following Act to grant Letters against them.

Council's Act as to the Commissioners of Excise.

Act anent Commissioners of Excise in the Shire of Air.

The which Day, James Earl of Cassils, James Earl of Lowdon, William Lord Cochran, William Lord Cathcart, John Lord Bargeny, Sir William Muir of Rowallan, James Dunlop of Dunlop, John Montgomery of Lainshaw, Sir Hugh Campbel of Cesnock, Sir John Cochran of Ochiltree, David Boswel of Auchinleck, ----- Campbel of Glasnock, ----- Kennedy of Kirkmichael, John Boyd of Trochrig, ----- Kennedy of Killhinzie, Quintin McLean of Grimmat-machan, and James Brisbane of Bishoptown, being called to answer for not meeting with the rest of the Commissioners of Excise, in February or March last, for executing the Orders of the Committee of Council, with Certification, and not compearing, the Lords of his Majesty's Privy Council grant Certification against them, superseding the Extract until this Day Fourteen Days.

April 3.

What the Issue was I know not, but I find a good Number of those worthy Persons, the Earl of Lowdon, Rowallan, Cesnock, Auchinleck, Lainshaw, and some others, meeting with others Commissioners the 11th of *April*, where they declare themselves not a *Quorum*, and find, that the Committee have settled the Prices already, and they judged it not fit or necessary for them, to alter or innovate any of the Rates already set down in an Order to Captain John Windram, dated *March* 10th last, (this perhaps hindred them from meeting on the 12th) and appoint their Clerk to send an Extract of this Act to the Clerk of the Council,

and

1678. and they all sign this. I imagine this sifted further Prosecution, and I know no more about it. I have given what concerns the Garisons all together.

Proclamation
for taking the
Bond in other
Shires.
App. No. 89.

The Council are going on to make the taking of the *Bond* as universal as might be: And, *March 13th*, they publish a Proclamation for pressing the *Bond* at the Days they name, in the Shires of *Edinburgh, Haddingtoun, Linlithgow, Berwick, Peebles, and Selkirk*. The Tenor of it is insert, *App. No. 89*. No Reflections need be made on it. According to this, I find by a Letter, writ from the same Person of Credit formerly mentioned, of the Date *March 26th*, the *Bond* was subscribed in the different Shires. *East-lothian* Heritors were convened at *Haddingtoun*, and the Duke of *Lawderdale* came out and signed it there, as he had done Four Times before, as a Member of Council, Session, Treasury, and Heritor of *Mid-lothian*; yet after all the Interest he could make, there were but about Forty five signed at that Time; and a good many of the most considerable Heritors, *Haddingtoun, Stevenson, Saltoun, Lamington, Preston, Keith, Hepburn, Clerkintoun, Ormiston, Barns, Garletoun*, and others, refused it. In that Shire there are upward of a Thousand Heritors, and not above Fifty or Sixty now and afterward signed it. I have no Accounts from the rest of the Shires, but that Heritors were generally backward, and by this Time Conventicles were beginning to break out again, as we shall hear.

The Refusers
to be charged
with Lawbor-
rows.

Next Day the Council give Orders to charge all the Refusers with Lawborrows, in the Shires mentioned in yesterday's Proclamation, as was done in the West: But the Application made to the King, by the Noblemen and Gentlemen who went up to Court, as we shall hear, hindred Severities following upon this Charge. I don't find much more insisting upon the *Bond* after this Proclamation.

Proclamation
against such as
refuse to fre-
eze, and other
Places to e-
scape the
Bond.

In the West, the Committee go on in their Work, and a Letter comes from them to the Council, and is read *March 15th*, desiring a Stop may be put to Heritors, who, when they refuse the *Bond*, flee, some of them to the Borders, and others of them to *Ireland*, and so cannot be apprehended after they are denounced. Next Day, *March 16th*, the Council, in Return, send the Draught of a Proclamation, which they are to publish, discharging all Persons to go to *Ireland* without Passes; and require the Committee to send them Lists of all who are charged with Lawborrows; and they order the Shire of *Dumbarton* to take the *Bond* at *Glasgow*.

The Commit-
tee come to
Glasgow.

I have now no Accounts of the Committee's Procedure, but what appears to me from the Hints in their Letters to the Council, and the Council's Appointments to them; and whether, when they left *Air*, they sat in *Lanerk* and *Renfrew* Shires, I cannot determine; but, by any thing I can guess, they sat mostly the rest of their Time at *Glasgow*, and probably called in the Heritors round about, to them, there: But I have no particular Accounts of what past, and say no more of it.

Hints of their
Procedure, in
their Letter to
the Council.

By a Letter from the Committee, read in Council *March 26th*, when they seem to be come to *Glasgow*, they acquaint them, that the *Bond* hath been offered to *Stirling* Shire; that in the Parish of *Campsie*, Six Miles off *Glasgow*, North, several Hundreds gathered together in Arms, and killed one of the Soldiers; and desire an Order to proceed against the Heritors of that Parish, for building a Dwelling-house and Meeting-house to one *Law*, who keeps many Conventicles. This is the Reverend Mr. *John Law*, since the Revolution one of the Ministers of *Edinburgh*. They add, That the Country about *Glasgow* is much infected with unlicensed Chaplains and Governors, and desire that some particular Persons may be prosecuted, as Examples to the rest; and they acquaint them that the Garison is changed from *Blairquhan* to *Kinlichin*, belonging to the Laird of *Carleton*.

Earl of Murray
and Lord Col-
lingtoun sent by
the Council to
London.

The same Day, the Council send up Two of their Number to the King, the Earl of *Murray* and Lord *Collingtoun*. The Occasion of this seems to be the Delay of their Letter of *Approbation*, not yet come down; and especially to counter the Application which was now making to the King, by a considerable Number of Noblemen and others, of which in its own Room. To oppose this these Persons are sent up, and the following Letter with them.

May it please your Majesty,

Council's Let-
ter to the King,
sent with them,
dated *March*
26th.

THE Insolencies committed against your Majesty's Authority, which, after express War- rant from your Majesty, forced us to arm such of your Subjects as were pleased to offer themselves, did also oblige us to emit a Proclamation, discharging all Noblemen, Gentlemen, Heritors, and Magistrates of Burghs, to depart forth of this Kingdom, without Licence from your Majesty's Privy Council, during that Service only; which Proclamation is suitable to your Laws, and the constant Practice of Council, and was necessary upon this Occasion to prevent the Departure of such as probably might disappoint any Security that was to be demanded of them, for securing the Peace of this Kingdom, or any Assistance that might be craved from them, in this your Majesty's Service, and to which they are liable by the express Laws of the Nation.

Notwithstanding

‘Notwithstanding whereof, we have good Reason to believe, that after our Endeavours were ready to have attained the wished for Effects, some of these who were obliged to con- cur in prosecution of your Majesty’s Commands, as being Sheriffs, and enjoying other Of- fices under you, have not only refused to take the *Bond* offered in your Name, and by War- rant from your Letter, dated *December 11th*, or to secure the Peace, being charged upon their refusing the *Bond*; but have, with much Noise and Observation, gone to *England*, in Contempt of your Proclamation, without seeking any Licence from your Council, as o- thers did, and as the Proclamation required, and which was never refused, when desired by any of your People, on good Reasons; by which your Majesty’s Authority, in your Council, (which is the great Source of your Government here) is highly contemned, not only in this Instance, but in the Preparative, and your People diverted in their present Obedience, in Expectation of such Alterations as are promised by those bold Undertakings; some being induced to believe, that none durst attempt that which none of your People ever formerly did, without extraordinary Assurances.’

1678.

‘But we who remember, with much Gratitude, with how much Firmness your Maje- sty hath owned us, and all your other Judicatories, (who having no Design but what may tend to secure your Throne and People) do, with all humble Confidence, expect that your Majesty will, by your Princely Care and Prudence, discourage all such Endeavours as tend to enervate your Royal Authority, and affront your Privy Council.’

‘In pursuance of this our Duty, and to prevent such ill Consequences as might ensue on this new and dangerous Preparative, we have sent Two of our Number, to give your Majesty a most exact Account of what is past, and who might satisfy such Doubts as might occur to your Majesty, in which you could not so well be satisfied by Letters: And the Earl of *Murray* having been constantly present in the Committee in the West, and the Lord *Collington* in all the Meetings and Committee here; and both being of a known Integri- ty and Ability, we hope may be fully able to confute easily such unworthy Misreports as others have choosed to raise now, as formerly, at a Time when your Majesty is like to be engaged in foreign War, and hath assembled your Parliament of *England*. Those Reflections on their Procedure, and the Remedies thereof, are, with all Submission, left to, and expe- cted from your Majesty, by’

March 26th, 1678.

May it please your Majesty, &c.

Little in the Letter needs Reflections: Less could scarce be said in Defence of their Cause; but the Matter would bear no more; and these same Reasonings they use, may be turned to the Defence of the plainest Tyranny that can be exercised by wicked Servants. Upon the 1st of *April*, they had the King’s Letter of the 26th of *March*, approving the Procedure of the Committee; which I shall insert in another *Section*, since this hath already swelled so much, and haste through any further Hints as to the Committee.

Remarks upon it.

April 1st, the Council have a Letter from the Committee, signifying, the Committee (now I think at *Glasgow*) had cited before them the Lord *Semple*’s Governor, and my Lord *Cochran*’s Chaplain, for officiating without a Licence from the Bishop of the Diocese; and they absenting, the Committee designed to insist against those who entertained them. The late Reverend Mr. *Robert Wylie*, Minister at *Hamilton* since the Revolution, was Go- vernor to the Lord *Semple*; and, if I mistake it not, the Reverend Mr. *William Dunlop*, late Principal of the University at *Glasgow*, was the other. In a following *Section* there will be Occasion to give some further Account of the Trouble the First met with.

Committee’s Proceeding against Chaplains and Governors, particularly Mr. *Robert Wylie* and Mr. *William Dunlop*.

Being here upon the Actings of the Committee, I only further notice, that upon Mr. *Wylie*’s withdrawing, being unwilling to own the Archbishop’s Power, his Pupil likewise withdrew; and the Committee so far interest themselves in that Matter, as to write the fol- lowing Letter to the Earl of *Dundonald*, one of my Lord *Semple*’s Doers.

Their Letter to the Earl *Dundonald* about my Lord *Semple*.

Glasgow, April 13th.

My Lord,

THE Committee having thought fit to call before them ----- *Wylie*, Chaplain to the Lord *Semple*, to answer for taking upon him that Charge without Licence from the Archbishop; he not only refused to appear, but upon that Occasion the Lord *Semple* hath withdrawn himself from the College: And seeing your Lordship is one of his Curators, and much concerned in his Education, we desire your Lordship may cause return him back to the College, that he may follow his Studies. We expect your Lordship will be careful herein, and are’

Your Lordship’s affectionate Friends and Servants,

Airly, Glencairn,
Rofs, Linlithgow.
Wigtoun,

G g g g g g

This

1678.
Houshill refuses
the Bond.

This Matter came to fall in before the Council, as we shall hear. In that same Letter they signify, that *James Dunlop* of *Houshill*, of whom before, hath refused the *Bond*, and absented himself. If I be well informed, he went up at this Time, with other Gentlemen and Noblemen, to *London*. The Committee desire the former Act of Council be execute against him.

They add, That the Magistrates of *Glasgow* had given Bond for themselves, Burgessees, and Inhabitants; and they had allowed some Days, for such concerned, to sign the *Bond* of Relief: And further, That the Laird of *Ceshnock* was retired to *England*, and therefore had changed the Garison from his House to the House of *Rowallan*. The Council the same Day, *April 1st*, allow Three to be a *Quorum* of the Committee, instead of Five.

In the Beginning of this Month the Case of the Earl of *Cassils* comes before the Council, as to the Committee's Treatment of him; and an Information is drawn up of their Procedure, and printed; but these and some other Things will come in better upon the Fourth *Section*, where I shall give some Account of what followed upon the Procedure of the Committee.

Lanerk Shire
and Glasgow to
be further
disarmed.

April 10th, the Council are informed that many Arms are not delivered in the Shire of *Lanerk*; they send their Orders to the Committee further to disarm the Shire of *Lanerk* and Town of *Glasgow*, upon Oath, and in the strictest Way they can: Accordingly they appoint the Sheriff-depute of *Lanerk*, *April 12th*, to exert himself to the utmost in this Matter. I have before me the Intimation made in the Netherward under the Sheriff's Hand: No doubt one to the same Purpose was given to the Upperward of that Shire; but this may suffice to insert here.

Intimation of
the Order for
this.

'In pursuance of an Order of the Committee of Council met in the West, direct to the Sheriff-depute of *Lanerk*, of the Date, at *Glasgow* the 12th of *April* Instant, to the Effect underwritten: These are hereby requiring the hail Heritors, Liferenters, conjunct Fiars, and others, within the Parishes underwritten, respective, *viz.* These within the Parishes of *Carmonnock* and *Cathcart*, to meet at the Kirk of *Carmonnock* on the 22^d Day of *April* instant; these within the Parishes of *Govan*, and Barony of *Glasgow*, to meet and convene at the Barony Kirk of *Glasgow*, upon the 23^d Day of *April* instant, at Ten Hours in the Forenoon; these within the Parishes of *Calder* and *Oldmonkland*, at the Kirk of *Oldmonkland*, on the 24th Day Instant, at the Hour foresaid; these within the Parishes of *Newmonkland* and the *Shots*, at the Kirk of *Shots*, on the 25th; these within the Parishes of *Bothwel* and *Hamilton*, at *Hamilton*, the 26th Day: And these within the Parishes of *Cambusnethan* and *Dalziel*, to meet and convene at the Kirk of *Cambusnethan*, upon the 27th of the said Month, the Hour foresaid; and to bring with them their hail Tenants, Cottars, and Servants, together with their Arms of all Sorts, as Muskets, Guns, Pistols, Pikes, Halberds, Lochaber-axes, Durks, and Whingers; and there to deliver up the same upon Oath, to such Person or Persons as the Major-general shall appoint, in Presence of the said Sheriff-depute, or any that shall be substitute by him: Excepting all such who have taken the *Bond*, who are allowed to wear their Swords and Pistols; and excepting Noblemen and Gentlemen of Quality, who are allowed to wear their Sword only: Certifying all such as shall not appear at the foresaid Meetings, the foresaid Days *respective* abovementioned, or appearing shall not give up their Arms upon Oath, they will be proceeded against, and punished for their Disobedience. And Publication hereof is to be made at the respective Parish-churches foresaid, that none pretend Ignorance. Signed at *Hamilton*, the 16th of *April*, 1678, by the foresaid Sheriff-depute.'

Accordingly no Pains were spared to make the whole Shire naked, and yet, after all their Effays, a great many did not compear, and chose to run all Hazards before they would come and depone.

April 24. the
Council call
the Committee
into *Edinburgh*,
because of the
Growth of
Conventicles,
and momen-
tuous Affairs to
be before them.

In short, *April 24th*, the Council write to their Committee, signifying, that the increasing Disorders by numerous Field-conventicles in *Fife*, *Merse*, *Teviotdale*, and *Linlithgow*, being come to such a Height, and there being to be Matters of Consequence before the Council upon the First of *May*, and the Committee's Work being now over in the West, they desire the Committee to come in to *Edinburgh*; which I imagine some of them did very cheerfully, being heartily wearied of their Work. We shall hear more of the Reasons and Springs of this Turn upon the Fourth *Section*.

Thus I have given a pretty large Account of the *Highland Host*, and the Procedure of the Committee, and all almost from original Papers. The miserable Depopulation of the Country thereby, will be the Subject of the next *Section*, especially in the Shire of *Air*.

S E C T. III.

1678.

Containing some Account of the Damages done to, and Losses sustained in the Western Shires, by the Highland Host.

BEFORE I come to narrate the Consequences of this violent Invasion upon the West of Scotland, in the Council and in Court, it is needful to take some View of the barbarous and unprecedented Carriage of the Highlanders, when hounded out upon peaceable Presbyterians. It is but a very small Part of the Losses and harassing of the Shire of *Air*, and the adjacent Places, that can be represented now at so great a Distance; yet some Account I shall give, from Papers written by Persons who were Witnesses to what passed, and felt the Severities of that lawless Company.

The particular Relation of the Oppressions, Depredations, Exactions, and Cruelties committed by them, would fill a Volume, and I shall not enter upon a large Detail of them. The Reader, by a very small Reflection, will understand, what sad Work a Company of savage People would make, when sent in with a Design to run People to Extremities by Oppression: It is certain they were faithful to their Orders, and not only lived upon free Quarter, but robbed and pillaged every where, where they spread. I shall only then give a few general Remarks upon their Carriage, which may serve to help to form a general Notion of their Management; and then insert a more particular Account of the Losses of the particular Parishes in the Shire of *Air*, and end the *Section* with some Hints of the Treatment of particular Persons.

More generally it may be observed, that the Soldiers and Highlanders, both in and about *Glasgow*, and the Shire of *Air*, behaved with that exorbitant Rudeness and Insolence, as could not have been expected from a conquering Enemy. To say nothing of the free Quarters taken, not only by the Highlanders, as soon as they came to *Stirling*, but even by the standing Forces, who every Day received the King's Pay, whithersoever they went to the westward of *Glasgow*, and also by the *Angus* Militia, when the Three Weeks were out for which their Shire had advanced them Pay: These I pass, because their Commission may seem to countenance them in them, and come to some other of their odd Practices.

General Hints
of the Ravages
by the Army
and
Highlanders

The avowed Disobedience of the common Sort to their Leaders and Commanders, deserves our Notice, both as a Proof and the Fountain of their unaccountable Carriage. Very often they would peremptorily refuse to take the Quarters allotted to them, or to do anything else that went cross to their own barbarous Humours; and ordinarily they would come in Multitudes, Sixty, Seventy, or Eighty together, not only to Gentlemen's Houses, but to these of Tenants and Cottars; yea, that length some of them came, as to present Daggers to the Breasts of some of their Officers, when required to restore Goods to such whom they had unjustly plundered. When this was often and openly done, the Reader will guess what was to be expected from an Host, where every mean Rascal, who had Impudence enough, demeaned himself as an insulting Tyrant, without any possible Check.

Further, these People not content with free Quarter, (which was illegal, and used to make People strain themselves beyond their Power, to satisfy their unreasonable Demands) they openly robbed upon the high Road, and in Houses: Some they stripped naked, when they openly robbed upon the high Road, and in Houses: Some they stripped naked, when several Miles distant from their Houses, and many at and in their Houses, and every where took from the Country People, Pots, Pans, Wearing-clothes, and every thing which made for them, and Money wherever they could reach it; and under all none durst complain: When any offered but to do it, they were knocked down and wounded; and the whole Neighbourhood was dealt the worse with upon that Account; yea, People saw it was needless to complain.

And as all this had been but little, they pillaged Houses, and that even in Towns privileged with Protections; others in the Country they broke in upon, and riled and killed their Cattle, far beyond what they made Use of for their Provision. In some Places they tortured People, by scorching their Bodies at vast Fires, and otherwise, till they forced them to discover where their Money and Goods were hid to avoid their thievish Hands; and drove away vast Multitudes of Horses, first in their March Westward, to carry the Ammunition and Royal Artillery, as was pretended; and then in Return, to carry away their Baggage, the Spoil, and Piunder. The Loss by all this cannot be computed in any exact Way, and the Computation which follows is very far short of the real Losses of the particular Parishes.

Again, those Scoundrels, as if they had been posselt of the Power of King and Parliament, without any Warrant, imposed their Tribute in several Places, and threatened the burning of Houses, and worse, if they were denied: A Crime much worse than that which in our

Law

1678.

Law is termed, with relation to the Highlands where 'tis used, *Black Mail*, which is punishable with the Pains of Theft and Robbery. The meanest Straggler exacted his Sixpence a Day, and the modelled Forces their Shilling or *Merk Scots* a Day, and their Subalterns, Captains and Leaders their Twenty Pence, Half-crowns, and Crowns, as they pleased to require; and the poor Country People were forced to find it, or borrow it for them. This was generally practised by Highlanders, besides their free Quarter.

Over and above all this, some poor Families were constrained, merely to gratify them in their Excesses, in a few Days to expend Thirty or Forty Shillings *Sterling*, for Brandy and Tobacco to them. It was a common Practice with them, to go from their Quarters, and purchase their own Victuals, and at their Return to compel their proper Landlords to give Money for their Absence, and pay for what they bought; yea, to pay for the blank Men who were not in their Company, but they pretended should have been with them.

In other Places they taxed and cessed the Land, at the Rate of Penny Half-penny a Day the Acre; and Instances can be given, where one small Company this way gathered Eleven Pounds *Sterling* at once, another Sixty Dollars; and in the Corner of one Parish, there was advanced Sixscore of Dollars in a Night or Two, to satisfy this lawless and exorbitant Charge: And lastly, after they received this dry Quarter, as they called it, the poor People gave Seven-score of Dollars, to save them from Plunder, and yet at their Removal the Place was plundered after all.

To crown all, 'tis well known, these vile Miscreants, openly in Cities and Towns, offered to commit Rapes, and 'tis fit to draw a Vail over their Excesses of unnatural and horrid Wickednesses up and down the Country. I likewise pass the Woundings, Beatings, and cutting off Fingers and Hands, of which I find some Complaints tabled before the Committee, and Satisfaction promised: And 'tis certain all these, and many other Enormities were done without the least Punishment, unless it were a Night's Detention in the Guard sometimes.

Yea, too many of their Leaders and Officers, Captains and Field-officers also, were their Encouragers, and Partakers with them in those Villanies. One of their prime Commanders was heard, upon the Head of a discontented Regiment, not only to enjoin them to take free Quarter, and whatever else they need, but, after many fair Promises, providing they would stay and not quit the Service, he gave them so vile and lewd an Advice, that I shall not repeat it.

From these Hints it may be easy to gather the sad Condition of the poor Country, lying entirely at the Mercy of those brutal Tyrants; and yet these are but a very small Part of what might be said as to their Outrages at this Time, and what is set down is most certain. 'Tis hard to say, whether it be more surprizing, that Persons of Honour and Quality should ever so far have laid aside Humanity, as to be accessory and active to involve a peaceable Country in such Calamities, without any Distinction, and wherein the reputed Innocent could not but suffer with the pretended Guilty; or that the oppressed People did thus suffer themselves to be invaded, over-run, disarmed, ransacked, and treated like Slaves, without offering to defend themselves.

I shall only remark further, upon this general View, that though the greater Part of the Lords of the Committee were furious Promoters of these oppressive Courses, yet there were some, Two or Three, who endeavoured to stem these Violences. The Marquis of *Atbole* was particularly noticed for his Mercy, and the Earl of *Perth* for his Equity; and these Two, and sometimes One or Two more, were for milder Courses; but, generally speaking, they were outvoted. And though they gave strict Orders to their Men to carry regularly, yet they did as their Comrades did; and there was scarce any Room for Complaints: And indeed no Restraints were sufficient to keep in the Highlanders, as appears in an uncontested Instance, that in their March some of them stole even some of the Furniture belonging to their Lords. However, this moderate Party, in Pity to the Country, whom they could not help, at length prevailed to get the Highlanders removed.

This general Account shall be ended in the Words of a Paper containing a distinct Account of the Host and Committee, from which I have taken several Things, with which the Author concludes. 'Upon the Whole, says he, it is evidently apparent, that the Proceedings of those few Months bypast, are a formed Contrivance (if God in Mercy prevent not) to subvert all Religion, and to ruine and depopulate the Country: They are open and evident Oppression, publick Violence and Robbery, and Invasion of the Person and Goods of a free and loyal People, a Violation of the ancient Rights and Privileges of the Lieges, and a treacherous raising of Hatred and Discord 'twixt the King and his Subjects, and consequently manifest Treason against the Commonwealth and the King's Majesty. In a Word, when considered in its full Extent, and in all its hainous Circumstances, it is a Complication of the most atrocious Crimes that almost ever have been conceived or perpetrated.

That the Reader may have some more particular Account, as far as may be, of the Losses of the Shire of *Air*, I shall insert in the next Place a Narrative of the Losses of the several Parishes in it. This Paper was drawn up by the Noblemen and Gentlemen of the Shire at this

this Time, that, if need were, it might be laid before his Majesty; and there were particular Instructions for every Article in it. Care was taken not to aggravate Matters, and it was the Opinion of very judicious Persons in the Shire, that it fell much short, by the Exactness of the Gatherers of it, of the real Losses of the People. Multitudes of Things fell out which could not at all be calculate, and a great many Particulars came not to the Hands of the Persons imployed to draw this Account; so that I can scarce think they were much out, who reckoned the Loss fully double to the Sum here. I give it just as it was drawn up, without any Variation, tho' I might have shortned it a little; and some of the Parishes seem wrong placed, but all are in the Shire of *Air*.

1678.

An Account of the Losses the following Parishes sustained by quartering, robbing, and spoiling of the Soldiers and Highland Host, 1678.

In K R L E.

		L.	s.	d.	Losses by the Highland Host in Kyle.
<i>Air and Alloa.</i>	The Parishes of <i>Air</i> and <i>Alloa</i> , their Losses by quartering of the King's Guard of Foot, from the 8 th of <i>February</i> until the 13 th of <i>March</i> , as also their Robbery, and breaking open Merchants Shops, amounteth to - - -	12120	00	00	
<i>St. Quivox.</i>	The Parish of <i>St. Quivox</i> , by quartering Thirty of the Earl of <i>Airly's</i> Troop ----- Days, and sending out Forty Baggage-horses, a Part of them from <i>Air</i> to <i>Irwin</i> , and Part from <i>Air</i> to <i>Fenwick</i> , sustained the Loss of - - -	900	00	00	
<i>Monktoun.</i>	The Parish of <i>Monktoun</i> sustained, by quartering and Oppression of Soldiers, exacting of dry Quarters, and affording of ----- Horses for Baggage, the Loss of - - -	2700	00	00	
<i>Tarboltoun.</i>	The Parish of <i>Tarboltoun</i> , by Quartering, Oppression, Robbery, and Theft of the Highlanders, and sending out Baggage-horses, sustained the Loss of - - -	6180	00	00	
<i>Galsfoun.</i>	The Parish of <i>Galsfoun</i> , by quartering of Soldiers, exacting of <i>L. 1546</i> of dry Quarter, to Two hundred and Forty Men for Ten Days, from <i>February 4th</i> to <i>February 14th</i> , and a Hundred and Sixty Men for Twenty five Days, the sending of Twenty Baggage-horses from <i>Kilmarnock</i> to <i>Air</i> , and Seven from <i>Galsfoun</i> to <i>Eglisbam</i> , quartering the Earl of <i>Perth's</i> Men, and Fifty Horsemen one Night, and furnishing Thirty Baggage-horses from that to <i>Ochiltree</i> , sustained the Loss of - - -	3679	00	00	
<i>Craigie.</i>	The Parish of <i>Craigie</i> , by quartering of Twenty four of <i>Airly's</i> Troop, from <i>February 6th</i> to <i>24th</i> , allowing the Expences of each Man and Horse to be Eighteen Pence a Day, paying dry Quarters to Fourteen of the said Troop of Eighteen Pence a Day for Twenty two Days, quartering of a Hundred of <i>Cathness</i> Men one Night at Sixpence a Night, with the Robberies committed by the Highland Men, sustained the Loss of - - -	735	05	00	
<i>Riccartoun.</i>	The Parish of <i>Riccartoun</i> , by dry Quarters to the Earl of <i>Murray's</i> Soldiers <i>L. 1050.</i> for Quarters at Sixpence a Day, amounting to <i>L. 545.</i> collected by Twenty Horsemen, who were Gentlemen of <i>Perth</i> Shire, <i>L. 253.</i> with their free Quarter, reckoning <i>s. 24.</i> for each Gentleman and his Boy a Day, extending to <i>L. 960.</i> with Thirty five Baggage-horses, sustained the Loss of - - -	2844	00	00	
<i>Dundonald.</i>	The Parish of <i>Dundonald</i> , by quartering of Three hundred and eighty Soldiers of <i>Strathmore's</i> Regiment, for Fourteen Days, at <i>d. 6.</i> per Day, is <i>L. 1596.</i> By quartering of Four hundred and ninety three of the said Regiment for Seven Days, at the said Rate, is <i>L. 1035.</i> <i>s. 6.</i> Extorted of Money by them, <i>L. 373.</i> Of dry Quarters to Twenty of <i>Airly's</i> Troop, at <i>d. 18</i> a Day, for Eight Days, <i>L. 144.</i> With Seventy five Baggage-horses, Part from <i>Kilmarnock</i> to <i>Air</i> , and Part from <i>Irwin</i> to <i>Glasgow</i> and to <i>Paisly</i> , all detained at least Two Days on their own Expences, which reckoned at <i>L. 3.</i> is <i>L. 225.</i> (besides many Plundrings and Thefts) sustained the Loss of - - -	3373	06	00	<i>Barnwell.</i>
H h h h h h					

1678.

Barnwell.

The Parish of *Barnwell*, in quartering of Twenty four of *Airly's* Troop Eight Days, and Nine others of them Twenty two Days, extending to L. 567. Exacted by them in Money L. 122. s. 18. Dry Quarters to Seven of the said Troop for Ten Days L. 63. Quartering a Hundred of *Cathness* Men at d. 6. L. 30. with several Robberies and Thefts committed, sustained the Loss of - - - - -

L. s. d.

836 00 00

Symontoun.

The Parish of *Symontoun*, in quartering Forty eight Horse of *Airly's* Troop from February 6th to 10th, at s. 18 a Day, is L. 172. s. 16. Exacted by the same Troopers from another Part of that Parish at s. 18 each a Day, is L. 172. s. 16. In quartering Twenty four of the said Troop from February 10th to February 16th, is L. 129. s. 12. In quartering Twenty six of the said Troop for Twenty eight Days, is L. 655. s. 4. with plundering and frequent transient Quarters, sustained the Loss of - - - - -

1300 06 00

Mauchlin, Muirkirk, and Dalgean.

The Parishes of *Mauchlin*, *Muirkirk*, and *Dalgean*, in quartering a Hundred and forty Horse of Lord *Charles Murray's* Troop Twenty eight Days, at s. 18 per Day, is L. 3528. In quartering Six hundred of *Athole's* Men, in *Mauchlin* and *Dalgean*, Seventeen Days, at d. 6. a Day, is L. 3060. Item Two hundred and fifty Men Six Days, is L. 450. And lifted by the same Men of dry Quarters L. 450. More, of dry Quarters in *Dalgean* and *Mauchlin* L. 223. s. 8. In quartering Two hundred and fifty in *Dalgean* one Night, L. 75. In quartering Two hundred and fifty Men Three Nights in *Muirkirk*, L. 225. Of dry Quarters to the same L. 756. In quartering Two hundred and sixty Men under *Cathness*, one Night, L. 78. Item, Three Horses taken, valued at L. 180. sustained (beside Plunder and transient Quarters) the Loss of - - -

8985 08 00

Cultoun.

The Parish of *Cultoun* sustained of Loss, by quartering One thousand and fifty of *Cathness* common Soldiers, with his own Ten Horses, and all the Officers, which amounted to the Value of Four hundred common Soldiers, Four Days, L. 1740. An hundred of them, with *Cathness's* own Horses and Officers, to the Value of Eighty seven Soldiers, for Sixteen Days, L. 897. s. 12. Dry Quarters and Plunder L. 600. Baggage-horses to *Dalmellington* and *Straitoun*, Forty, with Men to *Fenwick*, Forty, to *Irwin* from *Air*, with the Artillery, Twenty; with the People's own Expence, at L. 3. per Horse, L. 300. - - -

3537 12 00

Ochiltree and Auchinleck.

The Parishes of *Ochiltree* and *Auchinleck* sustained of Loss, by quartering Two hundred and forty of *Perth's* Foot, from February 5th to February 24th, Nineteen Days, besides Officers, L. 1368. By quartering Eighty *Perth* Shire Gentlemen, allowing but one Servant to each, and reckoning both at s. 24. each Day, from February 5th to February 25th, is L. 1920. By quartering Sixty Foot from February 25th to March 5th, Eight Days, is L. 144. Exacted of Money and Plunder by these former L. 1170. s. 14. d. 4. Plundered in Money and Goods by Soldiers in passing through, or by those quartered in adjacent Places L. 432. s. 6. d. 8. By quartering Two hundred and Forty *Cathness* Men one Night, L. 72. Exacted by them of Money, L. 68; s. 6. d. 8. Three Horses taken by *Strathmore's* Men, for recovering of which was expended L. 36. Which, besides Baggage-horses and other Horses ridden down by them, extends to - - - - -

5211 07 08

Cumnock old and new.

The Parishes of *Cumnock* old and new, sustained of Loss, by quartering Two hundred and forty *Cathness* Men Fifteen Nights, with some Officers, L. 1093. s. 6. d. 8. Exacted by their Officers, and cleared off their Quarters, as appears by their Notes, L. 200. Item, dry Quarters to some Officers, L. 64. Free Quarters to them, L. 60.

Plunder

Plunder by these Soldiers, L. 958. s. 17. d. 4. By quartering Ninety five of Cathness Men Six Nights, L. 171. By quartering Three hundred and twenty Cathness Men one Night L.96. Dry Quarters and Plunder by these L. 372. s. 2. d. 4. extendeth to	L.	s.	d.	1678.
	3015	06	04	
Summa totalis in Kyle	55419	11	00	

In Carrick.

Straitoun.	The Parish of Straitoun, by quartering Nine hundred Cathness Men Fourteen Days, by dry Quarter, plundering, killing Sheep and Nolt, taking Prisoners, and causing them to be ransomed, sustained the Loss of L. 12000. - -	12000	00	00	In Carrick.
Colmanel.	The Parish of Colmanel, by quartering Three hundred of Cathness Men Fifteen Days, L. 260. Dry Quarter L. 3659. s. 6. d. 8. Eleven Horses worth L. 40 each, L. 446. Which, with gathered Money and Plunder, makes their Loss - - - -	10000	00	00	
Kirkoswald and Girvan.	The Parishes of Kirkoswald and Girvan by quartering Four hundred of the Earl of Mar's Men Six Days, L. 720. By quartering Forty Horse Six Days, L. 216. dry Quarters to them, L. 600. Seven Horses plundred out of Kirkoswald, at L. 40 per Piece L. 280. Loss in all - - -	1816	00	00	
Barr.	The Parish of Barr, by quartering Three hundred of Cathness Men Two Nights, with dry Quarters and Plunder, sustained the Loss of - - - -	1000	00	00	
Daylie.	The Parish of Daylie, by quartering Three hundred of Cathness Men one Night, at s. 6. the Night, and as much for dry Quarters, lost - - - -	180	00	00	
Maybole.	The Parish of Maybole, by quartering Forty eight or Fifty of the King's Guard, about Thirty four Days, sustained of Loss - - - -	1700	00	00	
Dalmellington and Kirkmichael.	The Parish of Dalmellington, wherein Kirkmichael is reckoned, by Quartering and Plunder, lost, - - -	4981	00	00	
	Summa totalis of Carrick is	31677	00	00	

In Cuningham.

Kilmarnock and Fenwick.	The Parishes of Kilmarnock and Fenwick, sustained these Losses. Rowallan's Lands for Quarters, L. 1471. s. 6. Dry Quarters, L. 589. s. 6. Plunder, L. 1071. s. 16. Crawfordland, of Quarters L. 460. Dry Quarters to Captain Lumfden, L. 300. Plundred L. 368. s. 11. Raith Lands, Quarters, L. 364. s. 6. Dry Quarters and Plunder, L. 596. Skimeland, Quarters and Plunder, L. 298. Glibland, dry Quarters, L. 52. Plunder, L. 32. Communion-table-clothes, and Baptism-clothes, L. 30. Fenwick Town, Quarters, L. 58. Dry Quarters and Brandy, L. 78. Plunder, L. 68. Pockelly Lands, Quarters, dry Quarters and Plunder, L. 1260. s. 17. Hairshaw, Quarters, L. 135. Dry Quarters, L. 101. Plunder, L. 284. s. 13. d. 4. Hietrie, Quarters, L. 156. Dry Quarters, L. 40. Plunder, L. 22. Miltoun, Quarters, L. 66. s. 18. Extraordinary Drink, L. 16. Dry Quarters, L. 9. Plunder, L. 13. s. 14. Templetonburn, Quarters, L. 15. Dry Quarters, L. 5. Plunder, L. 6. Lawhill, Quarters, L. 3. s. 10. Dry Quarters, s. 18. Slofs, Quarters, L. 70. s. 10. Dry Quarters, L. 8. Silverwood, Quarters, L. 25. s. 16. Plunder, L. 5. s. 10. Town of Kilmarnock, and Lands belonging to my Lord within the Parish, Quarters, dry Quarters and Plunder, L. 5918. Glibland of Kilmarnock, Quarters, dry Quarters, and Plunder, L. 76. s. 14. Grange Lands, Quarters, dry Quarters, and Plunder, L. 169. s. 15. d. 4. Camskeigh, Quarters and Baggage-horses, L. 120. Dry Quarters, L. 64. In all - -	14431	00	00	Kil-
	H h h h h h 2				

1678.

Kilwinning.

The Parish of *Kilwinning* sustained Loss, by quartering of *Strathmore's* Troop one Night, his whole Regiment one Night, and the Half thereof Twenty Nights, *L.* 3660. *s.* 13. *d.* 8. Of dry Quarters, *L.* 1421. *s.* 12. *d.* 8. For One hundred and Thirty Baggage-horses, *L.* 191. *s.* 13. *d.* 4. Plundered of Gold, Silver, and other Goods, *L.* 622. *s.* 6. In all - - - - -

L. s. d.

5895 15 08

Stevenson.

The Parish of *Stevenson*, by quartering *Airly's* Troop one Night, and Fifteen of *Strathmore's* Riding-horses and Servants, Fifteen Days, Three Companies of *Athole* Men one Night, Two Companies one Night, One Company Three Nights, *L.* 336. *s.* 18. Dry Quarters, and quartering till the dry Quarters were paid, *L.* 285. *s.* 14. *d.* 4. sustained Loss of - - - - -

622 12 04

Ardrossan.

The Parish of *Ardrossan*, by quartering of *Strathmore's* Troop Ten Days, *L.* 830. For dry Quarters more than *L.* 666. *s.* 13. *d.* 4. sustained Loss - - - - -

1549 13 04

Dalry.

The Parish of *Dalry*, by quartering a Company of *Athole* Men, and several Companies of *Strathmore's* Men several Days, *L.* 519. *s.* 18. Of dry Quarters and Plunder, *L.* 133. *s.* 4. *d.* 8. In all - - - - -

653 12 08

Dunlop.

The Parish of *Dunlop* sustained of Loss, by several transient Quarters to *Athole* and *Cathness* Men, and Two Companies of *Strathmore's* Men, Thirteen Days, *L.* 1333. *s.* 16. Exacted of Money, *L.* 896. *s.* 13. *d.* 2. Plundered, *L.* 286. *s.* 2. with Ninety four Baggage-horses, *L.* 113. *s.* 5. *d.* 4. In all - - - - -

2629 16 06

Irwin Parish,
without the
Town.

The Parish of *Irwin* (excepting the Town, where Ninety *Perth* Shire Gentlemen, under *Pitcur*, got their Diet Fourteen Days, and Eight Companies of Foot, with the Guard of Horse, and Committee one Night) sustained of Loss, by quartering the Horses of these Ninety Gentlemen, and Two Companies of *Athole* Men, Eight Days, *L.* 917. *s.* 9. Dry Quarters, *L.* 43. *s.* 3. Plundered, *L.* 58. *s.* 10. *d.* 4. Fourteen Baggage-horses, *L.* 9. *s.* 18. besides the furnishing Thirty Baggage-horses for the Artillery. In all - - -

1029 00 04

Largs.

The Parish of *Largs* sustained of Loss, by quartering Three hundred and twenty of *Athole* Men, Five Days, beside their Officers, *L.* 480. And Four hundred of *Athole* Men, Two Nights, *L.* 240. Uplifted of Money, and plundered by them, *L.* 300. *Strathmore's* Troop, consisting of Fifty eight Men, Thirteen Days, *L.* 887. *s.* 8. beside Plunder. - - -

1907 00 00

Kilbryde.

The Parish of *Kilbryde*, by quartering Eighty *Athole* Men, Four Days, *L.* 160. *Strathmore's* Men, Six Days, (besides their Officers quartered in Gentlemens Houses) *L.* 432. Of dry Quarters. *L.* 260. sustained of Loss - - -

692 00 00

Kilbirny.

The Parish of *Kilbirny* sustained of Loss, by quartering One hundred and Forty of *Athole* Men one Night, One hundred and thirty, Ten Days, with Two hundred and forty of *Strathmore's*, Three Nights, One hundred and thirty eight of them, Fifteen Nights, *L.* 1269. (not reckoning the Quarters of their Officers, or their Plundering) Lifted of Money, *L.* 811. In all - - - - -

2080 00 00

Lowdon.

The Parish of *Lowdon* sustained of Loss, by quartering Eighty five *Athole* Men, Nineteen Days, One hundred of them, Nineteen Days, Seventy of them, Thirteen Days, Seventy one of them, Five Days, Eighty of them, Two Days, One hundred and forty of them, one Day, *L.* 1482. The Town of *Newmills* quartering one Company - - - Days, and dry Quarters, *L.* 1066. *s.* 13. *d.* 4. More, Quarters, and Four Horses taken, *L.* 344. In all - - - - -

2934 13 04

Dreghorn and
Pearstoun.

The Parishes of *Dreghorn* and *Pearstoun* sustained of Loss, by quartering several Parties of *Strathmore's* Troop, one Company of *Athole* Men, and several of his Majesty's Guard, *L.* 916. *s.* 14. Dry Quarters, *L.* 445. *s.* 14. Plundered *L.* 112. *s.* 12. Baggage-horses, *L.* 30. *s.* 16. In all - - -

1505 17 00

Kil-

Kilmawers.	The Parish of <i>Kilmawers</i> sustained of Loss, by quartering of the Lord <i>Rollo's</i> Troop, and <i>Pitcur's</i> Troop, with dry Quarters, and plundered by the Highlanders and <i>Strathmore's</i> Foot.	L.	s.	d.	1678.
		3250	15	00	
Stewartoun.	The Parish of <i>Stewartoun</i> sustained of Loss, by quartering of several Companies of Highlanders, <i>Cathness's</i> Regiment one Night, <i>Strathmore's</i> Foot, several Companies, Five Days, and others Eight, Ten, Twelve, Fourteen Days, <i>L.</i> 2632. s. 14. Corn and Straw to <i>Rollo's</i> Troop, <i>L.</i> 52. Money exacted, <i>L.</i> 2196. s. 9. d. 10. Plundered, <i>L.</i> 1099. s. 18. d. 10. In all	6062	12	08	
Beeth.	The Parish of <i>Beeth</i> sustained of Loss, by quartering of <i>Strathmore's</i> Troop, (which he gave up, Officers and all, to be One hundred and thirty, whereas there were not above Fifty, two and the Officers) Five hundred and fifty of his Foot, one Night; his whole Regiment, called Twelve hundred, whereas there were not above Eight hundred of them; One hundred and thirty of <i>Athole</i> Men, Seven Days, and One hundred and twenty of them, Twelve Days, Six hundred of <i>Strathmore's</i> Men, Three Days, Two hundred and forty of them, Thirteen Days, with dry Quarters, <i>L.</i> 2895. Item, paid to them at s. 3. d. 4. per diem, <i>L.</i> 1736. s. 12. to eat their Meat, as it was called. Plundered, <i>L.</i> 217. Sixty Baggage-horses, <i>L.</i> 42. s. 13. d. 4. In all	4891	00	00	
Cumray.	The Isle of <i>Meikle Cumray</i> sustained of Loss, by Plunder of <i>Athole</i> Men,	266	13	04	
Summa totalis of Cuningham		50402	15	00	
Carrick,		31677	00	00	
Kyle.		55419	11	00	

The whole Sum from the Shire of *Air* amounts to - 137499 06 00

Many Remarks might be made upon this Account, but it speaks for it self. I only notice, that the Account from the Parish of *Dalrymple*, and, which is of more Importance, from the Town of *Irwin*, are not here. No doubt *Irwin* would be very deep, since they refused the *Bond*, and *Air*, who was obsequious, was *L.* 12000.

It would be further observed, That the Parish of *Stewartoun*, which was among the last where the Accounts were gathered, reckons Eight thousand Merks for Loss of Labour, which is not cast in in the above Account, because a Calcul was not made of it in the rest of the Parishes of the Shire; but it seems a most reasonable Article: They reckon Eighty Ploughs were idle Twenty Days, at Five Merks the Plough; and if this be added to what is above, and what was noticed before this Account, it will grow exceedingly on our Hand.

The Heaviness of this Oppression will further appear, if what is exacted be compared with the Valuation of the Parishes, or their yearly valued Rent. I give but one Instance. The Valuation of the Parish of *Stevenson*, I know, is a Hundred Pounds *Sterling*, and more than the Half was extorted from them, *L.* 622. s. 12. d. 4.

And lastly, if, at a modest Calculation, and to me it appears short of the real Losses of the Shire, when we make the necessary Additions above specified, we should fix the Whole of this one Shire, at Two hundred thousand Pounds *Scots*, and then adjoyn the Losses of *Stirling* Shire, *Dumbarton*, *Lanerk*, and *Renfrew*, though their Losses could not be so great as *Air* Shire, the Reader will guess, what a horrible Cels and Damage this Invasion by the Highland Host, was to the West of *Scotland*.

After what is set down, I need not much enter upon the Spoilings and Depredations of particular Persons, Families, and Places. A few Hints may serve to give some further View of the Damage done to the Country at this Time.

There were Eight hundred Highlanders commanded by the Laird of *Glenlyon*, sent upon the Parish of *Straiton*, tho' the Parish was made to pay as if they had been Nine hundred. They had free Quarters Fourteen Days; their continual Trade was shooting of Sheep, robbing Men and Women, Night and Day, and perfect thieving and stealing. It is a modest Calculation that is made of it in the above Account.

Observations upon the Account from *Air* Shire.

The Losses of particular Persons and Places.

1678.

Share of some
of the Incum-
beats.

As soon as the Host came to *Air* Shire, the Curate of *Kirkoswald* went and procured a Regiment to that Parish, and by his Information the Quarters were ordered, and such as had any way favoured the Sufferers, had Multitudes lent upon them. *John Alexander* of *Drumochrein*, because he sometimes had lodged Presbyterian Ministers, had great Numbers quartered on him; and, besides free Quarters, was obliged to pay Eighty Pounds *Scots*. And every Family almost had Money forced from it in less or more, besides vast Losses by their being obliged to disperse their Plundering; and what they got not removed, was generally plundered.

The small Parish of *Dalmellington* had Nine hundred Highlanders quartered upon them. Every Merk-land had Twenty for their Share; and when some were sent to a neighbouring Parish, there remained Eight upon every Merk-land; and they had their Sixpence a Day, besides free Quarter and prodigious Plunder. In this Parish lived that excellent Countryman *Quintin Dick*, of whose Sufferings an Account shall be afterwards given. He was an eminent Christian, and prudent, wise, and knowing, far above most of his Education and Station: He hath left a *Diary* and Remarks upon the Providence of God toward him, in the different Periods of his Life, which is writ with a great deal of Solidity and Judgment, and what he says, with relation to the Highland Host, deserves a Room here.

Remarks upon
the Highland
Host, by *Quin-*
tin Dick.

The next Passages (says he) I shall instance, fell out in the Year 1678. called by us in the Country, *The Year of the Highland Host*, when the western Shires were by Act of Council given up to be harassed and plundered by these Savages, for no other Cause, but because some few did at some Times go to the publick Worship of God, in these Meetings of his People, called *Conventicles*. The first general Rendevouze being at *Stirling*, from thence they came to *Glasgow*: The News coming, that all along in their March they wasted and harassed the Country, especially the Persons and Houses of all such as desired to fear and serve God, and keep a good Conscience; and that there was no Safety for any Person who did refuse their *Bond*, a Test which the very Enemies themselves seemed to nauseate, and that with all Expedition they were hastening to the Town of *Air*, that Shire being designed to be made exemplary to all *Scotland*. I confess, when I considered the Persons employed in that Affair, the Commissions they had from the Council, who should have been the Fathers and Protectors of the poor and oppressed, the Methods they followed to put their Commission in Execution, and the Highland Commanders, under which that Host marched, it was very terrible both to me and many others. I need not mention in what a formidable Dress (where there was none to oppose) they came from *Glasgow*, through the Country, to *Air*, with their Cannon, their Ammunition, their iron Shackles and Fetters; from thence issuing forth their Companies for ilk Parish by it self, with Orders to keep peremptorily such and such Times. Mean while the Highlanders were sent in Swarms through the Country, there to lie, plunder, pillage, and await Orders for more Havock, against all who should seem to scruple whatever should be enjoined them. In such a Shock, when all Refuge failed me, I thought it high Time to make Haste to the Rock of Ages. And then this good Man sets down his sweet Experiences of the Lord's being with him in Prayer, and what Scriptures he was made to hope upon, too long to be insert here: And particularly observes, that he felt the whole Verses of the 27th *Psalms*, speak either Safety or Direction to his Soul; and the last Verse, containing a doubled Call, encouraged him, with a quiet and fearless Mind to wait, trusting in God till his Trial came.

He goes on, and remarks, 'That upon a Sabbath-night, when Day Light was going, Two of *Cathness's* Men as Quarter-masters, came and alighted at my House in *Dalmellington*, and gave me their Orders for quartering Fourteen hundred. I told them I was no publick Person, nor ever had any Charge in the Place. They answered, I was one of the Three in the Parish to whom they were directed, and they resolved to stay in my House that Night. I told them it was Sabbath-night, and not proper to cast Quarters, but to Morrow I should convene the other Two Persons they were directed to. To Morrow the Allocation was made, and the Fourteen hundred came to Nine hundred, of which I had Twenty for my Share. In Three Days thereafter, Orders came to deliver up our Arms to Captain *Campbell* of *Lochdochart*. I had none, being twice disarmed before. In a Day or Two, I thought it would be my best to expose my House, and shift the Company of these whose Language I understood not, and whose Company I could not well digest; and after I had provided for the Removal and secret Conveyance of such Things out of my House as I thought fit, and prepared Three Servants to attend the House, and answer the Guests so far and so long as they could, after Three or Four Days Stay I went off, and shifted the best way I could, for some Weeks.' So far this excellent Person.

Seventies upon
House and
Lands of *Cun-*
ninghamhead.

The Barbarities exercised upon the House and Lands of *Cunninghamhead*, in the Parish of *Dreghorn*, deserve a particular Remark, and I give them in the Words of a Gentleman of Honour, Witness to some of them, and nearly concerned in all, in a Letter to me, which I am allowed to publish. 'In the Year 1678. when the *Highland Host* came to the Shire of *Air*, a Troop of Horse, called the *Troop of Angus Gentlemen Heritors*, commanded by the Laird of *Dun*, had the Lands of *Cunninghamhead* allotted to them for their Quarters.

Dunbar

Dunbar of Grange, Nephew to the Laird of *Dun*, was Coronet to that Troop. The pre-^{1678.} sent Sir *William Cunningham* of *Cunninghamhead*, was then a Minor, a School Boy at *Irwin*, and his excellent Father dead; and he himself to be sure had never acted any Thing offensive to the Government. The Heritors who took the *Bond*, and their Lands, were free from quartering and all Exactions, as far as Highland Robbers could be restrained; and although the Minor Sir *William* was not capable of accepting of, or refusing the said *Bond*, yet the said *Angus* Troop were quartered upon his Ground. The Troopers pretending the several Country-houses in Sir *William's* Land were not convenient enough for many of them to quarter in, they obliged the Tenants to advance the Five Pounds *Sterling* for dry Quarter, as they called it. When by paying this they reasonably expected to have been freed from Guests they paid so well for, every Tenant in that little Spot of Ground had at least Three Footmen of the wild Highlanders put upon them, who, during their Abode, near a Month, lived at Discretion: Yea, notwithstanding of the pretended Insufficiency of these Country-houses for entertaining Gentlemen, several of them found it best, after dry Quarters were collected, to continue, particularly the fore-said Coronet lodged, with his Horses and Servants, in *David Muir's* in the *Byres* of *Cunninghamhead*.

While this Gentleman stayed there, he came one Day to the old Tower of *Cunninghamhead*, where no Body lived; and in the Second Story of it was a Granary wherein lay Meal, which was the most substantial Part, if not the whole of the Minor's Estate. The Coronet called to have the Doors opened to him; the Keeper of the Keys was accidentally, and without any Design, out of the Way, and so ready Access could not be given him at that Time. This enraged him so, that wilfully, and in Day Light, without any Order, or any Provocation, he became guilty of House-breaking and wilful Fire, a Crime capital in our Law. And there being at the Foot of the Stair, which taketh up to the Tower, an iron Grate, with a strong waincoat Door behind it, he set Fire to the Door, and by Gun Powder got the hanging Lock upon the iron Grate blown up and broke open; and having forced a Hole in the waincoat Door, got in; and after he had dealt the same way with another Door and Grate upon the Room where the Meal lay, got in; and he and his Servants broke open the Granary, went into it with their Boots and Shoes, all bedaubed with Clay and Earth from the open Fields, and pierced and dug up the Meal, under Pretext of searching for Arms, and with their dirty Feet perfectly spoiled it, to the great Loss of the innocent Minor. Here was a most barbarous and illegal Step, without any Warrant or Shadow of Law, and perfectly malicious.

This same Coronet committed many Insolencies beside this, in Sir *William's* Lands. He forced his Landlord *David Muir* to give him what Money he had, threatening otherwise to hang him in his own Barn. And when he had got what he had in the House, he and his Servants went into the Barn, in the one End of which was a Mow of Corn, and in the other of Bear, and they cast both down in the Middle of the Barn, all through other, to the Man's great Loss; and all under pretence that he had a Chest under the Stuff, where his Money was. Which, when they found not, it was with some Difficulty they were hindered by a Company of Women, from hanging the poor Man in his own Barn.

I have before me a large Account of the Damage done to the Town of *Kilmarnock* at this Time, by the Highlanders, and am told it is but a very small Part of what yet may be attested. It is but a few Hints I shall give out of it. *John Bordland* in the Bridge of *Kilmarnock*, by quartering and dry Quarters lost One hundred Pounds Scots. *William Taylor* Merchant, had a whole Company quartered upon him one Night, besides his ordinary Quota of them who stayed. *Matthew Hopkin* Merchant, reckons his Loss Five hundred Merks. *William Dickie* Merchant, had Nine Highlanders quartered upon him for Six Weeks, who had Meat, and Drink, and dry Quarters. When they went off they robbed his House, from whence they carried some Sacks full of Household-stuff and Goods; a Horse full of Silver Money, and abused this honest Man, broke Two Ribs in his Side, and swore they would cut off his Head; and frightened his Wife fore, by putting a Durk a little into her Side, that she being big with Child, very soon after died with the Terror. This good Man's Loss was very great, upwards of a Thousand Merks. *Hugh Morvat* Inn-keeper lost a Hundred Pounds. *James Stuart* and his Son had Twenty six Men for Nine Days. *James Aird* of *Miltoun* had Twenty four Men for a Month, and Twelve Men other Ten Days. I have a great many others in the Account before me, but I pass them.

It may be worth while to observe, That before the Highlanders left *Kilmarnock*, they resolved upon the Sabbath to plunder the Town, and did actually plunder several Houses, as we have heard; and had done the like to all, if the Matter had not been over-ruled with great Intercession, and considerable Sums private Persons advanced to their Officers. It was this Day Mr. *Wedderburn* Minister of the Place, and well known by the Books he hath published, got the Beginning of his Sickness of which he died, by the Barbarity of a Highland man's pushing him on the Breast, with the Butt End of his Musket, when he was interceding to spare the Place. The real Loss of the Town of *Kilmarnock*, says a Person of good Cre-

Ravages upon
the Town of
Kilmarnock.

Mr. *Wedderburn*
the Minister
bruised, which
occasioned his
Death.

1678.

Losses in Evan-
dale.

dit, who writes to me, was certainly greater this Year, than in *Dalziel's* Year after *Pentland*; then, as we heard, it was Fifty thousand Merks.

That the Reader may have some View of what was done in other Places, as well as in the Shire of *Air*, I shall notice, that the Parish of *Evandale* or *Strathaven* in *Lanerk* Shire, by an Account lately taken up from such Sufferers as were then alive, lost, by free Quarter and other Extortions, the Sum of *L. 1700. s. 12.* and we may without any Stretch double it, considering that many were dead in Thirty Years and more, after the Highland Host were among them.

Parish of Cam-
buslang.

The Parish of *Cambuslang* in the same Shire, though it be a very small one, had a considerable Loss. *John Corsbie* had Fifty Highlanders of *Arbole's* Men, with a Lieutenant and Quarter-master, quartered on him for Eight Days. *David Donald* had Sixteen quartered on him during the said Space. *James Jackson*, *William Ker*, and *Thomas Robertson* in *Middlecots*, had each of them Twenty two of the foresaid Highlanders quartered on them for Eight Days. In the Return of the Host from the more western Places, one Lieutenant *Stuart*, and Quarter-master *Leckie*, came to the Parish with Eighteen Men, and continued Five Weeks in it in Seed-time; and told the Parish, They had Orders to quarter Eighty Men, though they let none see the Order, and no more Men than Eighteen ever came, and accordingly exacted the Money off the Parish, which amounted to *L. 861.* and whosoever refused to pay, had their Houses rifled, and were forced to buy back their Goods at much more Money than they would have paid for Quarters. These and other Hardships upon the Dutcheffs of *Hamilton's* Lands at this Time, made that excellent Person, upon the 5th of *April*, take an Instrument against the Earl of *Strathmore*, for the restoring of what was illegally exacted from her and her Tenants; a Copy of which I have insert, *App. N^o. 90.*

App. N^o. 90.Lady *Houstoun*
frighted by the
Ravages, and
fell into a
Fever, and
dies.

Accounts of this Nature will be endless; and therefore, though I could add a great many more, yet I shall end this Section with an Account I have from a good Hand, of that excellent Person the Lady *Houstoun*, in the Shire of *Renfrew*, at this Time. A Party of Soldiers had sadly harassed Sir *Patrick Houstoun's* Tenants in his Absence, he being at *London*; yea, such was their Rudeness to Dame *Anne Hamilton* his Lady, that not only the meaner Sort, but even Sir *George Nicolson* who commanded them, threatened her personally to that Pitch, that she was obliged to let down the Portcullis of the Gate to keep them out of the House: But unhappily she found Two of her younger Sons, Mr. *William* and *Archibald*, were without the Gates: She was so frightened with their Threatnings, and the Fears of what they might do to the young Boys, that she fell into a Fever, of which in a few Days she died; and her Sister Mrs. *Grizel Hamilton*, Daughter to the Lord *Bargeny*, by waiting upon her, fell into the same Distemper, and died.

This Lady was singularly devout and religious, and very much in her Sentiments against Episcopacy, and her Death was very welcome News to the Episcopal Clergy of that Bounds, whom she would never in the least countenance. It was noticed, that this Sir *John Nicolson* of that ilk, and Laird of *Lasswade*, after this sensibly decayed in his Fortune; and tho' at this Time he had an opulent Estate, yet in a few Years he became bankrupt, and his Estate was sold, after his Death, by the Lords of Session, to pay his Debts.

Upon the Whole, as these Hardships and Oppressions were general, and no great Difference made in the Lands of such who had taken the *Bond*, from those who did not, this Projeect appeared to all almost both severe and unjust, yea ridiculous and unbecoming the Wisdom of a Government, and irritate Multitudes, rendred the Managers contemptible, and the Clergy, from whom in part it did spring, and who heartily fell in in many Places with the Host, perfectly odious. I come now to the Consequents of this in the Council, and at Court.

S E C T. IV.

Of some Things which followed the Return of the Highland Host, the Approbation and Narrative of the Proceedings of the Council and Committee, the Earl of *Cassils's* Case, and other Things at Court, until the Convention of Estates, June 26th, 1678.

Sum of this
Section.

I Design this Section for giving a Narrative of some Things with relation to the Highland Host and Committee, which I could not bring in on the Second Section, without breaking the Thread of the Account there, and making it very long. I am here then to give some Account of the Approbation of the Committee's Procedure, both by King and Council,

Council, and the Narrative they themselves gave of this Matter, with Reflections upon it, of the Earl of *Cassils*'s Case, and the Attempt of Duke *Hamilton* and others, to give the King a true Account of the State of Things in *Scotland*, and any Thing further which offers, till the Convention in *June*.

1678.

After the Council's submissive Letter of *March 16th*, seeking an Approbation for themselves and the Committee, insert above at Length, *April 1st*, the following Letter comes; upon the Receipt of which they dispatch Copies of it to the Committee. In most Copies I have seen 'tis termed, *King's Letter of Thanks and Indemnity to the Council and Committee*, but in the Records it is,

King's Letter
to the Council
approving
their and the
Committee's
Proceedings.

Letter of the King to the Council, approving their and the Committee's Proceedings.

CHARLES R.

Right Trusty, &c. We well understand the Insolence of the disaffected Shires, and a great Part of your Progress in reducing them to their Duty in a great Measure, before your Letter, dated *March 16th*, came to Our Hands: For their Irregularities make so much Noise, and are so destructive to Our Interest, that We admire how many of Our Subjects should think (as your Letter intimates some do) that what We (who take so much Pains to know the Affairs of *Scotland*, both from extraordinary Affection to that Our ancient Kingdom, and because of the frequent Representations that have been made to Us) do, for securing the Peace there, proceeds merely from the Suggestions of Our Council, and Want of true Information; since all have had open Access to Us, and We have, of late Years, heard many of Our Subjects of that Kingdom, fully and patiently; whilst they endeavour, by weak Reasons, to justify the Occasion of their differing from Our Ministers, and opposing Our Authority: Nor could We have expected, that these who have so affronted Our Authority, and given such ill Example to Our Subjects, and have cast loose the Principles of all Government, could have dared to think that We may yet approve of their rebellious Courses.

And to let you further know Our Resentments, We do thank you very heartily for your careful Prosecution of what We recommended to you, in Our Letter *December 11th*. And after Perusal of your Commissions and Instructions, (which we have signed, to shew that they were compared by Us with the said Letter) We approve of your sending in Our Forces, and of the Commissions given by you to these Noblemen that have their Interest in the Highlands, and of these given by you to the Militia of Horse and Foot, and to kill such as should oppose Our Authority by Arms, (for the suffering Field-conventicles, which We, as well as Our Law, think the *Rendezvous of Rebellion*, and the refusing to suppress them, did justly oblige you to look upon these Shires as in a State of *Rebellion*, in which these and severer Courses are necessary and unavoidable, and which are very gentle, in regard of the great Misfortunes that followed lately upon the like Beginnings.) We approve likewise of that *Bond* presented to Our Subjects, in which, after serious Perusal, We see no Cause of Discontent to any who resolve to live peaceably, and for subscribing whereof We are very well satisfied with Our Judicatories; and since all Our Judges, and all the learned Lawyers of that Kingdom, have subscribed the same, We must, and Our People should see, that such as call it illegal, do so merely from the Principles of Faction and Humour.

We are also well pleased that the said *Bond* should be offered to all landed Persons, and Magistrates, within that Our Kingdom, without Exception, that We may thereby know how each of them stands affected to Our Government: And you justly observe, that the most powerful should be most jealous. We approve also of that legal Surety which you call *Lawborrows*, and of your having settled Garisons, and the Way you have taken to provide for them; of which Garisons, We think, none should complain who love Our Government, and the Peace of their native Country, since they are very necessary for both these Ends, in those disorderly Shires. We approve likewise of your recalling the Privileges of such Burgesses, as will not relieve their Magistrates according to Law, and of debarring these very few Advocates who did not compare when cited by Our Judges, at that Time the *Bond* was offered by those of their Society.

These Courses being founded upon Our Commands, and taken for the common Interest of Us and Our People, We own as done by Us; and We do hereby declare, That whatever Person or Judicatory shall offer to quarrel any Person for being accessory thereunto, shall be punishable as Murmurers against Our Authority and Royal Prerogative. And for Encouragement of all such as serve Us, We declare that this Our Approbation shall have the Force of an ample and absolute *Indemnity*, and Letter of Thanks, to all any ways concerned in that Expedition, either in Council, Committee, or Execution, We having very good Reason to consider the same as Our special and necessary Service. And so We bid you

K k k k k k

heartily

1678. 'heartily Farewel. Given at Our Court at Whitehall, the 26th Day of March, 1678. and
of Our Reign the Thirtieth Year.'

By His Majesty's Command,

LAWDERDALE.

Remarks upon
it.

'Tis not improper to insert such an ample Approbation as this, of so black a Procedure, which makes his Majesty indeed approve of what is done, and meanly enough crave *Law-borrows* of his Subjects; since such Papers as this, when evidently reflecting upon the Honour, and contrary to the real Interests of a Sovereign, are not to much to be considered as adding Weight to any thing done by wicked Servants, but as necessary, tho' very base, Impositions upon a Prince, and must be added to the rest of the Misdemeanours and Crimes of the Managers, in order to screen themselves.

The Council
approves their
Committee.

This Letter did not hinder the Patriots who went up, from laying before the King the Illegality and Hardship in many Things here approved, as we shall hear, tho' perhaps it was designed for such an End; but very quickly after it a Stop was put to the *Bond* and *Law-borrows*; and so when I have noticed, that after the Council, May 2^d, by a direct Act, did approve their Committee and the Procedure thereof, it will be fit to look back a little, and observe how Matters go at Court, as to the Procedure of the Committee, particularly as to the Earl of *Cassils*.

Earl of *Cassils*
goes up to
Court.

The Earl was the first who went up to Court, when he with others were denounced, as his Case, which shall presently be insert, more fully bears, to give the King a true Information how Matters stood: I hear he promised himself, and got Access to the King, by Means of the Duke of *Monmouth*; and a Letter I have just now before me, quoted, *Earl of Cassils's Letter to Duke*, 1678. appears to me to have been to the Duke of *Monmouth*, though he be not named in it. I insert it here.

May it please your Grace,

His Letter to
the Duke of
Monmouth.

'The great Sense I have of the Duty I ow to the King's most sacred Majesty, and the Concern which every good Patriot ought to have for that Kingdom and Country, whereof he is a Member, have moved me to adventure upon the Boldness of an humble Address unto your Grace.'

'There is a great Body of Men, to the Number of Seven or Eight thousand, the most Part whereof are Highlanders, who are gathered together, and brought into the West of *Scotland*, upon free Quarter, whereby there is the greatest Complaint of Violence, Rapin, and all Manner of Oppression, that ever was heard in the World: They are all now quartered in the Shire of *Air*, where my small Fortune for the most Part is.'

'All Men of Ingenuity, Virtue and Discretion, think it very strange, that when there's no Rebellion, or the least Shadow of an Insurrection, that one Part of the Kingdom should be let loose upon the other; but especially that a Multitude of Men should be brought into a civil Country, who have nothing to shew they are Men, but the external Figure; differing in Habit, Language, and Manners, from all Mankind. All this Country also are commanded to deliver up their Arms.'

'I am mightily troubled that I can never be so happy as to be lookt upon as one, who, by all imaginable Ties, would evidence my Readiness to his Majesty's Service: Whatever Characters may be given of me, I faithfully declare upon Honour and Conscience, I am resolved, in all Cases and Disputes of a publick Nature, to be only determined by the King's most excellent Judgment, and to deal very seriously with all my Friends and Relations, that they also may perform all Acts of Loyalty and Duty that can be expect by the best of Subjects to the best of Kings.'

'There is a Proclamation issued forth by the Council, whereby no Person dare go out of the Kingdom, without a Warrant from his Majesty or the Council. Your Grace may easily observe how difficult and unfit it were to move any thing to the Council; but if his Majesty, out of his princely Wisdom, and Love to Justice, which rules all his Actions, would call upon such a Person or Persons, who are known to be of just Principles, and very loyal Inclinations, I humbly conceive it might tend very much to the Satisfaction of the People, as well as to the Interest of his Majesty's Service.'

'I lay this with all Submission at your Grace's Feet, and humbly crave Pardon for giving you the Trouble of so long a Letter, which was only occasioned by the extraordinary State of Affairs here at present. Robert Macnaught will wait upon your Grace, and what Commands you shall think fit to lay upon me, shall have a very punctual Observance. I must only be a humble Suiter, that I may be always honoured with the Title of'

Your Grace's most faithful, most obedient,
and most humble Servant,

CASSILS.

When

When this Letter was writ, I cannot say precisely, but the Matter of it seemsto lead us to think it was before the *Bond* and *Lawborrows* were pressed; far less can I say any thing of the Return made to the Earl: This seems to have been sent exprefs with the Person named in it, and by the Return the Earl appears to have had Room to write again, as he narrated in his Case; and, when all Application to the Council was precluded by the Proclamation, in the Beginning of *March*, the Earl ventures up; and, being allowed, he gives in the following Paper, *March 28th*, which contains a short and distinct Account of what is above, *Section 2^d*.

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Earl of Cassils's
Case, *March 28.*

The Earl of Cassils being commanded by his Majesty, to deliver in Writing under his Hand the true State of his Case, it was as followeth.

THE Marquis of *Athole*, *Barons of Mar, Murray, Perth, Cathness, Strathmore*, and others, having been inpowered by his Majesty's Privy Council, to raise and convocate the Highlanders within their respective Bounds, as also their whole Vassals, and all others under their Command, and to march to any Place where the Council or Committee thereof should command them; and in their March they were ordered to take free Quarters, and were indemnified for what they should do, by killing, wounding, apprehending, or imprisoning such as should make any Opposition, or such as they should have any Reason to suspect; as by a Commission given to each of them from the Privy Council, dated the 26th of *December* last, does fully appear. This Commission from the Privy Council, in so far as the same doth order the taking of free Quarters, the Earl does humbly conceive to be expressly contrary to the 5th Act of his Majesty's first Parliament, wherein it is declared, *That his Majesty's Subjects shall be free from Provision and Maintenance of any Armies and Garisons which shall be rais'd and kept in the Country.*

The Earl of *Strathmore* and others being warranted by their Commission, to convocate the Militia in the Shire of *Angus*, and to march with them into the West Country upon free Quarters, this accordingly was done; notwithstanding, by the 25th Act of the 3^d Session of his Majesty's first Parliament, the Militia-forces are to be furnished with Forty Days Provision, from the Shires out of which they are raised, and the Country to be free of all other Charge for their Maintenance.

A Letter of the 3^d of *January* following, at the Command of the Privy Council, was sent by the Duke of *Lawderdale* to the Earl of *Cassils*, as Bailie Principal of *Carrick*, requiring him to attend the Committee of Council at *Glasgow*, the 26th of that Month, and to receive and obey the Orders of the Committee. In obedience to which he did attend at the Time and Place appointed.

The Lords of the Committee, by their Order at *Glasgow*, the 29th of *January*, commanded him, as Bailie Principal of *Carrick*, to receive from all Persons in whose Hands the Militia-arms were, the whole Militia-arms of the Bailyary, as Swords, Pistols, Holsters, &c. and all Heritors, Liferenters, and others, were to bring with them their Tenants, Cottars, and Servants, with their Arms of all Sorts, Musquets, Pistols, Swords, Pikes, Halberds, Lochaber-axes, Durks, and Whingers, to be delivered upon Oath to such as the Major-general should appoint, in the Presence of the Earl of *Cassils* or his Deputes; and whosoever should not give up their Arms upon Oath, should be quartered upon: An Account whereof he was to return at *Air*, the 7th of *February* following; which was done accordingly.

The Lords of the Committee of *Air*, by their Warrant of the 7th of *February*, did order and command the Earl of *Cassils*, to destroy and demolish the Meeting-houses within the Bailyary of *Carrick*, and to raze them to the Ground, or to destroy or burn them; and to make a strict and exact Enquiry into the Persons who built them, or had been Actors and Abettors thereof, and whose Ground they were built upon; all which he did accordingly, tho' the Lords would not allow him any of the standing Forces, nor the Gentlemen his Friends to go along armed to assist him.

But when he gave the Lords an Account that he had demolished and razed them to the Ground, they did, by a new Warrant under their Hands, command him to bring back the Timber of these Meeting-houses, to the same Place where they were built, and to cause cut it in Pieces, and there to burn the same to Ashes; which accordingly he caused do.

The Lords of the Committee, by their Letter from *Air*, of the 9th of *February*, did ordain the Earl of *Cassils*, to publish, with all Expedition, their Proclamation, at the Market-cross of *Maybole*, being the Head-burgh of that Bailyary, and upon the next Sabbath-day, at the several Parish-church-doors within the same; requiring and commanding all Heritors, Liferenters, and others, of the said Bailyary, to appear before the Lords at *Air*, the 22^d of *February* next following, to subscribe such Bonds as the Committee should appoint; which Proclamation was published accordingly.

K k k k k k 2

Yet;

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‘ Yet, notwithstanding the Earl of *Cassils* had given ready and entire Obedience to all the Orders and Commands of the Committee, upon the 10th of *February*, that is, Twelve Days before they were commanded to appear, Fifteen hundred Men were sent upon free Quarter, into the Jurisdiction of *Carrick*, most of whom were quartered upon the Earl of *Cassils*’s Estate; whereby not only free Quarters, but dry Quarters, Plundring, and other Exactions, many Insolencies and Cruelties have been committed, too tedious and lamentable to report: Of all which Proceedings he gave an Account by Letters, unto his Grace the Duke of *Monmouth*.’

‘ Upon the 22^d of *February*, the Earl of *Cassils*, in obedience to the Proclamation, together with all the Heritors, Liferenters, and others, did appear at *Air*, and a *Bond* being tendered to him, to be subscribed, obliged him that his whole Family, Tenants, and Cottars, and their respective Families, should abstain from Conventicles, nor should reset, supply, or commune with forfeited Persons, intercommuned Ministers, vagrant Preachers, but should endeavour to apprehend them; and in case the Tenants and others should contravene, and be guilty, they were to be presented to the Judge Ordinary, or they were to be removed off the Ground; and if he should fail in any of these Particulars, he should be liable to the same Penalties the Delinquents had incurred. Which the Earl of *Cassils* denied to subscribe, conceiving, as the *Bond* was founded on no Law, so it was impossible for him to perform; and that such Practice was contrary to the Laws and Customs of all other Nations.’

‘ Whereupon a Libel was given in against him, at the Instance of his Majesty’s Advocate, charging him to appear the 23^d of *February*, before the Lords of the Committee, under the Pain of Rebellion, for being at Conventicles, and other Crimes of a very high Nature, and was to give his Oath upon the Verity of the Libel; who accordingly did appear, and upon Examination he did depone negatively, only, if there had been any Conventicles upon his Ground, or if his Tenants had been at them, he knew no further thereof than by Hearsay, he himself swearing he never saw any such Conventicles, nor any of his Tenants present at them.’

‘ At that Time also the Lords of the Committee did issue out another Proclamation, commanding all Noblemen, Heritors, and others, who would not subscribe the *Bond*, to sell off and dispose all their Horses which were above the Value of Four Pounds *Sterling* Price, before the 1st of *March* next ensuing; and in case any Horse above that Value, were found in any of their Possessions, after that Time, they should not only lose the Horse, but forfeit the Sum of One hundred Pounds *Scots* Money.’

‘ Immediately upon his Refusal to subscribe the *Bond*, notwithstanding that he had cleared himself by Oath, of all the Crimes laid to his Charge, the Lords appointed a Messenger to charge him with Letters of *Lawborrows*, to enact himself in the Books of Privy Council, That his Wife, Children, Men, Tenants, Cottars, and Servants, should not go to Conventicles and other disorderly Meetings, under the Pain and Penalty of double his valued yearly Rent; and in case of Failie, he was to be denounced Rebel within Six Days.’

‘ Upon which he wrote to the Lords of the Committee, to intreat their Lordships for a Week’s Continuance; but the Lords did refuse to grant him such a Favour: Whereupon he did immediately repair to *Edinburgh*, to attend the Privy Council, and to offer them all possible Satisfaction, according to Law. But upon his coming there, a Proclamation was issued forth, commanding all Noblemen, Heritors, and others of the West Country, to depart out of *Edinburgh*, within Three Days, to their own Houses; before which Time he was actually denounced Rebel at the Market-cross of *Air*, being the Head-burgh of the Shire, and Letters of Caption issued forth against him for apprehending his Person.’

‘ Wherefore, finding himself in so great a Strait, and his Case being brought to such an Extremity, and not knowing how to find a Remedy in *Scotland*, and being assured many of these Proceedings were illegal, and not warrantable, either by the Statutes or Customs of the Kingdom of *Scotland*, he thought it his Duty to repair to his sacred Majesty, as being the Fountain of Justice, and to whose Sentence and Determination he is content to submit his Life and Fortune; being assured in his own Conscience, that he has not, nor ever shall knowingly violate any of his Majesty’s Laws or Commands.’

‘ And therefore humbly implores his Majesty may be pleased to consider his Case, and to examine how far these Proceedings against him and his Tenants, and the Usage he hath met with from the Insolence of the Highlanders and others, are warranted by Law and Customs of the Kingdom of *Scotland*.’

CASSILS.

‘ This is a true Copy, compared and examined with the Original.’
London, March 28th.

J. FORRESTER.

Copy of this
is sent down to
the Council,
and April 4.

This Mr. *Forrester* was Secretary to the Duke of *Lawderdale*, and attested the Copy, which was sent down to the Council by an Express, as soon as it was given in to the King. Accordingly, I find by the Registers, that April 3^d, a Copy of the Case of the Earl of *Cassils* is

is produced in Council, and a Draught of a Letter to the King is ordered to be brought in to Morrow upon that Subject, and accordingly it is brought in, *April 4th*, and approved, and, that I may do Justice to both Sides, I insert it here.

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they make the following Return in their

May it please your sacred Majesty,

THe firm Assurance we had that your Majesty would not weaken your Authority in your Judicatories here, and especially in your Privy Council, where your sacred Person is more eminently represented, and to whom the Care of your Royal Government here is committed in a most special Manner, did not lessen the great Satisfaction we received from your Majesty's Letter of the 26th of *March* last, nor can we forbear to express our thankful Acknowledgments upon the Receipt thereof; and tho' it doth fully secure us against all Jealousies, that could arise from any Application that any factious Persons may make to you against us your faithful Servants; yet being desirous to owe this Favour to your Majesty's Justice as well as Goodness, and to let your Majesty know that we have not misemployed that Power with which your Majesty hath intrusted us, we resolved to satisfy your Majesty as to a Paper signed by the Earl of *Cassils*, and whereof your Majesty was pleased graciously to transmit a Copy, which hath been shown to us, and in which we justly thought our selves concerned.

Letter to the King.

Whereas the Earl represents, that we granted Commissions to the Marquis of *Arhole* and others, to take free Quarter, and that they did accordingly take the same, contrary to the 5th Act of your Majesty's first Parliament: We humbly conceive that your Majesty had just Reason to look on his Jurisdiction of *Carrick*, and some other western Shires, as in a State of Rebellion, since Field-conventicles are by your Laws declared to be Rendezvous of Rebellion; and that these were so increasing, that there were far more armed Men assembled in them almost weekly, than could be repressed by almost thrice the Number of your standing Forces; so that we behoved either to suffer your Majesty and the Peace of our native Country, to depend upon the Discretion of such vagrant and distracted Multitudes, or else take Care to pluck up with one Expence, what grew so fast, that their Masters, and all who were sober, did with us apprehend from them the most fatal Events: And yet we invited the Commissioners of Excise, Justices of the Peace, and your Officers, and that Earl, among others, to concur in suppressing them; which they returned to be impossible for them, the Distempers having run so high, and being so universal, as they pretended, that your Majesty could not secure the Country, without the granting a new and universal Indulgence, which, as it would have actually dissolved the present Government, so would have encouraged those who had succeeded in this rebellious Attempt, to proceed by new ones to wring the Government piece and piece out of your Majesty's Hands, as those of less wicked Principles had done by the same Means, under your Royal Father: And therefore we conceived our selves necessarily obliged, by your Royal Letter of *December 11th*, to employ such as offered their Service in this dangerous Exigent; nor can we understand what is a State of Rebellion, if frequent Rendezvous of Rebellion, grown above Correction, be not; or how those should complain in this Case, who were themselves guilty of suffering these to grow incorrigible, without ever using any Endeavours to repress them, tho' invested with your Authority, as Sheriffs and Bailies, which Offices oblige such as are intrusted with them, to an utmost and exact Diligence in suppressing all Disorders, and allow them to raise all within their Jurisdiction, for securing the Peace; and they being so stated, we conceive that it is your Majesty's Prerogative and our Happiness, that such Forces as you employ for the Safety of your Crown and us, should be maintained by such as occasion those Confusions. This hath always been done in all the Expeditions made by your Royal Ancestors for repressing such intestine Disorders, and was never challenged till now; and without this we were in no Security, since our Country cannot afford such standing Forces, nor so much ready Cash as may repress such Rebellions; and if we wait till your Enemies be armed, all Remedies will then be useless, and the 3^d Act, *Parl. 2^d, James II.* gives Power to raise the Country, if there be violent Presumption of Rebellion, and spoiling the Country by unreasonable and unruly Men: But how many were and continued so armed, constantly as Guards to declared Traitors? and we could willingly be informed, how without this Method, this Kingdom can be secured. Nor is this contrary to the 5th Act of your Majesty's first Parliament, which can never relate to a State of Rebellion, but only to regular Times, Payment to such as are in Rebellion being due by no Law or Sense, nor possible for such a Cash as yours here, when many Forces are to be raised; and the 25th Act of the 3^d Session of your 3^d Parliament, is so far from restricting your Royal Power in this Point, that by it your Parliament make a humble Tender to your Majesty of their Lives and Fortunes, for the promoting of your Majesty's Service, and the Advancement of your Royal Authority, and declare they grant the said Militia to you for compassing any foreign or intestine Trouble or Insurrection, and give full Power to your Council to make this Offer effectual, according to the Instructions and Commands they shall receive from your Majesty. These being the very Words of the Act of Parliament, we leave it to your Majesty to judge whether,

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ther, in Times and Shires wherein there were such Trouble, and constant Rendevouzes of Rebellion, as they acknowledge were above their Correction, the Law did not impower your Majesty and us, by your expresse Command, dated *December 11th*, to quarter these Forces in these Shires. Nor can we understand what the Tender of our Lives and Fortunes, and the effectual Prosecution remitted to the Council, can import, if it do not import, that after your Majesty and your Council have used all Means to suppress Troubles and Rebellions in an orderly way, you may not raise Forces, and quarter them freely in such turbulent Places. And as the said *Act* offers you the Assistance of our Fortunes, whereof some few Nights free Quarters is but a very mean Part, in Cases of Trouble, as well as formal Insurrections, so it offers the same wherever your Authority and Government is any ways concerned. And we leave it to any reasonable Man to judge, if your Authority and Government was not highly concerned, where such constant Rendevouzes of Rebellion were kept by declared Traitors, with such Numbers of armed Men; their Numbers and Contempt growing daily, and your ordinary Officers declaring that the same was above their Correction. But of this our Procedure none can complain who deserved the Protection of your Laws, since by living peaceably and securing their own Shires, they might evite the Danger.

But yet our Orders are falsly represented; for we only gave Orders to take free Quarter, as your Council and Committee should order, and that your Council has given Order, is denied, so that as yet there is no free Quarter, tho' these Shires be the first Advancers; and which, as it is necessary where there is no sufficient Fund for Payment, so they who advance cannot complain, if they be innocent, as we conceive the Earl is not, having neglected to dissipate those Conventicles, being your Majesty's heritable Bailie, having suffered Meeting-houses to be built without any Opposition, in a Country where he hath so many Friends, so much Following, and so great Jurisdiction, and having now contemned your Proclamation, and accused your Privy Council for supplying what was his Duty. And tho' every Man in that Shire was somewhat guilty, in not having opposed these Insolencies, and that the Shire in general is all that ought to be considered in such Cases, where their Representatives were called, and refused to concur, yet to the end that none should suffer but such as should continue guilty, it was offered by your Council, that only such as should refuse to secure the Peace should be quartered upon; and accordingly Protections were granted to all such who secured the Peace, so that no Man suffered without his own Fault, nor was any Quarter taken without present Payment, except in Cases of Necessity, your Majesty's own Guards being constantly paid, and your Militia having been paid as long as their Allowance lasted. And we may justly expect, that your People will think we would not introduce any Thing wherein our Posterity might suffer, more than those who complain now do, without being forced thereunto by the Incurribleness of Offenders, as well as warranted therein by your Majesty's Laws, by which we shall be careful to judge your People, and that no Innocent may suffer.

Whereas it is represented, that a Bond was pressed without Law, it is humbly asserted, that the Bond was only offered, but not pressed; and we conceive many Things are allowed in Matter of Government, for which there is no expresse Law, there being new Emergents daily, which Parliaments could not foresee, and which are so sudden or mean, that they cannot attend, nor do they require Parliaments: But it has been ever believed, that your Majesty and Council might do every Thing in Matters of State, which in Prudence might secure the Peace of the Country, providing it be not against expresse Laws, (which this Bond cannot, nor is not by this Paper said to be) but especially where what they do is warranted by the former Precedents, as the offering Bonds has been formerly done by some who now refuse this Bond, as appears by Acts of Council sent up to your Majesty, with their Subscriptions; so we conceive, that by the Law of this and all other Nations, the State may crave Security from those who have given less Reason of Jealousie.

And as to the legal Security by *Lawborrows*, it is expressly warranted by *129th Act, Parl. 9th, James I.* And universal *Lawborrows* are warranted by *Act 13th, Parl. 6th, James II.* And tho' in private Cases the ordinary Pains are inconsiderable, because in ordinary Cases the taking such Surety is remitted even to a Justice of the Peace; yet your Majesty's Privy Council and Justice Court have never been restricted to any Sum, as is clear by very many Instances; and this is most just, because in extraordinary Cases the Security should be commensurate to the Danger, otherwise it is no Security at all: And who can assert that Two Years valued Rent, which generally exceeds not one Year's real Rent, is too great a Sum for the Security of the King and Kingdom, especially since it is in every Man's Power not to contravene; and if they contravene not, they pay none; and if they trouble the Peace of the Kingdom, they cannot pay too much.

The former Reasons likewise do justify the disarming of the Shires, and craving Security for every Horse above Fifty Pounds *Scots*, these being still accounted among the Arms and Instruments of War. And the Strength of the frequent Insurrections made by those Shires against Royal Authority, having been found to consist in their Horses; and by the *Act* cited in

in this very Paper, War, and all relating thereunto, is in your Majesty's Power; and this hath been done constantly in Council, and assented to cheerfully by such as are now discontent, because the same is done by us.' 1678.

'The other Particulars relating to free Quarter, the demolishing of these Meeting-houses, and the Insolencies charged only in general Terms by that Paper, are fully answered by the Committee of your Majesty's Council.'

'And upon a full Review of both Papers, it is humbly intreated, your Majesty may be pleased to take such Course, as may discourage such as have opened a new Way of constant Trouble to your Majesty, of constant reproaching your Council and Judicatories, and of inflaming and misinforming the Parliaments and Subjects of your other Kingdoms.'

'Upon which account it is humbly craved from your Majesty's Justice, that the Earl of *Cassils*, who hath contemned your Proclamation, and charged your Privy Council with Crimes of so high a Nature, may be sent down Prisoner, to be tried and judged according to Law; of which Pursuit your Majesty shall be fully acquainted before it come to a final Determination, which we conceive in this and all other Cases to be the Duty of'

Most gracious Sovereign,

Your Majesty's most humble, most faithful, and most obedient Subjects and Servants.

Subscribed *ut in Sederunt*, except the President:

The *Sederunt* are,

President,	<i>Aboyn,</i>	Chancellor,
Treasurer-depute,	<i>Kintore,</i>	St. <i>Anarews,</i>
Regitter,	<i>Cathness,</i>	<i>Glasgow,</i>
Advocate,	<i>Elphinstoun,</i>	<i>Lawderdale,</i>
Justice-clerk,	<i>Ross,</i>	<i>Douglas,</i>
<i>Niddry,</i>	<i>Belhaven,</i>	<i>Marishal.</i>

Whether the Earl of *Cassils* had Allowance to answer this Letter, I know not, but if he had, it was no difficult Task. It is indeed smoothly enough drawn, and contains all that can well be said in defence of so black a Step; but the Foundations upon which the reasoning Part of it leans, have been overturned in the former Part of this History; and any thing like Argument in it, runs upon Mistakes and perfect Stretches. It is well known, there was as little Rebellion at Field-conventicles as in the Churches; and the Managers first give these Meetings Names, and then reason upon those Names as Law and Fact, and find the West Country in a State of Rebellion, because in their Conscience they have no Freedom to engage to bear down these Meetings, which there is no question the Heritors could have done, if they had had Freedom to do it, and had not been convinced other Methods would be more for the King's Interest. Remarks upon it

I cannot pass the Letter without remarking further, That as their Reasonings are ill founded, so they advance Facts which all the Country knew to be otherwise: For Instance, That weekly there were more armed Men at Conventicles in the West, than Three Times the Number of the King's standing Forces could repress. People who were at these Meetings smile at this *Bugbear* the Managers and Prelates, from Conscience of Guilt, form to themselves. Till some Years after this, there were very few armed at Conventicles. Mr. *Welsh* indeed, and a few others who were intercommuned, had Arms with them, but their Numbers were very insignificant: And what a mean Shift, not to call it Juggling with the King, is it to tell him, That the Council had not ordered free Quarter, but only the Committee, who acted by their Power, and that the Exactions mentioned, were only advanced first by the Shire of *Air*. Were they ever repaid? or was there ever a Design to repay them? Another palpable Untruth is, That free Quarters were only upon Refusers of the *Bond*, when 'tis known that the Highlanders came many Days before the Time of taking the *Bond*, and free Quarters were allowed on *Cunninghead's* Lands, and others who cannot be reckoned Refusers. And what a Jest is it to tell the King, that the *Bond* was offered, but not pressed! If the sending in an Army, and charging with *Lawborrows*, and putting to the Horn, was not Pressing, I know not what is. But I am ashamed to insist upon such evident Misrepresentations.

With this Letter an Information by the Committee of their Procedure is sent up to the King. There were a good many of them now come to *Edinburgh* from *Glasgow* with it, and it follows.

1678. A true Information of the Committee of his Majesty's Council, met in the West, their Procedure against the Earl of Cassils. Glasgow, April 3^d, 1678.

Committee's
Account of
their own Pro-
cedure against
the Earl of
Cassils.

THE Lords of the Committee, in pursuance of their Instructions, and the Trust committed to them, having proceeded with all possible Tenderneſs and Equality againſt all Persons convened before them, do admire the Injuſtice the Earl of *Cassils* has done himſelf and them, by miſrepreſenting them and their Procedure, as appears by the Double of a Paper, the Principal whereof, the Committee are informed, the Earl did ſign, and addreſs to his Maſteſty; which obliges them to give the following Account of Matter of Fact.

As to the Commiſſion mentioned, given to ſome Noblemen and others, the Earl miſinforms concerning the Commiſſion given to the Earl of *Strathmore*; for he had no ſuch Commiſſion for bringing out any of the Highlanders, having none under his Command.

As to the Earl his coming to *Glaſgow*, to receive the Committee of Council their Commands, and for diſarming the Bailiary of *Carrick*, it was a Duty lying upon, and which others in that Country, who had Juriſdiction under his Maſteſty, performed as well as he: And the Certification complained of, is conform to his Maſteſty's Letter to the Council, December 11th, upon which the Council's Inſtructions to the Committee were formed, and which were approved and ſigned by his Maſteſty.

The Committee having, with much Lenity and Reſpect, treated the Earl, in requiring him to throw down the Meeting-houſes in *Carrick*, which they might very eaſily have done by the King's Forces which were there, but they judged it more for the Earl's Intereſt, and the Preſervation of his Rights and Privileges of Juriſdiction, and that he might appear active in that Charge he hath from his Maſteſty, that it ſhould be done rather by himſelf. But the Circumſtances of his Carriage and Deportment in that Affair, is our Duty to repreſent; which was as follows.

When firſt the Committee called for him, and held forth how neglective he had been in the Diſcharge of his Trust committed to him by his Maſteſty, in ſuffering Meeting-houſes to be built, and ſo to continue within his Juriſdiction, and that he was ſo remiſs in his Duty, as never to give the Council Notice of it; yet the Committee did then require him to concern himſelf in that Affair, and to go and deſtroy theſe Houſes, which he poſitively reſuſed to do: But after many Arguments that were uſed to perſwade him of his Duty, and ſome of the Members of the Committee were diſpenſed with in private to adviſe him thereunto, he at laſt was moved to accept of the Committee's written Order, but with this expreſs Proviſion, that his Acceptance thereof ſhould not oblige him to Performance, if he ſhould meet with any Oppoſition or Reſiſtance; which the Committee, regarding his Credit, deſigned to have concealed, and did not allow the ſame to be recorded. Nor was the Demoliſhing of theſe Meeting-houſes performed by him; but the Country-people, hearing it was ordered by the Committee, knew well it would be done however, and ſo prevented the Earl, and demoliſhed the ſame. And whereas the Earl pretends, That the Committee would not allow him to take along with him the Gentlemen of the Country in their Arms to aſſiſt him, it is repreſented, that the laſt Day for diſarming that Part of the Country, was within a Day of the Time that he was to report the Account of his Diligence; but he had Nine Days Time from the Date of the Order, before the laſt Day of the diſarming, in which he might have very well done it, before his Friends were diſarmed: And albeit he was appointed to return and give an Account of his Diligence, againſt a certain Day, yet ſo little did he regard the Committee's Commands, that for Three Days thereafter there was no Word of him or from him. And at length there came in an unſubſcribed Paper, bearing an imperfect Account; ſo that the Committee rejected the ſame, as no Report: And hearing that a great Part of the Timber was carried away to private Places, the Committee ordained the Earl to cauſe bring back the ſame, and to burn it to Aſhes; which how ſoon the Country-people underſtood, they thought fit to prevent the Earl of returning the Timber, and burning the ſame; which the Earl at laſt reported to the Committee as done. By all which it appears with what Reluctancy and Averſion he performed this Service.

As for the Earl's cauſing publiſh the Council's Proclamation, at the Market-croſs of that Bailiary, and Pariſh-churches, it is a Service in courſe, always performed by all inferior Magiſtrates in the Kingdom; and albeit his Lordſhip be the moſt conſiderable Perſon in that Country, he gave the leaſt Obedience to the ſaid Proclamation, whereby he gave ill Example to others in the Bounds.

As for the free Quarter and Plunder the Earl complains of, committed on his Lands by Fifteen hundred Men, the Committee denies their Knowledge thereof, much leſs their Ac-

ceſſion

cession to any such Thing. Nor was there any Complaint made thereof to them, nor to the Major-general, nor, for any thing they can learn, to any inferior Officer: But the Committee being well informed, that the Inhabitants of these Lands have of late fallen off from being loyal and well affected, to be most disaffected, and the Encouragers and Entertainers of Mr. *John Welsh*, and other outlawed Preachers, of any Part in the West, did oblige them, for the Peace of that Country, to send a considerable Number of Forces thither, they having just Reason to suspect that Country, as in a State of Rebellion; in which Case Forces and their Entertainment are necessary and unavoidable.

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We cannot but take Notice in that Paper of the Earl's relating to the Proclamation, discharging those who refused to take the *Bond*, of keeping Horses above the Value of Four Pounds *Sterling*, and of the Penalty to be a Hundred Pounds *Scots*, how ready he is, if he had any Ground, to make the Committee appear unequal, by making such a seeming Disproportion in the Calculation of the Horse's Price in *English* Money, and the Penalty in *Scots* Money: Nor does he relate truly the restricted Value of the Horse, conform to the Proclamation.

Albeit the Earl did purge himself by Oath, of such Delinquencies as he was charged with in Times past, relating to himself and his own Family, yet that laid no Restraint on the Committee, but that they, in obedience to his Majesty's Commands, might require the same legal Security of him, by way of *Lawborrows*, which they had done of all the Heritors in that Country.

The Committee does absolutely deny, that the Earl did ever write to them any such Letter as he mentions; and albeit he had, it had been most unfit for the Committee to have granted any such Desire, in respect it would have been a bad Preparative, and not agreeable to their Instructions.

The Earl does not inform right concerning the Caption alledged issued out against him; for there was never any Order to apprehend his Person, nor was it intended by the Committee; so that the Strait he pretends to have been in, was altogether his own groundless Apprehension; and the Committee do humbly desire his Majesty may take notice how the Earl does calumniate and reproach them, as if their Proceedings were illegal and unlawful, which they humbly conceive is a Crime of a very high Nature for any private Subject to attempt, which they, in all Humility, subject to his Majesty's Consideration.

Airly. *Glencairn.*
Cathness. *Linlithgow.*
Ross. *Strathmore.*

This Representation hath nothing in it that needs Reflections. As to the Differences 'twixt the Earl and them in Matter of Fact, I am not to determine which of them are right, but very little of Importance depends on that. We shall just now find, that the Earl's Representations, and the Application of others, had that Weight at *London*, that a Stop is put to the *Lawborrows*, and new Methods are gone into.

We have already heard, that the Earl of *Murray* and Lord *Collington* were sent up to Court, upon the going up of Duke *Hamilton* and others; but besides this, the Managers thought fit to publish and print a Paper, entituled, *A true Narrative of the Proceedings of his Majesty's Privy Council in Scotland, for securing the Peace of that Kingdom, in the Year 1678.* Which, that the Admirers of the Violences of this Time may have no Reason to complain of Partiality, I have annexed, *App. No. 91.* In the Council-register, *April 10th,* they give Order to print this Paper by their Authority. This Narrative appears evidently to have been writ in Haste, and the Council, in their own Papers above set down, say more in their own Defence than this doth. Abundance of Reflections might be made upon all the Branches of it; but the Reader will find Matter enough from the plain Facts set down in this History, to obviate all that is there. However, as a more direct Answer to it, I have likewise inserted, *App. No. 92.* a Letter to a Friend, writ at this Time upon the Receipt of the true Narrative, which abundantly exposes that Paper, and so I say no more of it, but come forward to give some further Account of the Application made to the King, upon the back of this Highland Incurfion upon the West.

Narrative of the Council's Proceedings printed by Authority.

App. No. 91.

Letter to a Friend upon it. *App. No. 92.*

Our Managers highly blamed the Noblemen and Gentlemen in the West Country, who had made a Stand against the *Bond*, racked with so many savage Arguments, and laid all the Blame of the Obstinacy of the meaner Sort upon them, and began to entertain Thoughts of prosecuting some of them with the utmost Severity. Upon the other Hand, the Barbarity of this Experiment of the Highland Host, with the Fears of further arbitrary Steps, sowed the Spirits even of many who were indifferent as to Church-government: Not only did the poor harassed Presbyterians grope under this inhumane Treatment, but even a great many who had been active enough in establishing of Episcopacy, and had taken the *Declaration*, and given all Proofs now required of their Loyalty, grumbled exceedingly; and they began to entertain Thoughts once more of trying what Pity the King would exercise towards his poor harassed Subjects.

The Spirits of many are sowed, and the King is applied to.

M m m m m m

Accordingly,

1678.

Duke Hamilton
and others go
to Court in
March.

Accordingly, towards the End of *March*, Duke *Hamilton*, and about a Dozen of others, went up to *London*. *Roxburgh*, *Haddingtoun*, Lieutenant-general *Drummond*, and many others, joynd the Duke in this Matter, and a good Number of the most considerable of the Gentlemen in the West and South. The Managers at *Edinburgh* pretended to ridicule them, and assured their Friends they would get no Access at all there; and alledged, that since their Grievances had never been once offered to the Council here, the King would certainly refuse to look upon them. However, their going off without asking Leave, was not a little surprising and unexpected to them. Sir *George Lockhart* was going up about his Affairs, and having then no Land-estate, and not being an Heritor, those Circumstances made him not comprehended in the Proclamation discharging Persons not to leave the Kingdom without Allowance. Great Pains were used to prevail with Sir *George* to ask a Licence, but he, for the Reason above, would not so far gratify them.

Marquis of
Athole and Earl
of *Perth* joynt
them.

But the Two Persons who were most noticed in this Application that was made for the Redress of Grievances, were the Marquis of *Athole* and the Earl of *Perth*, who had been Officers in the Army who invaded the West, but still moderate in their Management. How it came that they changed Sides, I shall not say: It is a charitable Construction put upon it, that when they came to the West Country, and observed the peaceable Carriage of Presbyterians, and had Occasion to converse with the Noblemen and others of good Sense, and found how Matters stood, they could not any more be active in the Severities, which were without any Colour of Reason used against them.

Letter from
the Bishop of
Galloway to the
Lord Register,
complaining
of Conventicles,
and the
Countenance
given them by
the Marquis of
Athole and Earl
of *Perth*.

Whatever was in this, I find, that when they returned, they were so displeased with the Violence of the Prelates, that they were alledged to countenance Conventicles, which at the Return of the Year began to be set up in such Parts of the Nation, that were not immediately under the Terror of the Army. Of this I find the Bishop of *Galloway* complaining heavily, in a Letter to the Lord Register this Year: My Copy of it wants the particular Date, but I suppose it has been before they went up to Court, and I insert it here.

My Lord,

‘ Since my Return from the North, I am surpris’d to hear of the great and insolent Field-conventicles in *Perth* Shire, it being as much influenced by the Marquis of *Athole*’s Example, as directed by his Authority. There is, beside many others, a constant Field-conventicle now settled in the Confines of some Parishes, viz. *Methven*, *Gask*, *Tippermuir*, and another, where it is marvelled, that many observe several Shoals of Highlanders in their Trews, and many bare-legged, flocking thither to propagate the Mischief of the good old Cause. It is to good Men no small Discouragement, that a Shire under the Influence and Conduct of the Marquis of *Athole* and the Earl of *Perth*, who say they are true Sons of the Church, should (being formerly orderly and obedient to the Laws) become so turbulent and schismatical; especially since the Marquis is Sheriff-principal, and that one altogether devoted to his Lordship is Sheriff-depute of that Shire, in whose Hands is placed the Power to punish and suppress those Disorders.’

‘ I write this, being informed of the State of the Shire by a most serious, godly and knowing Minister, that my Lord *M.* may know it, and the rather that it comes from such a Minister, as is a great Honour of his noble Family.’

‘ Many Questions are hereupon proposed, which I am not able to answer, (as I gladly would) which insinuate all the Blame of those Disorders and Disturbances to be upon the Marquis and Earl foresaid, but especially upon the former; such as 1st. How comes this Change on a sudden, that the most orderly and obedient Shire should become so irregular and turbulent? 2^{do}. Whence is it, that the Marquis of *Athole* and Earl of *Perth*, so long as they kept Friendship with the Duke of *Lawderdale*, and consequently clave to their Duty to the King, that Shire, under their Power and Influence, continued in Order and Obedience; and now since they parted from his Grace, that it is fallen into these Disorders, which are so destructive to Monarchy, as well as to Religion and the Church? 3^{do}. Whether there be not a deeper Design in corrupting *Perth* Shire, than many are aware of, that Shire being the Key to open the Door to all Manner of Mutinies and Disorders into the Northern Parts of *Scotland*, which is yet almost untainted, yea, and unacquainted with these ill Humours and Disorders that infest and threaten the Peace of the Kingdom? 4^{do}. Whether this discontented Party have not so far prevailed upon the Marquis of *Athole*, and Earl of *Perth*, as to engage their Lordships to give Way to these Outbreakings and Insolencies, to suffer the other Half of the Kingdom (which is yet intire almost) to be embroiled and debauched? thereby their Lordships may in the Issue be as much endangered as the King and Kingdom. 5^{do}. Whether all those Pretences can in any tolerable Sense be reconciled to the Principles of these noble Persons, who profess not only a Kindness for our poor desolate Church, to repair the Ruines thereof, but a Zeal for the famous and well composed Church of *England*; or, if these Professions be not industriously made, the more effectually under Trust to ruine the Interest of the Protestant Religion in both Churches?’

‘ For

For my Part I am not able to answer these shrewd Questions, when put to it. My good Lord, I freely allow your Lordship to shew my Lord Marquis this Letter, and shew him I have so much Zeal for the King's Service, the Interest of Religion and the Church, and so much Honour for his Lordship, that I could not conceal this from him, nor from your Lordship, who, I know, wishes both his Person and Family both Honour and Happiness, he keeping his Duty to his Prince and his Prince's faithful Ministers: Yea, the rather I do it now, that by the same honest Minister I learn, that the Phanatick People openly say in that Shire, that they expect Connivance from the Marquis of *Athole* and Earl of *Perth*; and that Mr. *Harry Murray*, when charged with Neglect in not punishing these Disorders, invidiously blamed the Privy Council, who, I am sure, never denied Assistance and Encouragement to Sheriff Principal or Deputes, for suppressing of these mad Disorders.

I beg Pardon for this long Letter, which my Zeal for the Church hath drawn from me, to which I add nothing, but that I am,

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My Lord,

Your, &c.

This Letter, tho' writ with Art enough, if communicate, did not hinder these Two Noblemen from appearing with others for the Liberties of their Country, and accordingly they went up to *London*. I am informed, that when they, with their Servants, and some Gentlemen, were upon their Road in *Annandale*, they lost their Way; and it being late, the Two Noblemen were obliged to shelter in a Cottage in that Country. The People having heard somewhat of their Errand in going up, were extremely kind to them, wishing them heartily Success. When they could not get in their Horses under Lock and Key, or perhaps to any House, the Noblemen appeared concerned for them, lest they should be stolen, having heard *Annandale* spoken of for stealing of Horses; but the Country-people told them they were in no Hazard, there was now no thieving among them, since the Field-preachings came into that Country, and talked of many other Branches of Reformation wrought by Mr. *Welsh*, and other Preachers among them.

When they go up to *London* they find a great Reformation in *Annandale* by Field-preaching.

We have heard, that as soon as the Council got Notice of the Duke of *Hamilton* and others their being gone off, they sent up the Earl of *Murray* and Lord *Collingtown* to the King, to counter them; and we have had the Letter writ with those. Nothing further offers until the 19th of *April*, when an Express came down from *London* to the Council, who were called at Eight in the Morning; and from a Letter writ that Week from *Edinburgh*, by a good Hand, I find, that they sat close until Four in the Afternoon. I have noticed nothing in the Registers of this Day's Date, but the Letter to the Earl of *Murray* and Lord *Collingtown*, upon the King's Letter and Commands to the Council, bearing, 'That he had considered some Representations made by some of his Subjects, anent the late Methods with the West Country, with the Answers made thereunto, and Replies, which so fortified the Representations, that he resolved to hear and consider Things fully; and in the mean time commanded that the *Bond* and *Lawborrows* be suspended till his further Pleasure be sent, and that all the Forces, except his own Guards, be immediately disbanded.' This Letter was very surprising, when by their last they had desired, and no doubt some of them hoped, that the Earl of *Cassils* should be sent down Prisoner. That same Day it was said at *Edinburgh*, that the King had appointed Six of the Cabin-council at *London*, to confer with our Nobility that were gone up, the Dukes of *York*, *Monmouth*, Chancellor, and Three others.

Letter from the King, suspending the *Bond* and *Lawborrows*.

Upon the Receipt of this, the Council dispatched Sir *George Mackenzie* to *London*, and with him they write the following Letter to the Earl of *Murray* and Lord *Collingtown*, whom they had before sent up to manage their Business.

Whereupon Sir *George Mackenzie* is sent up to Court, with

My Lords,

WE received your Lordships Letter, signifying to us his sacred Majesty's Commands, which, with all others that shall come from him, shall ever be obeyed by us with all Alacrity and Satisfaction, being bound not only in Duty to be exemplary to others, in an entire Deference to our Royal Master, but in Gratitude to his Majesty, who does so wisely and generously own us in maintaining his own Authority.

You know how much all were inclined to give the Council ready Obedience, till these Noblemen interested themselves in this Phanatical Quarrel; how ready all were to concur in assisting his Majesty, both with their own Tenants and Militia; and, which is very remarkable, how ready the Gentry and Heritors in every Shire were to rise, betwixt Sixty and Sixteen; which, in shewing how all Ways were taken and owned for assisting the Royal Authority, did strike a just Terror in all those who were refractory: Whereas now the Numbers and Humourousness of those who are gone up, has done all they could to shake loose all the Foundations of Authority here, to such a Height as will soon grow above Correction, if it be not speedily, vigorously, and openly adverted to by his Majesty.

As to the present Condition of his Majesty's Forces in the West, we had resolved to have

A Letter from the Council to the Earl of *Murray* and Lord *Collingtown*.

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‘ speedily ended that Progress, if the Letters sent us, had not assured us, that the Shire of *Lanerk* was not disarmed upon Oath, as the Council and their Committee commanded, and as the other Shires had been : Whereupon we were forced to order a new disarming thereof, whereof we expect an Account very shortly.’

‘ The Shire of *Nidsdale* were at first very ready to have complied ; but of late it seems they are influenced by strong and false Alarms from *London*, so far as they offered a Petition, desiring to be excused from bringing out their Militia : But we seeing that this tended to ruine the whole Frame of the Militia, commanded them to march to *Lanerk*, to relieve the *Midlothian* Regiment, who have, as the other Forces, till now staid very cheerfully. And thus there is only one Regiment to continue in Arms, with his Majesty’s Guards and Troop, till that Shire be fully disarmed, and no longer, unless some new Emergent occur ; of which these complaining Lords can make juster Prognosticks than we.’

‘ We never raised nor resolved to raise any Summons against such as contemned his Majesty’s Proclamation, having, according to our Duty, remitted that whole Affair to his Majesty’s Royal Determination, and which we expect may settle his Authority, and discourage others from the like Attempts to be made, whenever any discontented Persons see that his Majesty is like to prevail in securing the Peace here, and is engaged in a foreign War Abroad.’

‘ We are very well satisfied with the Diligence, Faithfulness, and Prudence which you have shown on all Occasions, in managing our common Concerns ; and in which we expect you will continue your Kindness to us.’

‘ We have sent his Majesty’s Advocate to attend his Majesty, and joyn with you, and give his Majesty Satisfaction in any thing that may occur. This we desire you may represent to his Majesty, whose Royal Pleasure in this Affair, and what we formerly represented, where- in his Authority is so much concerned, is expected, and shall be cheerfully obeyed by’

Edin. April 19th, 1678.

Your affectionate Friends, &c.

Sir John Cuning-
gham and Sir
George Lockhart
go to London.

Upon the 22^d, Sir John Cuninggham went up to *London*; and Sir George Lockhart, as we heard, was gone up ; and these Two had not refused the *Bond*, yet they were clear to give it as their Mind, that the imposing of it and the *Lawborrows* was contrary to Law ; and the Sentiments of such eminent Lawiers could not but have Weight at *London*.

Lord Haltoun
goes West to
the Committee
at Glasgow, and
they dissolve,
and Lanerk
Shire is not
disarmed.

According to these Orders, I find by other Accounts of this Time, that the Regiment of *Blue-coats*, and the *Nidsdale* Regiment, which was come the Length of *Lanerk*, were disbanded. My Lord Haltoun came West to the Committee at *Glasgow*, and gave the Lords the first Account of this sudden Turn, assuring them of the King’s Favour, and his owning their Proceedings. He acquainted them that the King’s Affairs in *England*, where the Militia made a mighty Noise, made a present disbanding of them necessary, and it convenient to discharge the pressing of the *Bond*. However, this effectually stopt the disarming of *Lanerk* Shire any further, and few or none appeared before the Sheriff-depute, with others appointed, either to depone or to deliver their Arms. And in a Day or Two, as we have heard, the Committee was called in to *Edinburgh*.

Garison at Air
recalled : the
Council give
their Opinion
as to the Ne-
cessity of rais-
ing new For-
ces.

Little more offers but what past at *London*, till the Convention sat down. Upon the 10th of May, the Garison left at *Air*, to gratify the Clergy of that Shire, is recalled by the Council. Upon the 14th, the King’s Letter comes to the Council, appointing them to raise some new Forces, and ordering them to give their Sentiments of the Numbers necessary. That same Day, they, in their Return to the King, take Notice of the Growth of Conventicles, and that the raising of new Forces appears to them the best Way to suppress them, and propose Two Troops of Horse, at a Hundred Men each, to be levied ; and the Support of these necessarily called for Money, and a Convention of Estates behoved to be called for that end, as we shall hear.

The Advocate
softens some
who were
brisk on the
Noblemens
Side at London.

I cannot give a full and distinct Account how Matters past in *England*. The Struggle ’twixt the Two Parties was not small, and the Advocate, when he got up, by the Turns he gave to Matters, softened the Duke of *Monmouth* and some other *English* People. Various were the Reports here as to what past at *London*, which I stay not upon.

May 25. Duke
Hamilton and
some others
are heard be-
fore the King.

At length, after long Attendance, and the most Part of the Gentlemen were come off without getting Access to the King, upon the 25th of May, Duke Hamilton and some others were admitted to a Hearing before the King, an Account of which I shall give from a Letter in mine Eye, writ at this Time by one present, as the best View I can afford of this Matter to the Reader.

What past at
that Reasoning.

‘ Upon the 25th of May, the King commanded the Duke of Hamilton, Lord Cochran, Sir John Cochran, and Lieutenant-general Drummond, to attend upon him at Four of the Clock, when they appeared. The King, being accompanied with the Duke of York, Duke of Monmouth, and the Treasurer, desired to know what they had to say, why they had come to him contrary to his Proclamation. The Duke of Hamilton spoke first, and said, ‘ He

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He humbly begged to know the Reason why he had got some Marks of his Majesty's Displeasure, particularly, that he had been put off his Majesty's Council, and that since he came here, (*London*) he had not the common Privilege of Subjects, not being admitted to kiss his Majesty's Hand. The King replied, He would first know what were the Things they had to complain of, and he would take his own Time to answer his first Request. The Duke said, The chief Encouragement he had to come and make known his Oppression, was that which the King said to him when last here, which was, That when he was any way wronged, he should come to himself and make it known; and that now he could not but come, since he and others were so much wronged. And then there was an Account given of the whole Affair, of the bringing down of the Highlanders, of quartering, plundering our Lands, of having a Bond offered which was both illegal and impracticable, of being charged with *Lawborrowers*, and being denounced thereupon, and of the Proclamation forbidding us to acquaint the King with our Condition. All these were particularly insisted upon at great Length. To which the King returned, That these were horrid Things, and desired we might set them down in Paper. The Treasurer said, That whatever was in these free Quarterings, and in the rest, they might have been prevented by taking of the *Bond*, which he conceived there was Law for the imposing of, and might be very well kept; for there was Two Alternatives in the *Bond*, to wit, either to deliver them Prisoners, or to put them from their Land. To which it was replied, That there was no Law obliging Masters to apprehend their Tenants; and the farthest the Act of Parliament went, was, in the Year 1670. to oblige Masters for their Families and Servants. 2^{dly}. That Masters could not be obliged to turn their Tenants out of their Land, in regard that the Punishment for going to a Conventicle was statute already, to be a Fine much less in Proportion, than the turning them out of their Possessions; besides, most Part of the Tenants have Tacks, by which, during their Time, they had good Right to their Possessions, and could not, by their Masters, be turned out for a Crime that by the Law was only finable, and had no such Certification, as losing their Possessions.

The Conference having held Two Hours, there was a great deal said to and fro, and the King fully and freely informed. The Conclusion of the Debate was, The King told us he could not judge of what we had said, unless we would give it under our Hands, that he might consult thereanent with his Council, and know what they had to say for themselves, and could advise him to. It was answered, That we came to his Majesty, to give an Information of what Wrongs and Oppressions were done to the Country, hoping his Majesty would examine and redress them, but not to give in any Accusation against the Council, which we knew by Law was very dangerous, unless his Majesty would indemnify for it. Which the King refusing to do, they told they could insist no further, but leave it to him to do as he thought fit. The King offered to go out of the Room, and Duke *Hamilton* kneeling, begged the Favour of his Hand; but his Majesty declined it, and said, He would consider upon, and give an Answer to what had been said, and went away.

There were many Particulars spoken to, wherewith the King seemed to be moved, acknowledging that there were Overdoings, and several Things done upon Prejudice at particular Persons; but still when he came this length, the Lord Treasurer interrupted, and gave some other Turn to Matters, otherwise, 'tis thought, there would a more favourable Answer have been given. The King signified, That he was certainly informed that there was a Rebellion designed in *Scotland*, but he would take Care that the Actors in it should be Losers by it. He endeavoured also much to assure us, that albeit we had not come from *Scotland*, there would not have been any Caption executed against us upon the *Lawborders*.

This is a plain, and, I believe, a very just Account of what past; and we shall hear in the next Book, that afterwards the Complaints tabled against the Procedure in *Scotland*, were more regarded, when tabled in a more favourable Juncture. As yet the King was under the Influence of the Duke of *Lawderdale*, and so the Noblemen got no Redress: But a Letter was writ to the Council, Three Days after this Conference, which was the Third Letter of Approbation they got, with some severe enough Reflections upon the complaining Lords and Gentlemen; with which I shall end this *Section*, and my Accounts, which have now run to so great a Length, of the *Highland Host*.

All issues in another Letter to the Council, May 28.

CHARLES R.

Right Trusty, &c. We greet you well. The Inclination We have to distribute Justice equally to all Our Subjects, and the Desire We have to vindicate the Honour of Our Privy Council, did prevail with us to hear what could be said against some late Proceedings, in that Our ancient Kingdom, for repressing Field-conventicles, and other Disorders; and now, after full Information from such as were authorized by you to attend Us, and hearing such as pretend they were injured, We do, as formerly, fully approve your Proceedings; and the rather that, after Trial taken by Us, We find, that such as complain

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ned, refuse to sign any Complaint against those Proceedings as illegal. We have thought fit, for obviating such Clamours for the future, to declare, That We are highly dissatisfied with such as have caused these Clamours, and that We will, on all Occasions, proceed according to Our Laws, against such as endeavour to lese Our Prerogative, oppose Our Laws and Our Privy Council. We do also recommend to you to take all such legal Courses as may maintain Our Authority, secure the Peace of that Our Kingdom, and support the Government of the Church, as it is now established by Law. In doing whereof, you may rest fully assured of Our Assistance and Protection upon all Occasions: And so We bid you heartily Farewel. Given at Our Court at *Whitehall*, the 28th of May 1678. and of Our Reign the Thirtieth Year.'

By His Majesty's Command,

LAWDERDALE

S E C T. V.

Of the Process against, and Execution of Mr. James Mitchel, January, 1678.

Mr. James Mitchel's Case represented.

IN the former Sections of this Chapter, I have confined myself to the *Highland Host*, and what concerned that; and now it is proper to take notice in this and the following Sections, of some other Matters which fell out this Year: And I begin with the Process against Mr. *James Mitchel*, which requires a Section by it self, as what made a great Noise, and hath been most unaccountably represented by the Advocates for the Severities of this Reign.

Some Remarks on a scurrilous Paper on this Subject published, 1710.

This Subject deserves a particular Notice, since it hath been miserably misrepresented of late, in a scurrilous Libel published at *London*, and carefully handed about by the Jacobites and High-fliers, with a Design to bespatter the Church of *Scotland*. The Title of the Pamphlet is, *Phanatical Moderation, or unparalleled Villany displayed, in the Examples of Major Weir, and Mr. James Mitchel, London, 1710.* A Juncture when every Body now knows the Design was fast bringing to Perfection for overturning the Protestant Succession, preventing our excellent Sovereign King *GEORGE* his Accession, and bringing us back to such Times again, and worse, if worse can be, as this History delineates.

This scandalous Pamphlet is stuffed with as much Virulence and Untruth, as any almost I have seen, no doubt with a Design to expose the Sufferings of Presbyterians in this Period, to the *English* Nation. And when it was published a Second Time, with the Blind of a new Title-page to help off the Impression, and in that new Title it was said to be recommended by Dr. *Hicks*, the Doctor, whom no Body will suspect to have been partial to Presbyterians, found it needful in the publick News Papers to insert an Advertisement once and again, that he had never recommended that Paper; and it was very proper for a Person of his Learning and Reputation to disown such a Rapsody of spiteful and malicious Untruths.

Many are the vile Lies and Blunders through the whole of the Pamphlet. So shamelessly ignorant hath the Writer been of the Period he undertakes, that he blunders in an Error of Four Years in his very Title-page, and says, Mr. *Mitchel* was execute 1674. He talks of a Rebellion at *Pentland Hills* 1668. and represents Sir *Archibald Primrose* and Sir *John Nisbet* as Presbyterians; to say nothing of his impious Flings at Religion, and his making Grace the artificial Part of *Phanaticism*. Agreeable to this follows his jesting at extemporary Prayers, and his barefac'd Reflections on our excellent Reformers from Popery. We need not then be surpris'd to find him publishing arrant Lies anent Mr. *Alexander Henderson*, abusing Mr. *David Dickson*, and breaking his Jest upon the Remonstrator Presbyterians, as he calls them. He publishes groundless Slanders on Mr. *Mitchel*, and most disingenuously conceals the vindictory Part of his Speech; and to expose him the more, he couples him with Major *Weir*, whom Presbyterians, and Mr. *Mitchel* in particular, abominate and lothed as much as this scurrilous Author. And if it were fair Reasoning, as it is not, I could produce Instances, and charge them upon the Episcopal Party, yea, some of the Order of Bishops, who have been found guilty of Major *Weir*'s Crimes. Certainly the Author has been foolish in putting Mr. *Mitchel* and Major *Weir* together, lest some Body or other be tempted to draw a Parallel betwixt the Major and the Man whose Life Mr. *Mitchel* attempted.

But I leave this Author to be chastised by others, who shall think it worth their while to dip into the Heap of Calumny and Slander he hath licked up and belched out in this Pamphlet.

phlet. The fair Narration I shall give from original Papers and the Registers, will set this Matter in its true Light.

1678.

It is none of my Work in this History, to undertake a Vindication of Mr. *Mitchel's* Attempt upon the Bishop of St. *Andrews*, in the Year 1668. for which he is now execute. I know the Wrath of Man never wrought the Righteousness of God, and any Thing that can be said in behalf of these extraordinary Attacks, hath been again and again printed. Neither is it my Business here to vindicate Mr. *Mitchel* from the vile Aspersions cast upon him, without any Proof, by the villanous Author last named, of which, by the Informations I have had, there was not the least Ground but Spite and Malice, and from which he yet can be vindicate by Persons alive. My Part is to give a fair Account of the base Treatment he met with, and the Breach of Trust, yea, publick Faith and Honour pledged to him, as another Instance that our Prelates and their Friends stuck at nothing to avenge their Quarrels.

We left him in the Year 1674. after which he was continued a long Time in the Tolbooth of *Edinburgh*, and sent to the *Bass*. I have of design left any Thing about him I met with since that Time to this Place. February 16th, 1674. he wrote a large Letter from *Edinburgh* Tolbooth, to a Friend of his, vindicating his Practice, and owning the Principles he went upon; which being already in Print, with the Speech he then designed when laying his Account with Death, I shall not insert them here, but go on to notice the Procedure of the Council and Justiciary with him.

Mr. *Mitchel's* vindictory Letter and designed Speech, 1674.

By the Council-registers I find, 'That Mr. *James Mitchel* having endeavoured to make his Escape from *Edinburgh* Tolbooth, the Council, December 16th, 1675. appoint him to be removed to a surer Room in it. And, January 6th, 1676. Mr. *James Mitchel* having refused to own what he confessed before the Council, in Presence of the Justiciary, he is ordained to be put to the Question and Torture, anent his being in the Rebellion 1666.' I find no more in the Council-registers. In the Justiciary-registers, January 24th, 1676. Sederunt, *Craigie* Justice-clerk, *Collingtoun*, *Strathburt*, *Castlehill*, *Forret*, and Mr. *Thomas Murray* of *Glendoick*, Justiciars; Assessors, *Linlithgow*, *Wigtoun*, *Seaforth*, *Ross*, Treasurer-depute, appointed by the Council, to question Mr. *James Mitchel* upon his being at the Rebellion 1666. and to torture him upon Denial. His Majesty's Advocate produced a Confession emitted by him before, and in Presence of the Chancellor, Register, and Treasurer-depute, subscribed by him, wherein he confesses his being in the Rebellion, which being read to him, he denied to be of Verity: Whereupon, being put to Torture, he frequently and still denied the same, or that he had emitted or subscribed the same.

Jan. 1676. He is put to the Torture, upon Want of Proof of his Accession to *Pentland*.

This is all I find in the Records: But I have a large Account before me of what passed twixt Mr. *James Mitchel* and the Committee. January 18th, 22^d, and 24th, 1676. which I have some Reason to believe was writ by Mr. *Mitchel* himself, or some Body with him at the Time. And that the Reader may have some View of this wicked and inhumane Method of expiscating Matters by Torture, peculiar to this Time, I shall give as short an Abstract of this Account as I can; after I have remarked, that the Thing he was tortured upon was not his designed Assassination, but his alledged Accession to *Pentland*, Ten Years ago, about which it was more than Time that Processes should have been ending, where there was no Probation, and especially those by Torture.

The Earl of *Linlithgow* was Preses of the Meeting; and about Six of the Clock at Night, January 18th, Mr. *Mitchel* was brought before them. The Earl told him, He was brought before them, to see if he would adhere to his former Confession. Mr. *Mitchel* answered, 'My Lord, it is not unknown to your Lordship and others here present, that by the Council's Order, I was remitted to the Lords of the Justiciary, before whom I received an Indictment, at my Lord Advocate's Instance, whereby I was to be forfeited of Life and Fortune, although I have no Fortune; to which Indictment I answered at Three several Diets: And the last Diet being deserted by my Lord Advocate, I humbly conceive, that both by the Law of the Nation, and Practick of the Court at that Time, I ought to have been set at Liberty: Yet notwithstanding I was, contrary to Law, Equity, and Justice, returned to Prison; and upon what Account I am this Night brought before your Lordships, I know not.'

Accounts of what passed at the Committee, during his Torture.

The Preses told him, he was not accused before them, either upon Life or Fortune, but called to see whether he would own his former Confession. Mr. *Mitchel* answered, That he knew whether he was guilty of, and therefore no such Confession as was alledged. The Lord Treasurer-depute, upon this, said, The Pannel was one of the most arrogant Cheats, Liars and Rogues he had known. Mr. *Mitchel* answered, My Lord, if there were fewer of those Persons you have been speaking of in the Nation, I would not be standing this Night at the Bar: But my Lord Advocate knoweth, That what is alledged against me is not my Confession. The other said, Do you not remember, that before my Lord Commissioner and the Council, you said so and so. Mr. *Mitchel* answered, My Lord Commissioner never enquired about any such Things, but only enquired if I had been beyond Seas, and with whom I conversed. The

1678.

Preses said, Sir, we will cause a sharper Thing make you confess: The Pannel answered, My Lord, I hope you are Christians and no Pagans. Then he was returned to the Prison.

Upon *January 22^d*, he was again called before them in the laigh Council-house, and asked if he would acknowledge his former Confession, and a Paper was produced, alledand to be subscribed by him. He answered, My Lord, I acknowledge no such Thing. The Preses said, Sir, you see what is upon the Table (the *Boots*) I will see if that will make you do it. Mr. *Mitchel* answered, 'My Lord, I confess, that by Torture you may cause me to blaspheme God, as *Saul* did compel the Saints; you may compel me to speak amiss of your Lordships, to call my self a Thief, a Murderer, a Witch or Warlock, and what not, and then pannel me upon it; but if you shall, my Lord, put me to it, I here protest before God and your Lordships, that Nothing extorted from me by Torture shall be made use of against me in Judgment, nor have any Force in Law against me, or any other Person whatsoever. But to be plain with you, my Lords, I am so much of a Christian, that whatever your Lordships shall legally prove against me, if it be a Truth I shall not deny it; but on the contrary, I am so much of a Man, and a *Scots* Man, that I never held my self obliged by the Law of God, Nature, or the Nation, to become mine own Accuser.' The Treasurer-depute said, He (the Pannel) hath the Devil's Logick, and sophisticates like him. Ask him whether that be his Subscription. To which Mr. *Mitchel* replied, I acknowledge no such Thing; and he was again sent back to Prison.

January 24th, the Justices came to the inner Parliament-house in their Robes, and the Executioner and Boots were presented, and Mr. *Mitchel* was again interrogate as above, If he would acknowledge his former Confession, before he was put to the Torture. He knowing, that after the Rate of the *Spanish* Inquisition, the more he confessed, either concerning himself or others, the more severe the Torture would be made, to make him confess the more, delivered himself to this Purpose. 'My Lord, I have now been these two full Years in Prison, and more than one of them in Bolts and Fetters; and it is well known, some in a shorter than many Deaths, if I had been capable thereof; and it is well known, some in a shorter Time, have been tempted to make away themselves: But Respect and Obedience to the express Law and Command of God, hath made me to undergo all those Hardships, and I hope this Torture also, with Patience, *viz.* That for the Preservation of my own Life and that of others, so far as lies in my Power, and to keep innocent Blood off your Lordships Persons and Families, which by shedding of mine doubtless you would bring upon your selves and Posterity, and Wrath from the Lord, to the consuming thereof, till there should be no Remnant nor Escaping; and now again I protest, &c. as above. When you please call for the Men you have appointed to their Work.'

The Executioner was called, and Mr. *Mitchel* was 'tied in a two-armed Chair, and the Boot brought. The Executioner asked which of the Legs he should take. The Lords bade him take any of them. The Executioner laid the left Leg in the Boot, which Mr. *Mitchel* lifted out again, and said, Since the Judges have not determined, take the best of the Two, for I freely bestow it in the Cause, and laid his right Leg into the Engine.

When he was put into the Boot, the Advocate asked Leave to speak but a Word or two, and insisted at a great Length. Mr. *Mitchel* answered, 'The Advocate's Word or two hath multiplied into so many, that my Memory cannot serve me, in the Condition in which I am (the Torture being beginning) to resume them, but I shall essay to answer the Scope of his Discourse. Whereas he hath been speaking of the Sovereignty of the Magistrate, I shall go somewhat further than he hath gone, and own that the Magistrate whom God hath appointed is God's Depute, both the Throne and the Judgment is the Lord's, when he judgeth for God, and according to his Law; and a Part of his Office is, to deliver the poor oppressed out of the Hand of the Oppressors, and shed no innocent Blood. *Jer. 22. 3.* And Disobediences to this brought Wrath on himself, and his Princes, and the Land, *Chap. 37.* And whereas the Advocate hath been enlarging upon the Sinfulness of Lying on any account; it is answered, That not only Lying is sinful, but also a pernicious speaking of the Truth is a horrid Sin before the Lord, when it tendeth to the Shedding of innocent Blood; witness the Case of *Doeg*, *Psal. 52.* compared with *1 Sam. 22. 9.* But what my Lord Advocate hath forged against me, is false; so that I am standing upon my former Ground, *viz.* the Preservation of mine own Life and the Life of others, so far as in my Power.'

Then the Clerk's Servant being called, interrogate him in the Torture a great many Questions, upwards of Thirty, which were all in Writ, and his Answers were taken from his Mouth. It is needless to set them all down, for many of them are of no Import, and therefore I shall only notice a few. Question. Are you that Mr. *James Mitchel* who was excepted out of the King's Grace and Favour, or not? Answer. I never committed any Crime deserving to be excluded. Q. Know you any more of that Name? A. Yes, there are Two in *Midlothian*. Q. Were you at *Pentland*? A. No. Q. Were you at *Air*, and joyned with the Rebels there? A. I never joyned with any such. Q. Where were you at the Time of *Pentland*? A. In *Edinburgh*. Q. When knew you of their rising in Arms? A. When

A. When the rest of the City knew of it. Q. When was that? A. When the Messenger came from *Dumfries*, and *Dalziel* and his Forces marched out at the *West-port*. Q. Where did you meet with *James Wallace*? A. I knew him not at that Time. Q. Did you go out of Town with Captain *Arnot*? A. No. The rest are about his going Abroad, &c. and need not be insert. 1678.

The Questions being over, the Executioner took down his Leg from a Chest whereupon it was lying all this Time in the Boot, and set both on the Ground, and thrusting in the Shelves to drive the Wedge, began his Strokes; at every one of them enquired, if he had no more to say, or would say more? Mr. *Mitchel* answered, No more, my Lords. And thus he continued till he gave Nine Strokes upon the Head of the Wedge: At the Ninth Mr. *Mitchel* fainted through the Extremity of Pain; upon which the Executioner cried, Alas! my Lords, he is gone. Then they stopped the Torture, and went off. And in a litle, when recovered, he was carried in the same Chair to the Tolbooth.

At the Beginning of the Torture, when the Wedge began to pinch the Boot, and pain him most sensibly, he said, 'My Lords, not knowing but this Torture may end my Life, I beseech you to remember, that he who sheweth no Mercy, shall have Judgment without Mercy. And if any of you, as I hope there is few present, be thirsting after my innocent Blood, mind what is spoken *Revel. 15. 5, 6.* And now, my Lords, I do freely and from my Heart forgive you who are Judges, and the Men who are appointed to go about this horrid Work, and those who are satiating their Eyes in beholding. I do intreat that God may never lay it to the charge of any of you, as I beg that God for his Son Christ's sake, may be pleased to blot out my Sin and mine Iniquity.'

Upon this the Treasurer-depute asserted, That the Paper containing his Confession about *Pentland*, produced as signed by the Pannel, was signed at the Council-table, and the Lord Chancellor was a Witness thereto. The Advocate asserted, that it was signed at the Council-table, but the Lord Register and himself were Witnesses. *Hugh Stevenson* asserted, that it was signed in the laigh Council-house, and not at the Council-table, and that the Register and Advocate were Witnesses. Mr. *Mitchel* was just going to say, They were false Witnesses, seeing their Declarations did not agree one with another; but his Leg being in the Torture, and fearing to irritate them, he forbore.

The Writer of this Account I have abridged, remarks, That such a Practice as this with Mr. *Mitchel*, is unprecedented, by Torture to oblige a Person, contrary to Nature, and the Divine Law, to be his own Accuser. The Two Cases wherein it only has been used these many Years in *Scotland*, come not at all up to the Case before us. *Peter Roy* the Highland Thief and Robber, after he had been legally convicted of Theft and Murder, was put to the Torture, to oblige him to declare his Associates and Accomplices. And as to the other Instance of the Laird of *Auchindrane*, he observes, That he was accused of an horrid and private Murder, where there were no Witnesses; and which the Lord had witnessed from Heaven, singularly by his own Hand, and proved the Deed against him. The Corps of the Man being buried in *Girvan* Church-yard, as a Man cast away at Sea, and cast out there, the Laird of *Colzean*, whose Servant he had been, dreaming of him in his Sleep, and that he had a particular Mark upon his Body, came and took up the Body, and found it to be the same Person, and caused all that lived near by, come and touch the Corps, as is usual in such Cases: All round the Place came, but *Auchindrane* and his Son, whom no body suspected, till a young Child of his, *Mary Muir*, seeing the People gathered, came in among them, and when she came near the dead Body, it sprang out in bleeding; upon which they were apprehended, and put to the Torture.

Remarks upon his Torture.

In the same Narration from which I take this Account, there follows several Remarks for vindicating Mr. *Mitchel*, as to his Refusal to own judicially what upon a Promise he had formerly owned. The Writer urges, that when a Confession or Promise, is made upon a Condition, and that Condition is judicially rescinded, made null and void, the Obligation of the Promise and Confession is taken away, and both Parties are put in *statu quo*. *Josh. 2. 14, 17.* That in many Cases 'tis lawful to conceal and obscure a necessary Duty, and divert Enemies from a Pursuit upon it for a Time. *1 Sam. 16. 1, 2. 1 Sam. 20. 5, 6. Jer. 38. 24, 26.* That when an open Enemy perverts and overturns the very Nature and Matter of a Discourse or Confession, by leaving out the most material Truths, and putting in Untruths, and Circumstances in their Room, 'tis no longer the former Discourse and Confession: That when a Person is brought before a limited Judicatory, having Power to judge and determine of what is before them, and yet so limited, as they cannot fully satisfy the Malice and Envy of some, and they wrest, malign, add and diminish from what hath been said before them, in order to make up Matter of Sentence before another Judicatory of greater Power, before whom nothing was ever confessed or proven, the Person may justly stand to his Defence, and put his Enemies to bring Proof against him. I do not enter at all upon the Force of these Defences here, nor others advanced in this Paper, but only set them down as what were determined in favour of Mr. *Mitchel*; which is my Province in this History.

Mr. *Mitchel* vindicated in result got own what upon a Promise he had owned.

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Jan. 1677. he is sent to the Bass, and in December pro-
ceeded criminal-
ly for his At-
tempt on the Bishops of
Saint Andrews
and Orkney.

Mr. Mitchel continued in *Edinburgh Tolbooth*, till *January 1677*. when, we heard before, he was sent to the *Bass*, where he continued till towards the End of the Year. In the End of *October*, I find the Advocate is ordered by the Council, to insist criminally against Mr. *James Mitchel*, for his designed Assassination of the Bishops of *St. Andrews* and *Orkney*. And, *December 6th*, he is brought from the *Bass* to *Edinburgh Prison*, to receive his Indictment. And *January 3^d*, 1678. Sir *George Lockhart*, and Mr. *John Ellies*, are allowed and commanded to plead for Mr. *James Mitchel* before the Justiciary. This is all about him in the Council-books; and it would seem his Process and Execution, was timed, of design, just before the *Highland Invasion*, to season People's Minds, and fill them with just Apprehensions of the Justice of this Time, and fright them into a silent Submission to all the arbitrary Methods now on foot.

He receives his
Indictment.

After the People, who had been concerned in the Promise of his Life, were prepared to elide that Defence, at the Primate's Intigation, he gets an Indictment given him, before the Justice-court, where Sir *Archibald Primrose*, lately turned out of the Register's Place to make way for a Friend of *Lawderdale's*, sat as Justice-general. His Indictment is now restricted to the Attempt upon the Bishops, and his alledged Accession to *Pentland* is left out, which was in his former Indictment, 1674. In all other Points the Dittay now given agrees with that above, *App. N^o. 65.* and so needs not to be repeated.

Debates upon
it January 7.

App. N^o. 93.

App. N^o. 94.

The Justices
Interlocutor.

Upon the 7th of *January*, his Trial began. The Justice-general being cited as a Witness, was passed from. Many and long were the Reasonings upon the Points libelled, and Sir *George Lockhart* said very much in the Pannel's Defence. The Defences, Replies and Duplies are inserted in the *Appendix, N^o. 93.* The great Proof adduced against him, was his Confession, *February, 10th*, 1674. a Copy of which follows, *App. N^o. 94.*

The Debates were so long, that the Court adjourned till *Jan. 9th*, when they come to their Interlocutor. 'They find the Article of the Dittay, founded upon 4 *Act. 16 Parl. James VI.* bearing the Pannel's invading, by shooting, and firing a Pistol at his Grace the Arch-bishop of *St. Andrews*, and privy Counsellor for doing his Majesty's Service, relevantly libelled, his Majesty's Advocate proving the Presumption in his Reply, that the Pannel said, 'He did make the said Invasion, because of the Archbishop his persecuting those that were in the Rebellion at *Pentland*, or Words to that Purpose, relevant to infer the Pain contained in the foresaid Act of Parliament; and remit the same to the Knowledge of an Assize.'

'Likewise they find that Part of the Dittay, anent the invading of Bishops' or Ministers, relevant to infer an arbitrary Punishment, and remit it to the Knowledge of an Assize.'

'And sikelike, that Article anent the wounding and mutilating the Bishop of *Orkney*, and remit it to an Assize.'

'And also having considered that Part of the Debate, anent the Pannel's Confession, made and emitted before a Committee appointed by Authority of the Council to receive it, and thereafter adhered to, and renewed in the Presence of his Majesty's high Commissioner, and Lords of privy Council convened in Council, find it is judicial, and cannot be retracted.'

'And also having considered the Debate and Defence against the said Confession, viz. That the same was emitted upon Promise, or Assurance of Impunity of Life and Limb, find the same relevant to secure the Pannel of his Life and Limb, reserving to the Commissioners of Justiciary to inflict such arbitrary Punishment as they shall think fit, in case the Defence shall be proven; and remit the same to the Knowledge of an Assize.'

The Probation.

Then the Probation was led. I need not deduce it here at full Length, from the Process now before me, but I shall give the most material Witnesses, and what they said in Hints. The Stress of the Matter ran upon the Exculpation as to the Promise, and this I shall give at full Length. Mr. *William Paterson* Advocate depones, He met a Man with a Pistol in his Hand, coming down the *Black-friar Wynd* in *Edinburgh*, immediately after the Pistol was shot at the Archbishop, but knows not the Pannel, nor if it was he who shot it. Upon the adducing of *Patrick Vause*, Sir *George Lockhart* alledged for the Pannel, That there can be no Probation upon extrajudicial Confession admitted, as being contrary to the Interlocutor. The Lords ordain *Patrick Vause*, Keeper of the Tolbooth, his Deposition to be taken, reserving the Pannel his Objections. Accordingly he depones, That a Day or Two after the Pannel was examined by the Council, he heard him confess he had shot the Pistol at the Archbishop. And being enquired if he heard Mr. *James Mitchel* justify the Deed, he remembers it not. Mr. *John Vause*, Son to the former, being interrogate, if the Pannel had acknowledged to him the Deed of shooting at the Archbishop, depones, That being in Conference with the Pannel in Prison, he enquired at him, how he or any Man could be accessory to so impious an Act as to kill a Man in cold Blood, who had not wronged him. He said, It was not in cold Blood, for the Blood of the Saints was reeking at the Cross of *Edinburgh*. 'John Bishop of *Galloway* depones, The first Time he saw the Pannel was in Sir *William Sharp's* outer Room, where he saw a Pistol taken, which was said to be from him, out

of which (as he supposed) there were Three Balls taken, and that the Pistol was like the Pistol produced. Depones, That at that Time the Pannel did not confess any Guilt, but seemed to be in a great Consternation, and fell a trembling; and that the Deponent hearing he had made a Confession, went to Prison to speak to him about it, who acknowledged to the Deponent, that he had made a Confession before the Chancellor, and some others of the Council, and that he had Hopes of Life, and desired the Deponent to intercede for him. And the Deponent having asked him, how he could do such a Deed against an innocent Man; who answered, That he thought him an Enemy to the Godly, and that they would not be in Security so long as he were alive. And the Deponent having enquired at him, if he was sorry for it; he did not say he was sorry for it, but if it were to do again, he would not do it.' Dr. Christopher Irwin, John Jessie, and William Borthwick, Chirurgeons, depone particularly enough as to the Bishop of Orkney's Wound and Mutilation, which need not be insert.

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Next, the Advocate adduced his Witnesses for proving Mr. *Mitchel's* Confession, who elided the Pannel's Defence from the Promise made to him, upon which his Confession was given. And I shall give these as they stand in the Registers.

'John Earl of *Rothes*, Chancellor of *Scotland*, being sworn and examined, the Confession under Mr. *James Mitchel's* Hand being shewn to him, depones he was present, and saw Mr. *James Mitchel* subscribe that Paper, and depones he heard him make the Confession contained therein, and that he thereafter heard him ratify the same at the Council-bar, in the Presence of the King's Commissioner, and Lords of Privy Council, sitting in Council, and that his Lordship has subscribed the said Confession; depones, that his Lordship, the Advocate, and Treasurer-depute, were appointed by the Privy Council to examine Mr. *James Mitchel*; and being interrogate, if, after they had removed the Pannel to the Council-chamber, whether or not his Lordship did offer to the Pannel, upon his Confession, to secure his Life, in these Words, *Upon his Lordship's Life, Honour and Reputation*; depones, that he did not at all give any Assurance to the Pannel for his Life, and that the Pannel never sought any such Assurance from him; and that his Lordship does not remember that there was any Warrant given by the Council to his Lordship for that effect; and if there be any Expressions in any Paper, which may seem to infer any thing to the contrary, his Lordship conceives it hath been insert upon some Mistake.'

Rothes's Deposition

ROTHES.

A. PRIMROSE I. P. D.

'Charles Maitland of *Haltoun*, Lord Treasurer-depute, being sworn, and the Confession under Mr. *James Mitchel's* own Hand being shewn him, depones he was present when Mr. *James Mitchel* made that Confession, and his Lordship heard him first make it verbally, and then saw him subscribe it, and that his Lordship subscribed it also; and that at that Time there was nothing spoken of any Assurance; but when the Pannel was asked by some of the Committee, Upon what account he committed that Fact, he seemed at first unwilling to answer, but thereafter said, It was because the Archbishop was an Enemy to the good People, or godly People in the West. Depones, That within a few Days thereafter, at a Meeting of the Council, where the Duke of *Lawderdale*, then his Majesty's Commissioner, was present, the Pannel being brought to the Bar, and the Confession produced being shewn to him, he acknowledged the same to be his Hand-writ, adhered unto, and renewed the same in Presence of his Majesty's Commissioner and Council; and depones that he did not hear the Pannel either seek Assurance of his Life, or any Person offer the same to him.'

Lord Haltoun's Deposition.

CHARLES MAITLAND.

A. PRIMROSE I. P. D.

'John Duke of *Lawderdale* being sworn, depones, That his Grace was present, as the King's Commissioner, in Council, when Mr. *James Mitchel* was brought to the Bar. Depones, his Grace saw his former Confession, made at the Committee of the Council, shewn to him, and that he acknowledged it to be his Confession, and that he did adhere to and renew the same, in Presence of his Grace and the Council: His Grace heard of no Assurance given to him, and that his Grace did not give any Assurance to him, nor gave Commission to any others to give him any Assurance of his Life, and would not do that, having no Warrant from his Majesty to that effect.'

Lawderdale's Deposition.

LAWDERDALE.

A. PRIMROSE I. P. D.

1678.

Archbishop of
St. Andrews's
Deposition.

'James Archbishop of St. Andrews being sworn, depones, That that Day the Pannel did fire at his Grace, he had a Wave of him passing from the Coach, and passing the Street, which had such Impression upon his Grace, that the first Sight he saw of him after he was taken, he knew him to be the Person who shot the Shot. Depones, his Grace saw him at the Council-bar, in Presence of his Majesty's Commissioner and Council, acknowledge his Confession before the Committee, and heard him adhere thereunto, and renew the same, and that there was no Assurance of Life given him, nor any sought by him there. Depones, That his Grace himself did never give any Assurance to him, nor any Warrant to any others to do it; only he promised at his first taking, that if he would freely confess the Fault, and express his Repentance for the same at that Time, without any further troubling Judicatories therein, his Grace would use his best Endeavours for Favour to him, or else leave him to Justice: But that he either gave him Assurance, or gave Warrant to any to give it, is a false and malicious Calumny; and that his Grace made no Promise to Nichol Somerwel, other than that it were best to make a free Confession.'

St. ANDREWS.

A. PRIMROSE I. P. D.

Council's Act
produced, dated
Feb. 12.
1674.

After all these Depositions were taken, the Advocate declared he had closed Probation; whereupon the Pannel produced the Copy of an Act of Council, March 12th, 1674. insert above Chap. 9. § 2. craving the Register might be produced, or the Clerks obliged to give Extracts, which they had refused. The Act is read judicially, and the Pannel's Advocates crave Liberty to speak upon it. This the Lords would not allow, but came to the following Interlocutor.

Interlocutor
upon it.

'The Lords Commissioners of the Justiciary, considering that the Copy of the pretended Act of Council produced, was never urged nor made Use of, nor any Diligence craved for producing the Registers of Council, until this Afternoon that the Assize was sworn, after which no Diligence can be allowed and granted in this State of the Process, by the Law of the Kingdom, and Practick of this Court, especially seeing it appears by the said Copy, that the Design was to take away any Assurance the Pannel could have pleaded; and that the Truth of the Narrative of the Copy founded upon, insinuating that there was an Assurance, is cancelled by the Depositions of the Duke of Lauderdale, then his Majesty's Commissioner, the Lord Chancellor, and other Members of the Committee and Council.'

And so without admitting the Production of the Registers, from which I have inserted the Act of Council, the Court ordain the Assize to enclose, and to return their Verdict to Morrow at Two of the Clock after Noon.

To Morrow the Verdict of the Assize is returned, and is as follows.

Verdict of the
Assize.

'As to the first Part of the Libel, founded on the 4 Act 16 Parl. James VI. the Chancellor and whole Assize find it proven with one Voice, conform to the Lords Interlocutor. As to the invading of Bishops and Ministers, and wounding the Bishop of Orkney, likewise proven with one Voice. As to the Third, of the Lords Interlocutor concerning his Confession, first before a Committee, and thereafter before his Majesty's Commissioner and Council, the whole Assize, with one Voice, finds it proven conform to the Lords Interlocutor. As to the Fourth and last Part of the Interlocutor, the whole Assize with one Voice finds the Exculpation noways proven. And further, concerning the Exculpation, when the Pannel was strongly pressing it upon my Lord Chancellor, the whole Assize heard his Confession and Acknowledgment of the Fact.'

Jo. Hay Chancellor.

Sentence.

'After opening and reading of the which Verdict, the Lords Commissioners of the Justiciary, by the Mouth of Adam Auld Dempster of the Court, decerned and adjudged the said Mr. James Mitchel, to be taken to the Grass-market of Edinburgh, upon Friday the 18th of January Instant, betwixt Two and Four of the Clock after Noon, and there to be hanged on a Gibbet, till he be dead, and all his Moveables, Goods, and Gear, to be Escheat, and inbrought to his Majesty's Use, which was pronounced for Doom.'

This is a just Account of Mr. Mitchel's Trial from the Registers: And I might add many other Particulars and Incidents, which I meet with in Letters writ at this Time; That Mr. Mitchel craved and protested, that the Omission of seeking the Registers in due Time should not prejudice him; that Nichol Somerwel, Mr. Mitchel's Brother in Law, offered in Court to depone, that the Archbishop promised to him to secure his Life if he would prevail with him to confess. The Archbishop denied this, and called it a villanous Lie. It was likewise said, that upon the 17th of January, the Council resolved to call for Duke Hamilton, the Justice-general, the late Advocate, to attest the Verity of the Lords Depositions in the Process; that a Bill was preparing to the Lords of Session, that Sir George Lockhart might be censured for what was to be libelled against him, as to this Process. It was said, that the Lord Justice-general was not ill pleased, after his late Loss of his Place through

through *Lawderdale's* Influence, at the Inconsistency that appeared 'twixt the Depositions, 1678. and the Copy of the Act of Council, and what he himself had been Witness unto; but above all, the Primate's swearing so cleverly was mightily cried out upon.

But to sum up all this Account, I shall give Mr. *Mitchel's* own Narration of it, in a Letter to one of his Friends, that Morning before he was execute, which appears to be very agreeable to the Process, bating the Contrariety 'twixt it and the Depositions.

Mr. *Mitchel's* own Narrative, the Morning before his Death.

Edinburgh, January 18th, 1678.

MY Accusation before the Justices was, That I shot a Pistol at the Archbishop of St. Andrews, July 1668. whereby the Bishop of Orkney was wounded; and that I did confess the same before the Council. My Defence, among many others, was, That any Confession made by me, was upon Oath and Promise of Life and Safety. And indeed the Oath and Promise was made to me by my Lord Chancellor, in these Words. *Upon my great Oath, Honour, and Reputation, if I be Chancellor I shall save your Life, and if ye will not confess, the Council will take another Way to make it out.* This I took for the Boots, as afterwards I found. The Justices found my Confession to be a judicial one, tho' I refused to own it before their Court, but did retract it, unless the abovementioned Promise were made good to me. The Justices sustained my said Defence, upon the foresaid Oath and Promise made to me: But when the Indictment came to be proven, the said Confession was witnessed by my Lord Chancellor, and other Lords of Council called to make Faith; but with the same Breath they denied the making, or the Knowledge of the making of any such Oath or Promise to me. But it pleased the Lord to provide me with a Copy of the Act of Council, which was at that Time made by the same Lords, and subscribed, as I believe, by my Lord Chancellor, wherein the same Assurance is expressly granted to have been given me by Warrant of the then Lord Commissioner, albeit, indeed in the same Act it is revoked, for the Reasons there given. When I produced this, the Lords who witnessed against me were greatly commoved, and vehemently pressed the Justices that no such Act should be received in my Vindication, since it did so directly contradict what they had sworn: And tho' it was not reasonable that the Oaths of any should prejudice me, contrary to Truth, and Process adduced by me, yet the Justices were necessitate, without once hearing my Advocates, to reject the foresaid Act, and cut me off from so clear a Probation for my Defence: Whereupon I was found guilty by the Assize upon the foresaid Confession; albeit, in all Likelihood they would not have found me guilty if the Act of Council had been received, seeing the Lords Justices had found the foresaid Promise, if proven, relevant to take off my Confession. Upon the Whole, it is most certain this Judgment was carried against both Right and Truth. But I remit it to the Lord, who will one Day clear me and all his Servants.

Two Days after the Sentence was passed, no doubt by the Primate's Procurement, an Order comes down from Court, that Mr. *Mitchel's* Head and Hand should be affixed up in some publick Place of the City: But because this came not till after Sentence, the Primate missed this Piece of Revenge, and it was found, that what was pronounced for Doom could not be altered.

Accordingly, upon the 18th of January, Mr. *Mitchel* was taken to the Grass-market, and the Sentence executed. In the Morning he delivered some Copies of what he designed to say, if permitted, at his Death, to some of his Friends, with which I shall end this Section, since Reflections upon the Process or Depositions are needless, the Matter standing so clear and plain from original Papers before the Reader: And I insert this Speech the rather, that the forementioned Libeller publishes another Paper for his Speech at his Death, where there is nothing at all of the true Matter of Fact, and his Vindication is most disingenuously concealed. I suppose he had not Liberty to deliver it to the People upon the Scaffold, but I insert the Copy of it here.

He is executed, Jan. 18.

Christian People,

IT being rumoured abroad immediately after I received my Sentence, that I would not have Liberty to speak in this Place, therefore I have not troubled my self to prepare any formal Discourse, or Account of the pretended Crime for which I was accuted and sentenced; neither did I think it very necessary, the Fame of the Process having gone so much abroad, what by a former Indictment given me near Four Years ago, the Diet whereof was suffered to desert, in respect the late Advocate could not find a just Way to reach me with the extrajudicial Confession they opposed to me; all know he was zealous in it, yet my Charity to him is such, that he would not suffer that unwarrantable Zeal, so far to blind him, as to overstretch the Laws of the Land beyond their due Limits, in pre-

His Speech to the People at his Execution.

1678.

judice of the Life of a native Subject: Next, by an extreme Enquiry of Torture, and then by exiling me to the *Bass*, and after all by giving me a new Indictment, at the Instance of the new Advocate, who before was one of mine when I received the First Indictment, and to which new Indictment and Debate in the Process I remit you; and particularly to these Two Defences of an extrajudicial Confession, and the Promise of Life given to me thereupon by the Chancellor, upon his own and the publick Faith of the Kingdom, upon the Verity whereof I am content to die, and ready to lay down my Life, and hope your Charity will be such to me a dying Man, as not to mistrust me therein; especially since it is so notoriously adminiculate by an Act of Secret Council, and yet denied upon Oath by the principal Officers of State, present in Council at the making of the said Act, and whom the Act bears to have been present, the Duke of *Lawderdale*, being then his Majesty's Commissioner, likewise present, and which Act of Council was by the Lords of Justiciary most unjustly repelled. But I shall have Charity for some of the said Lords, who I know would have given Law and Justice as to my just Absolution, if they had not been overpowered with Plurality of Votes, by those who were overawed, and dared by the Lords of the secret Council; but that will not absolve their Consciences at the last Day. As to my Advocates and Lawyers, I ingenuously acknowledge their Care, Fidelity, and Zeal in my Defence, and which I hope will be a standing Fame to some of them for this and all future Generations. Thus much for a short Account of this Affair, for which I am unjustly brought to this Place: But I acknowledge my private and particular Sins have been such as have deserved a worse Death to me; but I hope in the Merits of *Jesus Christ* to be freed from the eternal Punishment due to me for Sin. I am confident that God doth not plead with me in this Place for my private and particular Sins; but I am brought here that the Work of God may be made manifest, and for the Trial of Faith, *John 9. 3. 1 Pet. 1. 7.* That I may be a Witness for his deposed Truths and Interest in this Land, where I am called to seal the same with my Blood. And I wish heartily that this my poor Life may put an End to the Persecution of the true Members of Christ in this Place, so much actuate by those perfidious Prelates; in Opposition to whom, and Testimony to the Cause of Christ, I at this Time lay down my Life, and bless God that he hath thought me so much worthy as to do the same for his Glory and Interest. Finally, concerning a Christian Duty in a singular and extraordinary Case, and anent my particular Judgment concerning both Church and State, it is evidently declared and manifested elsewhere: So farewell all earthly Enjoyments, and welcome Father, Son, and Holy Ghost, into whose Hands I commit my Spirit.

Edinburgh Tolbooth,
January 18th, 1678.

JA. MITCHEL.

S E C T. VI.

Of the Persecution for Conventicles, and Hardships particular Persons underwent for their Nonconformity, this Year 1678.

Conventicles
break out a-
gain this Sum-
mer.

THE Essays of some Lovers of Liberty, when the Design of the *Highland Host* broke out, to inform the King of the State of Things, which we heard before were in part prevented by the Proclamation *January 3^d*, together with the actual Informations given, first by the Earl of *Cassils*, and then by the Duke of *Hamilton* and others, joyned with the recalling the Highlanders, and disbanding the Militia, did not a little hearten the poor dispirited Presbyterians, who began to creep out of their Retirements, and, in the Spring and Summer, Conventicles became pretty frequent. I shall here cast together what offers to me of Persecution upon this Score, by Finings, Imprisonment, Death, and otherwise, with some few Instances of Hardships put upon Presbyterians for some other Branches of Nonconformity this Year.

Two Conven-
ticles which
made most
Noise.

There were Two Conventicles made most Noise this Summer, one at *Williamwood* in the Shire of *Renfrew*, and the other upon the Hills of *Whitekirk*, over against the *Bass*, for which *James Learmont* was executed: But I shall give the Persecution which fell out upon the Score of Conventicles, and other Branches of Nonconformity, in the Order of Time, as near as I can, from the Registers and other Papers.

Upon

Upon the 29th of January, ' The Committee for publick Affairs, are ordered by the privy Council, to cause transport some Phanatick Ministers from *Edinburgh* and *Canongate* Tol-booths, to the *Bass*, at this Juncture. The Juncture was the March of the *Highland* Host, as we have heard. This is the First Time I have met with this Epithet of *Phanatick Ministers*, given to Presbyterians in the Registers, and 'tis Part of the new Stile, brought in at this Time by the Advocate, and other Drawers of publick Papers, to leave a Stain upon Presbyterians, who no ways deserve this invidious Name.

1678.

Ministers sent from Edinburgh Prison to the Bass.

February 21st, I find a Decreet, at the Instance of the King's Advocate, against *Patrick Sheriff* in *Knows*, and *James Shiels* in *Boltoun*, for being present at House and Field-conventicles, last Year, at *Black-castle*, *Lamer-muir*, and other Places, where Mrs. *John Welsh*, *George Johnstoun*, --- *Hamilton*, and --- *Hope* preached, and being absent from their Parish-churches; personally compearing, they are found guilty, and fined, *Sheriff* in Three Hundred Pounds *Scots*, and *Shiels* in Four Hundred, and ordered to lie in Prison till they pay.

Patrick Sheriff and *James Shiels* fined.

In Council, as in too many Courts, Interest and Friendship went a great way to bring People off. *Henry Muir* Commissar-clerk at *Kirkcudbright*, was, March 7th, libelled, for being present in *September* or *October* last, at House and Field-conventicles, where Mr. *John Welsh*, Mr. *Gabriel Semple*, and Mr. *Samuel Arnot* were, and of corresponding with them. The Defender acknowledged he had once heard Mr. *Samuel Arnot*, at a Field-conventicle; but denied Correspondence with him: In respect whereof, and the Bishop of *Galloway's* Interposition, the Council appoint the Defender to be dismissed without any further Trouble. We shall just now hear, that *James Learmont*, within a few Months, is put to Death, for mere Presence at a Field-conventicle; but he wanted a Bishop to intercede for him, which indeed was not now ordinary.

Partiality in the present Persecutions for Conventicles.

We heard before of the Attempt made upon *Carstairs* and his Men, *October* last Year. Upon the 15th of *March* this Year, I find a Decreet passed, at the Instance of the King's Advocate, ' against *Patrick Thomson* in *Kinloch*, *George Fleming* in *Balberty*, *Alexander Hamilton* of *Kinkell*, --- *Henderson* his Servant, *Robert Hamilton* Brother to the Laird of *Prestoun*, *John Balfour* of *Kinloch*, *James Russel* Feuar of *Kettle*, *James Reid*, and *John Reid* there, *John Balfour* Tenant to *Lundy*, *Alexander Balfour* there, *John Archer* in *Stramiglo*, *John Adam* Bailie of *Stramiglo*, and some Twenty more, who are libelled to have met at the House of *Balfour* of *Kinloch*, an intercommuned Person, together with others, to the Number of Three or Fourscore of armed Men, and lay in wait to have murdered Captain *William Carstairs*, and --- *Garret* his Servant, when the said Captain required them to deliver up to him, --- a Preacher, and intercommuned Person, and to have loosed Twelve or Fourteen Shot at him, whereby the said *Garret* was mortally wounded, in *August*, *September*, *October* or *November* last, and died on the Spot.

Decreet against many Persons for Self-defence against Captain *Car-michael*.

It was easy to libel roundly against People who were not present themselves, and who, upon Absence, were to be holden as confest: And by the best Information I can have from several curreing Accounts, it appears that very few of the Persons here named, were present at the Time libelled, or any way concerned in that Attempt, particularly *John Archer*, and several others I could name; and we have heard before, that they had no Preacher among them to deliver up, and *Garret* was not killed upon the Spot, nor mortally wounded: But all these Things, as was now customary, were thrown in to accumulate the Libel, against Persons they had Designs upon, and knew would not be present to vindicate themselves. And so they are all, upon their Absence, put to the Horn, except Two or Three mean Country People, who compeared.

Remarks upon it.

In the preceeding Section, we heard what the Committee of Council did, with respect to Mr. *Robert Wylie* Governor to the Lord *Semple*: I only add here, that being summoned, *March* 29th, to appear before them, and not compearing, and withdrawing himself, *Semple* a Boy at the College, being disgusted at this Procedure, and withdrawing himself, gets a Charge of *Lawborrows*, the original Copy whereof is just now before me. None of them regarded the Summons or Charge very much. And, *April* 16th, my Lord *Semple's* Mother, a professed Papist, petitions the Council, ' That whereas her Son, through the Neglect of those he was recommended to, or the general Humour, and Corruption of the Place (*Glasgow*) where he is educate, he has frequently withdrawn himself from the publick Ordinances, to the great Contempt and Disobedience to his Majesty's Laws, and is seduced and poisoned with bad Principles, anent his Majesty's Government and Laws, by Persons not legally authorized; their Petitioner out of her Loyalty and Obedience to his Majesty, and motherly Affection to her Son, being unwilling to connive with, or wink at such unworthy Practices, did think it her Duty, to represent so much to their Lordships, and craves, that they may either recommend the Care of his Education to such Persons as shall be answerable to their Lordships, or take such Course as shall secure the small Fortune to him during his Minority, and himself in such Principles as are most suitable to his Majesty's Government, and may engage him in Loyalty to his Majesty and his Successors.

Lord *Semple* a Boy at the College, gets a Charge of *Lawborrows*.

1678.

Mr. Robert Wyllie's Governor, imprisoned and brought to trouble

The Council recommend it to the Bishop of *Argyle*, and the Lord *Ross*, to appoint some Person of sound Principles and Loyalty, to be Pedagogue to the Petitioner's Son. I know no more of the Trouble this excellent Youth, and afterwards great Man, Mr. *Robert Wyllie*, his Governor, met with, except some few Weeks Imprisonment next Year. They could charge him with nothing, but his Dislike of the Prelatical Way: Only, *August 15th*, the Council write to *Dundonald*, 'That he cause present Mr. *Robert Wyllie* before them, upon the *11th* of September, to answer for his having been Pedagogue to the Lord *Semple* without Licence, and order him to provide a Governor to that Lord, of sound Principles, and well affected to the Government of the Church.' I know Mr. *Wyllie* was at length forced to take some other Pupils, and went abroad with them, and improved himself to those great Measures of all solid Learning, he was so much afterwards valued for.

Mr. Patrick Anderson forced to leave Edinburgh, and brought under hard Conditions.

April 3^d, Mr. *Patrick Anderson* late Minister at ---- is charged before the Council, that in the Years 1674, 5, 6, 7, 8. he kept Conventicles in his House in *Potter-row*, that he hath conversed and corresponded with Mrs. *Wells*, *Williamson*, *Johnstoun*, and other intercommunicated Persons. When he appeared he denied the Charge, and was sent to the *Bass*, unless he would presently find Caution, under the Penalty of Two thousand Merks, to remove from *Edinburgh*, and Five Miles round it, and that he shall converse with no Body but those of his own Family. This was a very hard and iniquitous Interdict.

Mr. Alexander Ross liberated from his iniquitous Imprisonment.

A Petition was presented to the Council, *April 6th*, by Mr. *Alexander Ross*, a worthy Minister in the North, 'That whereas he is intrusted with the Care of several Orphans, wherof he is Tutor and Curator, and he being come to *Edinburgh* about their Affairs, the Second Night after he was come to Town, he was taken out of his Bed by the Town-major, and kept close Prisoner in the Tolbooth these Four Months, without any thing laid to his Charge in particular, whereby the Affairs of the Minors suffer very much.' The Council are so sensible of the Iniquity of this Procedure, that upon Surety given for his living peaceably, and not keeping Field-conventicles, they order him to be liberate, and appoint the Magistrates of *Edinburgh* to take Caution as above, under the Penalty of Two thousand Merks.

Conventicle at Williamwood.

In *May* this Year, the Two Conventicles were which made most Noise, and I come now to give some Account of them, and the Severities which followed. Upon the *14th* of *May*, the Council being informed of a Conventicle, kept in the Parish of *Cathcart*, in the Shire of *Renfrew*, at the House of the *Williamwood*, they order the Prisoners to be brought into *Edinburgh*. Mr. *John Campbell*, Mr. *Matthew Crawford*, and some others preached there; the Ministers escaped, but the Meeting was dispersed, and the Dragoons pursued the common People, took a great Number of Plaids, Bibles, and other Things from the Women whom they overtook, and upwards of Sixty Men Prisoners; they were all of them common Country People almost, and their Names will just now come in: About Thirty four *Glasgow* People, and as many Country Men, were carried in Prisoners to *Glasgow*, where they were examined by the Lord *Ross* and others, commisionate for that end. The Bond was offered to them, but very few went in to it, who were liberate. The rest, after some Days Imprisonment there, were carried in to *Edinburgh* under a strong Guard.

Decreet past against these who were taken at it, banishing them to the Plantations.

Upon the *28th* of *May*, I find a Decreet past in Council against them. *John Bowie*, *James John*, and *Robert Maxwell*, *David Corsbie*, *William Niven* in *Shaws*, *William Vrie*, *James Lickprevick*, *James Blackwood*, *Robert Reid*, *David Fergusson*, *William Steven*, *David Gray*, *Archibald Haddoway*, *Mungo Cochran*, *Robert Hay*, and many others, being called to give their Oath who preached, and whom they saw at the foresaid Conventicle, and they refusing, the Council banish them to his Majesty's Plantations in the *Indies*.

They are given to Ralph Williamson.

June 13th, some Sixteen more who had been at that Conventicle, are banished as above; and *Ralph Williamson* of *London* gives Security to the Council, to transport them to the *Indies*, and dispose of them there to the best Advantage, that is, sell them at as high Rates as the Markets would allow, and gets a Warrant to receive them when ready.

List of Persons put aboard in his Ship in December.

And to give all that relates to this together, after they had continued Prisoners till *November*, the Ship comes down from *London* to receive them; and they, with several others in Prison for Nonconformity, are sent off. *December 12th*, I find, the Council grant Warrant to the Earl of *Linlithgow*, to send a Party to receive the following Persons, Prisoners in *Edinburgh* and the *Canongate*, who are to be transported to the Plantations. *James Maxwell* indweller in *Cathcart*, *William Niven* in *Eastwood*, *John Maxwell* in *Cathcart*, *Robert Maxwell* there, *William Vrie* there, *James Lickprevick* there, *James Blackwood* in *Carmonnock*, *David Corsbie* there, *Archibald Haddoway* in *Glasgow*, *John Bowie*, *William Hay*, *Mungo Cochran*, *William Steven* there, *David Fergusson* in *Bridgend*, *Edward Gray* there, *Robert Reid* in *Cathcart*, Mr. *Robert Meikle* Chaplain to Sir *James Stuart*, *Stephen Posteous Taylor* in *Canongate*, *Patrick Somerwel*, *William Hackstoun* in *Edinburgh*, *Adam Stobie* of *Luscar*, *James Mosman* of *Mount*, *William Laing*, *John Cavers*, Mr. *John Harroway*, *Robert Dykes*, *John* and *William Newmans*, *James Miller* in *Kirkaldy*, *George Alexander* in *Newburgh*, *David Barclay* in *Cowgubalty*, *Gilbert Marnock Chapman*, *John Clark* Writer in *Edinburgh*, *Thomas Mowbray* in *Kirkcaldoun*, *Alexander Stuart*, *James Law*, *John Fairbairn* there, *William*

ham Angus in Abercorn, James Brown, Robert Pontoon in Dalmenie, Richard Clidfsdale, 1678.
Mr. Adam Abercorn Chaplain to the Lady Cavers, William Turnbull Brother to Beulie, ———
Cunningham Cook to the Earl of Strathmore, William Temple in Lintoun, and Mr. Alexander Pe-
din, Prisoners in Edinburgh, and James Pryde, John Anderson Servant to George Wingate in
Glasgow, John Cumming there, Robert Reid Wright in Langside, Arthur Dougal, William
Rae in Glasgow, Thomas Govan, William Govan, Alexander Anderson, Servants, John Graham,
Alexander Buchanan, John Buchanan, Andrew Brown, Walter McGechan, John Orie,
Daniel McDonald, Gabriel Thomson Merchant in Glasgow, David Kid, John Arnot, John
Fervie in Falkirk, and John Rae; and deliver them to Edward Johnston Master of the
St. Michael of Scarborough, now lying at Leith.

Accordingly, they were delivered to the said Johnston, for the behoof of the forenamed
Williamson, who was to carry them to Virginia, where they were to continue in Servitude
for Life, the most Part of them for being present at one Field-conventicle. I have the Account
which follows, from one of themselves. Their Passage 'twixt Leith and Gravesend was pret-
ty tedious, and they were Five Days longer before they reached that Place than was con-
certed; and when they came, Mr. Williamson was not there. Mr. Johnston, who had them
to alimant, would not take that Charge any longer; and so, after waiting some little Time
for Williamson, and he not coming, he set them ashore, and left them to shift for themselves.
The Country were very kind to them, when they knew the Cause of their Sufferings; and
they generally got Home safe, after they had been absent from their Houses about Nine
Months. We shall meet with several of them falling afterwards into the Hands of the Per-
secutors.

When the Ship
came to
Gravesend, they
are set ashore,
and get Home.

The other Conventicle over against the Bafs, was likewise in the Month of May. The
Deputy-governor of the Bafs having Accounts of it, came upon the Meeting with about
Forty Soldiers, and about Twenty Country People whom they forced along with them.
When they came near the Meeting, the People resolved to sit close, and stay upon the Place,
and offer no Violence to the Soldiers, unless they disturbed them; and in that Case, they re-
solved to defend themselves. The Soldiers came up, and commanded the People to dismiss
in the King's Name. Some who were next to them answered, They honoured the King, but
were resolved to hear the Word of God when preached to them. At which one of the Sol-
diers struck at a Man that was nearest him: Whereupon a strong able Country Man, with a
Staff, struck the Soldier to the Ground. When they were thus engaged, the Men upon that
Side of the Meeting came and compassed the Soldiers, and disarmed them, and sent them
off. I find from Letters at this Time, that none of the Soldiers were killed, except one who
was shot. Two of the Persons at the Conventicle were taken that Day, and sent Prisoners
to Haddingtoun, and some Time afterward some more.

Another Con-
venticle over
against the
Bafs.

For being at this Conventicle James Learmont was executed. His Trial and Sentence
was mightily cried out upon. Some Papers before me say, he was once assailed by the Ju-
ry, but Bishop Sharp being peremptory that he must die, moved the Advocate to threaten
them with the utmost Severity; and at length they were prevailed with to bring him in
guilty. 'Tis plain enough, that James was entirely free of killing that Soldier, and the Af-
fize sustained the Probation that he had no Access to the Soldier's Death, and he was exe-
cuted merely upon personal Prefence. But that the Reader may have a full View of this
Matter, which made such a Noise at this Time, from the Fountain, I shall insert as short
an Abstract as I can give of this Trial, from the Justiciary-records.

James Learmont
taken upon the
score of this
Conventicle.

The Justice-court, consisting of Lord Carrington Justice-general, Lords Collingtoun, Strath-
urd, Castlehill, Forret, and Newtoun, sat September 11th. The Prisoners brought before them
were James and George Learmonts, Robert Temple, Robert Hepburn in East-fentoun, Willi-
am Bryson younger in Dunbar. The Libel against them by the King's Advocate is read, bear-
ing, 'That the Prisoners, on the 5th Day of May last, or some or other of the Days of that
'Month, with the Number of a Thousand or thereby, did assemble or convocate on the
'Hills of Whitekirk, in the Sight and View of the Garison of the Bafs: And the Gover-
'nor having sent forth a Party, under the Command of Ensign Charles Maitland, and in the
'King's Name required them to dismiss, and promised that none of them should be made
'Prisoners if they would dismiss; they most insolently did invade and assault the said Charles
'and his Party, and did wound several of them with Halberds and Swords, and did cruelly
'murder and kill the deceased John Hog one of the Party, having his Majesty's Livery upon
'his Back; and had undoubtedly murdered the said Charles, and the rest of his Majesty's
'Soldiers, if they had not betaken themselves to Flight. Of which Crimes they and ilk one of
'them are Art and Part, and being found proven, they ought to be punished with the
'Pains of Death.'

Account of his
Trial before
the Justiciary,
with some
others.

Their Indict-
ment.

In the Entry, the Advocate passeth from Hepburn and Bryson, reserving to himself to pur-
sue them for Field-conventicles before the Council. Mr. David Thoires, Advocate for the
Pannels, pleads, still denying the Libel, That the Defenders simple Prefence in a Crowd of
a Thousand Persons, will not make them guilty; and offers, before the Lords of Justiciary,
to prove that the Pannels came unarmed, and that others, now declared Fugitives, were
seen

Their Defen-
ce.

1678.

seen to strike the Defunct with Swords and Halberds, and that the Defenders did retire before the Engagement. The King's Advocate replies, That Field-conventicles are Rendezvous of Rebellion, and the Pannels Presence there in Arms is enough, which he undertakes to prove. *Sibi imputent.*

Lords Interlocutor, that Presence and Counsel at Conventicles is relevant.

The Lords give their Interlocutor upon this Part of the Debate, and find, 'That Presence at unlawful Meetings of Field-conventicles with Arms, at which the Slaughter was committed, or giving Counsel and Command in Words to this Purpose, *Let there be no Cowards here this Day, Sirs, and let these who have Arms go out foremost*, or the like Expressions, relevant, and remit the same to Probation.'

Probation.

When the Probation is led, *James Manderstoun* in *North-berwick* depones, That he saw the Pannel, *James Learmont*, at a Field-conventicle, *May 5th*, that he had no Arms, but that he heard him say, *Let no Cowards be here to Day, but let such as have Arms go out to the Foreside*; that he saw *William Temple* there with a Sword. Another of the Witnesses depones, He saw *James Learmont* ride out and view the King's Party, and said, *They were but few, let there be no Cowards, &c.* Another depones, *William Temple* had a Sword upon his Arm; that when once they were engaged, the Confusion was such, of a Hundred to one, that no distinct Account can be given.

After the Probation is over, the Assize bring in their Verdict to Morrow, as follows.

Verdict of the Assize.

'THE Fifteen sworn Men, passing upon the Assize of the Pannels libelled, viz. *James Learmont*, and *William Temple*, the said Assize having read and considered the Lords Interlocutor, and the Deposition of Witnesses; and having therein ripely advised, find *William Temple* guilty of being at the Conventicle libelled, near the Place where the Man was killed, with a Sword under his Arm, but not drawn: As also, they find *James Learmont* not only guilty of Presence, but of Words, conform to the Depositions of Witnesses; and this with one unanimous Voice of the Assize. Signed at *Edinburgh*, *September 12th*, 1678.'

ROBERT BULL Chanc.

When this is read, the Advocate declares he deserts the Diet against *George Learmont*. Several others, alledged to be concerned in this Business, *Sheriff, Cowan, Dawson, Brock, Miller*, and *Bull*, being often called, and not compearing, are declared Fugitives, and put to the Horn. The Court pronounce no Sentence this Day against the Two Pannels. It seems they wanted Direction what to do in so lame a Probation, and behoved to have an Act of Council to lead them in the Matter, though I find nothing of it in the Council-books.

Sentence of Death upon *James Learmont*.

Next Day, *September 13th*, I find what follows recorded in the Books of Justiciary. 'The Lords of his Majesty's Privy Council having called for the criminal Process against *James Learmont*, and *William Temple*, Pannels, they sent the Earls of *Murray* and *Linlithgow*, the Lords *Ross* and *Collingtoun*, Four of their Number, to intimate to the Lords Commissioners of Justiciary, that their Lordships had considered the same Process, Interlocutor, and Verdict of Assize, and that they were well satisfied with the whole Procedure in that Affair, and recommended to the said Lords, that Justice should be speedily done upon the said Pannels: And the said Lords of the Justiciary having considered the Verdict of the Assize, against the said *James Learmont* and *William Temple*, together with the Recommendation made to them by the Lords of his Majesty's Privy Council; they, by the Mouth of *William Auld* Dempster of the said Court, decerned and adjudged the said *James Learmont* to be taken to the *Grass-market* of *Edinburgh*, upon *Friday* the *27th* of *September*, betwixt Two and Four in the Afternoon, and there to have his Head severed from his Body, and his Moveables, Goods, and Gear to be escheat, and brought in for his Majesty's Use; which was pronounced for *Doom*.

William Temple banished, tho' at the Conventicle with Arms.

'The Lords Commissioners of Justiciary continue pronouncing *Doom* against *William Temple*, until the Second Munday of *November* next. And, *November 16th*, I find *William Temple* appears before the Justiciary, and produces a Petition he had given to the Privy Council, with the Deliverance following. *Edinburgh, November 7th*, the Lords of his Majesty's Privy Council having considered the within written Petition, recommended to the Commissioners of Justiciary, to pronounce Sentence of Banishment upon the Petitioner, unto his Majesty's Plantations in the *Indies*, he always enacting himself in the Books of Adjournal, that he shall never return to this Kingdom, under the Pain of Death, which was pronounced for *Doom*.'

Remarks on this Process.

Reflections upon this Process are so very obvious, that I enter not upon them. It appears to me, that *William Temple*, according to their own Laws, is more guilty than *James Learmont*, being at the Meeting with Arms, whereas the other had none; and their Laws as yet, did not make the simple Presence without Arms Death. Further, we see that the Justiciary, the supreme Court in Criminals, must act just as directed by the Council, in every Step, and receive their Orders upon the matter from them: And thus as the Council assumed a

Parliamentary

Parliamentary Power in making Laws, they take to themselves a criminal Power over the Lives and Fortunes of the Subjects, and every Thing valuable was subjected to them in this sad Period. 1678.

According to this severe Sentence, this good Man *James Learmont* was executed, as above. He was a Chapman: His Speech at his Death, as well as a large Paper he left behind him, are already printed in the last Edition of *Nephtali*, and so I shall not swell this History with them. There is one Passage I shall add, to shew the Iniquity of this Sentence, besides what appears from the Process, and it fully proves his Freedom from any Share in the Death of the Soldier who was killed. An aged and reverend Minister, yet alive, assures me, that Eight or Nine Years after this, he was called to see a dying Man, who told him, a very few Hours before his Death, he was one who was concerned in the Death of that Soldier that was killed at this Time, and that it had been Matter of the deepest Exercise to him how to carry when he heard of *James Learmont's* Sentence, and whether it was his Duty to offer himself, as having in his own Defence killed the Man, in order to the Preservation of the Life of his Neighbour, who indeed was not any ways concerned in it, or present at it.

To return again to a few other Particulars; towards the End of May, I find Informations come in to the Council of frequent House-conventicles; and in *Edinburgh* several Persons are fined in small Fines, comparatively to what had been in some of the former Years. Several fined for House-conventicles.

June 20th, a Petition is presented to the Council by *George Hume* of *Kimmergham*, and *Jean Hume* Lady *Ayton*, shewing, That the Council, by their Sentence in *March* last, ordered the Petitioners to be committed close Prisoners in the Castle of *Edinburgh*, conform to the Act of Parliament against clandestine Marriages; and the said *Jean* to pay a Thousand Merks to the Laird of *Plainderghast* Pursuer; that they have continued till now in Prison, and are ready just now to pay the Fine, and what shall be imposed, for pious Uses within the Parish. The Council order them to be liberate, in regard they have paid the Fine of a Thousand Merks, and consigned Seven hundred and fifty Merks for pious Uses. Hume of Kimmergham and Lady Ayton fined for irregular Marriage.

The Council, upon August 1st, have before them *James Miller* in *Kirkaldy*, *David Barclay*, *Robert Marnock*, and Seven or Eight more, who are charged with having been present at Field-conventicles, since the last Indemnity 1674. at *Pitscottymuir*, *Ravensheugh*, *Kinkel*, *Kinloch*, *Balmerinock*, *Falkland*, *Collessie*, *Kirkaldy*, *Pathhead* of *Kirkaldy*, *Cleish*, *Kinross*, *Kennoway*, *Arclary*, *Dalgety*, *Largo*, *Kettle*, *Gowpar*, *Monzie*, *Kirkcoun*, *Lathons*, *Kilquhonchar*, *West-barns*, *Glenval*, *Borrowstounness*, *Kirklistoun*, *Queensferry*, *Dumbar*, *East-barns*, *Whitehill*, *Whitekirk-hill*, *Dundee*, *Sandford*, *Pittenweem*, and other Places, and there to have heard Mrs. *Welsh*, *Arnot*, *Semple*, *Williamson*, *Johnstoun*, *Wishart*, *Gillespie*, *Erskine*, *Donaldson*, *Rae*, *Hume*, *Weir*, *Wedderburn*, *Law*, or some other outed Ministers. They compeared personally, and refused to give their Oath whom they saw at these Conventicles, and what they knew about them. The Council banish them to the Plantations, and order them to ly in Prison, until some Opportunity to transport them offer. Several banished for Field-conventicles.

August 14th, *Thomas Kennedy* of *Grange* compears before the Council, and confesses he was present at one Conventicle last Year. They fine him in Eight hundred Merks to be presently paid, and upon Payment of it he is dismissed. Kennedy of Grange fined for one Conventicle.

Next Day the Council write a Letter to the Bailie of *Maybole* in the Shire of *Air*, signifying, that they are informed there was a numerous Conventicle, the 4th of *August*, in the Muir of *Garholm*, near that Place, at which there were many Men in Arms, who did march in formed Troops and Companies, and require some Persons to come in and give the Council an Account of what they know in that Matter. I find the Council do no more about it. The same Day the Magistrates of *Air* are ordered to seize Mr. *John Cunningham*, Chamberlain to the Laird of *Entrekin*, for harbouring Mr. *John Welsh* in his House. A Conventicle near Maybole.

Upon September 11th, the Council call before them *Patrick McDougal* of *French*, *Thomas Hay* of *Park*, *John Blair* of *Dunskey*, *Andrew Agnew* of *Sheucham*, and Mr. *James Lawrie* of *French*, as being guilty of House and Field-conventicles, and resetting of Mr. *John Welsh* and Mr. *Arnot*. *Andrew Agnew* and *John Blair* compeared, and denied the Charge upon Oath, and were assolied. The Council supersede the extracting Letters against the other Three, being absent. The same Day *Alexander Veitch* of *Glen*, *William Veitch* Tenant to *Glencranshoun*, *Adam Russel* late Bailie of *Peebles*, are cited before the Council, for House and Field-conventicles. The first is absent, and the Lords grant Certification against him; the other Two appear, and are assolied. Gentlemen in Gal veitch prosecuted for Conventicles.

This same Day, I find a Letter from the King, of the Date September 4th, bearing, 'That there was an humble Address made to him, that Sir *Patrick Hume* of *Polwart*, because of his present Indisposition, may be removed from the Tolbooth of *Edinburgh* to a more healthful Prison; and requiring the Council to send him, under a Guard, to the Castle of *Dumbarton*, with Orders to the Captain to keep him close Prisoner.' This is appointed to be done next Munday. This Gentleman has been under Confinement now for some Years, for his gallant Appearances and Freedom of Speech in Parliament, and his opposing the Gallions he thought illegal. Polwart sent to Dumbarton Castle.

1678.

Council order
to seize the
Papers of such
as are guilty of
Nonconformity.

At this Diet the Council spend much Time about Conventicles, and come to this Resolution, besides what they had done before. 'The Lords of his Majesty's Privy Council ordain, that when Warrants shall be given hereafter for apprehending Persons guilty of Conventicles, resetting Rebels, and such like Disorders, that the Major-general have Warrant to give Orders to search for Arms and Papers, and that they be seized.' This was a very great Hardship to Gentlemen and others, upon Church-irregularities, of which the Soldiers were Judges, to have their Papers seized, and many Times when they themselves were absent. They likewise at the same Time ordain, 'That in Cases when Persons give Bond to live orderly, Caution be likewise found to present the Persons of the Delinquents when called for, under a particular Penalty.'

Some Soldiers
sent to Fife.

Next Day, September 12th, the Council go on in their Care against Conventicles: 'And to prevent Disorders in the Shire of Fife, a Squade of the Guards, and Twenty Foot with them, are ordered to quarter at Cowpar, and execute such Orders as they shall receive from the Council, their Committee, or the Major-general. And the Council being informed, that divers Burgeesses and Inhabitants of Kirkaldy have deserted the Kirk, and haunted Conventicles, order the Magistrates of that Burgh to proceed against such of the Inhabitants as they think fit, according to Acts of Parliament, and to delate the Names of the rest to the Council, against October next.'

Magistrates of
Dundee thank-
ed for suppress-
ing Conventicles.

At that same Diet, they send a Letter of Thanks to the Magistrates of Dundee, for their discovering a Conventicle, and seizing the Preacher, and acquaint them that the Preacher is to be brought into Edinburgh, and recommend it to them to proceed against the Hearers, by Fining, Confining, or Imprisoning, conform to the Acts of Parliament.

Marquis of
Douglas called
to present
John Haddoway,
James and Wil-
liam Clelands.

By a Letter to the Marquis of Douglas, they acquaint him that John Haddoway his Chamberlain, and James and William Clelands, Sons to Thomas Cleland his Garner-keeper, having been before the Council, February 1677. for being at Conventicle, and other Disorders; and some Witnesses are examined, and the Process delayed, and his Lordship's Bond taken to produce them when called; they being now to go on in that Process, they desire him to exhibit them, the 27th Instant, conform to his Bond.

And required
to plant the
Kirk of Dou-
glas.

In another Letter to the Marquis that same Day, they acquaint him, 'That being informed of the Vacancy of the Kirk of Douglas, and that the People of that Parish live disorderly, they desire he may plant that Kirk with some regular orthodox Minister, and take Advice of his Grace the Archbishop of Glasgow, to whom they have recommended the Planting of it, if he does it not speedily.'

Tenants of
Cavers fined
for Conventicles.

September 13th, James Mosman Tenant to the Laird of Cavers, and William Laing, and some others, are cited, for being at House and Field-conventicles, where Mr. Welsh, Mr. Arnot, Mr. Trail, Mr. Blackadder, Mr. Williamson, and other outed Ministers preached. The said James Mosman is fined in 1000 Merks, William Laing and another in 500 Merks apiece, and six or seven more in 100 Merks per piece; and the Council declare they shall be transported, if they pay not their Fines respectively against November next to come.

Mr. John Har-
roway banished
to the Planta-
tions.

Mr. John Harroway appears before them the same Day. The Council find, that tho' he never received lawful Ordination, he hath taken upon him to preach and exercise other Functions of the Ministry, at Leith, Culross, Dumfermling; and hath baptized, and married several Persons. He owned he had been ordained by Presbyterian Ministers, and that he had kept Conventicles; but refusing to declare upon Oath who ordained him, and who were present when he preached, the Council banish him to the Plantations, and order him to be kept in Prison till he be transported.

Robert Dick
banished to
Plantations, for
one Conventicle
not proven.

The same Day, Robert Dick Merchant and Salt-grieve in Prestonpans, is cited before the Council, for being present at one Conventicle upon Pentland-hills. No Probation was brought, and he refusing to depone thereanent, is held as confest, and banished to the Plantations.

A Conventicle
near Renfrew.

At the same Diet, the Council give Orders to the Earl of Linlithgow, to cause apprehend and bring in Prisoners, the Persons lately present at a Field-conventicle near the Town of Renfrew.

Mr. James
Hamilton trou-
bled for preach-
ing in a Va-
cancy.

October 9th, Mr. James Hamilton, indulged Minister at Evandale, is charged with breaking his Confinement, and intruding upon the Church of Blantyre, and preaching there when it was vacant: Being present he is rebuked before the Council, and this being the First Fault, they dismiss him without further Censure, and ordain him to keep the Council's Injunctions in Time coming.

Alexander Bu-
chanan and o-
thers banished
for Conventicles.

At the same Diet, Alexander Buchanan in Bucklyvie, and Three or Four others there, Andrew Buchanan in Shrigartoun, and Three more Tenants in that Place, are brought before the Council, for being present at Field-conventicles in Stirling Shire; and having acknowledged the same before the Committee for publick Affairs, the Council banish them to the Plantations, and ordain them to be kept in Prison till they be transported.

Ten more ba-
nished for
Conventicles.

November 7th, Thomas and William Govans, Alexander Anderson, Robert Pontoun, James Wilson, John Jervie, James Brown, Richard Clidisdale, David Kid, John Arnot, having confessed they were present at Conventicles, and refusing to depone who preached, and whom they

they saw present there, are all of them by the Council banished to the Plantations. And Mr. *John Govan* having deposed that he was free of the Conventicles libelled against him, but acknowledging he had conversed with Mr. *Thomas Forrester* his Brother in Law, now intercommuned, the Council ordain him to lie in Prison till they consider his Case further: And, *November 11th*, the Council liberate him, upon his giving Bond to live orderly, and not to go to Conventicles.

1678.

Mr. *John Govan* imprisoned for conversing with his Brother in Law.

Mr. *Alexander Pedin* banished to the Plantations.

Mr. *Alexander Pedin* petitions the Council, *November 14th*, to be liberate from *Edinburgh Tolbooth* where he had lien for a long Time, and permitted to go to *Ireland*, where he had resided formerly for several Years; since no Libel had been given in against him, and he was not charged either with House or Field-conventicles in *Scotland*, now for Twelve Years. The Council, instead of granting his Petition, banish him to the Plantations, and discharge him ever to return to *Scotland*, and declare if he do, the Sentence of Forfeiture shall take effect, and ordain him to lie in Prison till he be transported. He was accordingly, with several of these above named, sent away in the *St. Michael of Scarborough*, as hath been noticed, where I find he was singularly useful among the Prisoners, and an Instrument of much Good to many in the Ship.

About this Time, Mr. *Alexander Wilson*, Minister of the Gospel at *Cameron* in the Presbytery of *St. Andrews*, a singularly pious and peaceable Person, was brought to no small Trouble; I shall give a Hint of it in this Place, altogether from an attested Account of it before me. He was turned out, with others, for his Nonconformity to Prelacy, by the Influence of the Archbishop, in the Year 1662. after he had diligently served his Master in that Charge Twelve Years, being ordained Minister of *Cameron* in 1650. This good Man went and lived in *Cowpar* of *Fife* about sixteen Years, during which Time, notwithstanding his Sermons were mostly in his own House, he was frequently searched for, and many Times narrowly escaped. We have heard he was intercommuned some Years ago, and towards the Beginning of *November* this Year, an Order was sent, procured by the Primate from the Council, requiring the Magistrates of *Cowpar*, under the Penalty of 500 Merks, to banish Mr. *Wilson* and his Family from the Town, in Forty eight Hours after their receiving the Orders. The Orders came to their Hands upon *Saturday*, when at the Preparation-sermon, before the Sacrament of the Supper to be dispensed by the Episcopal Minister next Day; and they thought good to delay the Execution of them till *Munday*. When Sermon was over that Day, the Magistrates, immediately after they came out of the Church, before they went Home to their own Houses, came straight with their Attendants and the Town-officers, to Mr. *Wilson's* House, and searched for him. He had got some Hint of the Orders, and had withdrawn himself: However, they intimate the Council's Pleasure to Mrs. *Wilson*, commanding her and her Family to remove out of the Town in Twenty four Hours. Mrs. *Wilson* signified to them that it was not possible for her to remove her Family in so short a Time, having six Children, and one of them under Sickness at present, and hoped they would not be so rigorous, considering the Circumstances of her small Family.

Mr. *Alexander Wilson's* Sufferings.

However, to obtemperate as far as possible, that very Night Mrs. *Wilson* privately removed with her sick Child, and the other Five, and her Servants, to lurk in a Neighbour's House, till she should see what would become of the sick Child, and till she might take some Measures how to dispose of her Family, and that the Magistrates might be in no Hazard of the Penalty, for not executing their severe Orders, which they alledged was the only Reason of their Harshness to her. Yet the very next Day, the Magistrates came to see whether their Orders had been obeyed, and finding nothing but locked Doors, they caused a Smith, whom they had with them for this very end, fix iron Plates upon all the Doors of Mr. *Wilson's* House, while the whole Plenishing was remaining in the House, Mrs. *Wilson* looking for no such Treatment, when she had, as far as possible, complied with the Orders she received: Yea, as oft as Mrs. *Wilson* privately went into the House, to get out such Necessaries as she wanted, as oft new Plates were put on by the Magistrates. Under these Difficulties Mr. *Wilson's* Family continued for some Time, till the Lady *Prestonhall*, knowing their Strait, made an Offer of an empty House near the Town, but not within its Jurisdiction, in which her Gardiners used to live, which was very thankfully embraced, though there was scarce so much Room in it as to place the Beds necessary for the Family. Even there the persecuting Temper followed them: Mr. *Wilson* was frequently searched for in that little House, but never caught; and the Magistrates, in Conjunction with the Sheriff-depute, endeavoured to eject his Family from that little Shelter; but the foresaid Lady protected them: And, as soon as the Season of the Year would permit, the Family removed to *Kirkcaldy*, where no House could be found to be set for Money to Mr. *Wilson*, save one that belonged to a Person who was himself intercommuned for Nonconformity. There and at *Burntisland* Mr. *Wilson* and his Family suffered very much till the Revolution, when, in the Year 1689. this excellent Person, after Twenty seven Years Persecution, returned to his old Flock at *Cameron*.

Hardships upon his Family.

November 21st, *Thomas Wauch* Merchant in *Hawick*, *William Turnbull* Brother to *Walter Turnbull* in *Bewlie*, and *Margaret Barclay*, appear before the Council, for being present at

More Persons banished to the Plantations.

House

1678.

House and Field-conventicles, and refusing to depone upon the Circumstances of them, they are banished to the Plantations.

Alexander Anderson's Testimony when banished being under 16 Years of Age.

One of these Persons who were sent off, *Alexander Anderson*, left a Paper by way of Testimony behind him, dated, *Canongate Tolbooth, December 10th, 1678.* a Copy whereof is before me, which I take to be the Original. He was extremely young, and under Sixteen Years of Age, and yet because he would make no Compliances, he is banished with the rest. He takes notice, 'That he is the youngest Prisoner in *Scotland*, and that the Lord had opened his Eyes, and revealed his Son in his Heart, since he came under the *Cross*; that tho' he had much Difficulty to part with his Friends and Relations, yet he had now found Fellowship with Christ did much more than balance the Want of the Company of his dearest Relations; that tho' he be so very young, as he could not be admitted as a Witness among Men, yet he hopes that Christ hath taken him to be a Witness to his Cause. He adheres to the Work of *Reformation* from Popery and Prelacy, to the *National and Solemn League and Covenants*; and witnesses against the pulling down of the Government of Christ's House, and setting up lordly Prelacy, and joyning with them; and adduces a good many Places of Scripture, which he conceives strike against this Practice. He makes an Apology, That he who is but a Child should leave any thing of this Nature behind him; but says, He was constrained to it, to testify that God perfects Strength out of the Mouth of Babes. He regrets the *Indulgence*, as what, upon both Sides, had been Matter of Stumbling and Offence among good People; and declares his Fears that a black dreadful Day is coming upon *Scotland*; that 'tis good to seek the Lord, and draw near to him. He leaves his Commendation to the *Cross* of Christ, and blesses the Lord for carrying him through Temptations, and enabling him, one of the Lambs of his Flock, to stand before great Men and Judges; and closes with his good Wishes to all the Friends of Christ.'

Andrew Breddy killed at a Conventicle in Forgondenny.

By an attested Account I find, this Year there was a Conventicle in *Perth* Shire, at the Hill of *Coltenachar*, in the Parish of *Forgondenny*; and, upon the Lord's Day, an Officer with a Company of wild Highlanders came suddenly upon them, and, without any Orders to dismiss, or essaying to seize any of them, discharged their Pieces among the poor unarmed People. By good Providence there was but one Man killed, *Andrew Breddy*, a Wright by Trade, who lived at my Lord *Ruthven's* Gate in the *Green* of *Freeland*. He left behind him a Widow and Four Orphans.

Mr. James Webster imprisoned 18 Months, for being at a Meeting for Prayer;

I shall end this Section by observing, That toward the End of this Year, the Reverend Mr. *James Webster*, since the *Revolution* for many Years Minister at *Edinburgh*, was seized by the Magistrates of *Dundee*, with Eight others, when meeting for Prayer and Conference. Several of them were severely fined, though nothing could be laid to their Charge, save calling on the Lord's Name together in this melancholy Time. Mr. *Webster* was kept close Prisoner in *Dundee* more than Eighteen Months. By the Council-registers I find, 'March 20th, 1680. the Magistrates of *Dundee* acquaint the Council, That Mr. *James Webster* had been upwards of a Year Prisoner in their Tolbooth, for one House-conventicle, (so they call this Meeting for Prayer) and they have him to maintain in Prison. The Council order him to be liberated.'

Was refused his Degrees for his Nonconformity.

In this Place I shall bring in all the Hardships this worthy Person underwent, from some Hints he himself, after much Importunity, sent me a little before his much lamented Death, May 1720. After he had gone through his Philosophical Studies, wherein he made great Proficiency, at the University of St. *Andrews*, some Three or Four Days before the Class wherein he was were to receive their Degrees, an Order came from the Archbishop, that he should lay aside his Gown, and remove from the Class. The only Reason for this surprising Order was, That Mr. *Webster* had not waited regularly upon Ordinances. The Regent indeed offered to intercede with the Bishop, providing he would engage to walk orderly, and wait upon Ordinances dispensed by Episcopal Ministers. Mr. *Webster* refusing to do so, asked a Testimonial from his Regent, that he had studied under him Four Years. It was with Reluctancy he refused this, telling him it was as much as his Gown was worth.

His Troubles, 1678.

In the Year 1678. Mr. *Webster* was apprehended in the Town of *Dundee*, on a Lord's Day after Noon, when at a Meeting for Prayer, Conference, and reading the Scriptures. Next Day the Magistrates, without calling any in the Meeting before them, or making any previous Examination, informed the Council that they had seized several Persons at a Conventicle, with Mr. *Webster* the Preacher. By the Council's Orders, the Persons taken with him were fined, and Mr. *Webster* was kept Eighteen Months Prisoner. In this Interval the King's Indemnity, 1679. was published, and Mr. *Webster* urged it, and was indeed legally comprehended in it; but the Magistrates would not allow him Liberty, till at length the Council was informed that he was no Preacher, as indeed he was not, and so he was let out.

Imprisoned, 1685, in the Thieves-hole of Dumfries.

About the 1685 or 86. when Mr. *Webster* was living peaceably, in the House of *Grier of Discauth*, a Party of Lord *William Douglas's* Troop came on a Sabbath Morning, and seized him in his Chamber, and carried him to *Dumfries*. He was examined upon the ordinary Questions; and, with Two worthy Men, *John Clark* a Farmer, and *John Haldane* Weaver at the Town-end of *Dumfries*, he was thrust into the *Thieves-hole*, a very nasty Place, and had

had for Companions, Three Men there in Firmance for Robbery, Murder, and Bestiality. There Mr. *Webster* and his Two Friends continued in that ugly Hole full Three Weeks, and after that removed to the *Pledge-house*, where Debtors used to be put. There he was confined Four Weeks, and then liberate by Lieutenant-general *Drummond*. The Gentleman in whose House they were taken, was likewise made Prisoner for some Time. A little after, Mr. *Webster* was a Third Time taken Prisoner, when walking in the Street of *Edinburgh*; but the Viscount of *Strathallan* quickly again let him go. These are some Hints of the more publick Sufferings of this good Man, whose eminent Learning, Piety, and Zeal is so well known in this Church, that I need say no more of him. Such was his Modesty, that in his last Letter writ to me, he terms all this, *Poor and insignificant Sufferings, not worthy a Room in this History*. I was of another Opinion, and I think the Reader will be so likewise.

These are some few of the Troubles Presbyterians were brought to for their being at Conventicles, their Nonconformity, and praying to the Lord together. Many more Instances might be added, but I have very much confined my self to the publick Registers. It is now high Time to come to close the History of this Year, and this Chapter I have been so long upon, with

SECT. VII.

Of the Convention of Estates which met in June, the Cess imposed by them, and some other Things which fell out this Year 1678.

THis Chapter shall be finished with an Account of the Convention, and Cess imposed by them, and some other Incidents this Year, which may clear up the History of this Time, and yet could not conveniently come in upon the former Sections.

It was very grating to the Prelates and their Party, to find their Contrivance of the Highland Host come to so little, and the breaking out of Field-conventicles, as we have heard, made them lose the Sweetness they expected from the severe Revenge they had taken on the West Country. Care was taken to inform the King of these Field-conventicles, and they have Recourse to their so long wished for Expedient of a standing Army, which they found necessary to carry on their arbitrary Measures, and the Oppression of the poor harassed Country; and what only could support them under the Hatred they had drawn down upon themselves, by the severe and illegal Methods now given into. The Necessity of more Forces had been dropt in Letters from *Scotland*, and it was very agreeable to the Measures now upon the Field in *England*.

Accordingly, a Letter comes down from the King, dated *May 7th*, containing another Approbation of their Procedure, and a Proposal to raise new Forces; and it deserves a Room here.

The Occasion of this Convention of Estates.

King's Letter, May 7. about raising more Forces.

CHARLES R.

Right Trusty, &c. We greet you well. After full and satisfactory Information from the Lords commisionate by you here, of what hath been done by you in Our Service, We do again approve of your Proceedings, and your Care, assuring you of Our Favour, Assistance, and Protection, upon all Occasions: And for the more effectual Demonstration thereof, We find it necessary to signify to you, and by you to Our People there, that We are firmly resolved to own and assert Our Authority, so as it may equally encourage you, and discourage all such as, by seditious Practices, endeavour to asperse you, and lessen Our Authority and Prerogative: And finding by good Information, that the Phanaticks there, expecting Encouragement from such as oppose you, and taking Advantage of the present Juncture of Affairs here, have of late, with great Insolence, flocked together in open and Field-conventicles, these Rendevouzes of Rebellion, and have dared to oppose Our Forces. Though We neither need, nor do fear such insolent Attempts, yet, from a just Care of Our Authority, and Kindness to Our Subjects there, We have thought fit to order some more Forces to be levied; and for that effect We have commanded the Lords of Our Treasury, to take an effectual Course for providing what Money We shall find necessary, for raising and maintaining those Troops at Our Charges. We shall expect a speedy and exact Accounting of what Number and Quality of Troops may be necessary upon this Occasion, to the end We may direct Commissions, and give such Orders as We shall find requisite: And for doing this, this shall be your Warrant. And so We bid you heartily Farewel.

LAWDERDALE.

Such

1678.

Convention of
Estates ne-
cessary, since
the Parliament
could scarce
be ventured
upon.

Such a Letter as this would be very acceptable to the Managers; and they write back, as we have heard, that the only Way left to bear down Conventicles, is by raising new Forces. The Forces needed Money to support them, and a Convention of Estates was necessary to raise this. Parliaments now could not be ventured upon, lest Enquiry had been made into the State of the Nation, and Methods taken to relieve the Country from the Hardships it was lying under; and a Convention answered the Demand of Money fully as well. This Practice of calling Conventions only to levy Money, and never permitting Parliaments to sit to consider just Grievances, and provide Remedies, was one of the arbitrary Steps of this Period loudly and justly complained of.

Proclamation
calling a Con-
vention of
Estates,
App. No. 95.
Remarks on it.

Accordingly, in Council, May 28th, a Letter constituting the Duke of *Lawderdale* Commissioner, with very large and ample Powers, is read, and a Proclamation for calling a Convention of Estates, is published with very great Solemnity. A Copy is annexed, *App. No. 95*. I shall make no Reflections upon it. When the sending in an Army of barbarous Highlanders to live at Discretion, was not of Force enough to tempt Presbyterians to Rebellion, it is in vain to speak of Hazard from Field-conventicles; and the Reader will notice them now to be termed *execrable Meetings*. What would Papists and others say, when they heard the pure and plain Preaching of the Gospel declared *execrable*, and a great Blessing, by this profane Stile, made a Curle. That the Reader may have a further View of the true State of Field-meetings at this Time, and the preceeding Years, I have insert a Letter writ in Defence of Field-meetings, by a Person of good Judgment, upon the Receipt of this Proclamation, *App. No. 96*. After this Proclamation was published, the Guards attended the Duke, and to Morrow, May 29th, he came up to the Church in great Pomp, and the Day was celebrated with lusty drinking and feasting.

Letter in de-
fence of Field-
meetings.

App. No. 96.

The Conven-
tion's Act and
Order to the
King.

A new Regiment of Foot, Three Troops of Horse, and some Dragoons were proposed to be raised, and a Cess of Eighteen hundred thousand Pounds to maintain them. The Elections went all well on as the Court could wish, and the Convention sat down upon the Day appointed, June 26th, and upon the 10th of July they come to pass their Act and Offer of Eighteen hundred thousand Pounds to the King. This is so express in its Terms, so plain in its Design against Presbyterians, and became so heavy in its Execution, that I cannot but insert it, *App. No. 97*. Reflections upon it are needless, the Reader will easily see, that they narrate the Disorders of the Country, which they lodge upon Field-conventicles, for Remedy of which they agree to the raising and paying of an Army, for subsisting of which they lay their Assessment upon the Country, and conclude all with a very rigorous Method of uplifting the Money.

App. No. 97.

Effects of it.

Debates a-
mong Presby-
terians about
the Lawfulness
of the Cess
imposed.

By this the Bishops have at length their Wishes. Their Friends are provided for in the Army, Presbyterians are first divided, and then born down by the Soldiers, and by the Severities of this new Army they are forced to a Rising next Year.

This Act divided those who were already disjoyned, and the Debates upon the Lawfulness or Unlawfulness of paying the Cess here imposed, were not few. Upon the one Hand it was strongly urged, that the Payment of this Cess was an active concurring with the Persecutors in their bearing down of the Lord's Work in the Land; and it was said, it was much the same whether this was done by the Sword or the Purse. Upon the other Side it was reasoned, that since Violence was both expected and used, it appeared more advisable by a Piece of Money to preserve themselves and their Families alive, and their Substance in their Hands, for better Uses, than by an absolute Refusal to give an Occasion, and afford a legal Pretext to the Collectors Cruelty, to destroy all, and take as much as would raise and maintain Two Armies. It was added, that paying Cess in this Case was not spontaneous, but involuntary and forced, and therefore to be excused, a Person in such Circumstances being rather a Sufferer than an Actor; and though it would be certainly sinful in a Merchant, to throw his Goods into the Sea in fair Weather, yet it becomes his Duty to lighten the Ship, that he may save his Life in a Storm.

Some of very good Parts and great Piety were upon both Sides of this Debate, and the Heats and Heights among Ministers, Preachers and People were not small. The banished Ministers in *Holland* were warmly against paying this Assessment; and such Ministers here who were of the same Sentiments preached against the paying of it, and some of the Hearers violently pressed Ministers to preach against it, while those of the other Side asked, How they would keep it and much more out of the Soldiers Hands? Against paying it the Example of one of the primitive Christians was much urged, who having rashly demolished an Idol Temple, choosed to suffer Martyrdom before he would rebuild it. These who were for paying it, as the lesser Evil of Suffering, were silent till the Clamour and Heat was a little over, and used to declare, that if in their Judgment they had been against paying it, they would have advised People to retire and leave the Country.

Some few did pay it with a Declaration, and chose the middle Way 'twixt paying it without any Testimony against what was evil in it, and refusing to pay at all. Among these the forementioned *Quintin Dick* in *Dalmellington* was one. And it will not be unacceptable

to some of my Readers to set down from his own Papers his Exercise and Practice in this Matter in his own Words.

1678.

In the Year 1678. the King, by an Act of the *Convention of Estates*, did impose upon the Subjects, a Cess to be paid, and by the Act did signify the Reasons for which he imposed it; and among others this is one, For levying and keeping up of Forces to suppress these Meetings, called *Conventicles*. The Act with this Qualification did beget in many a Reluctance to give Obedience; and amongst others, having made it my Work in my Place and Station (as a Witness to the Interest of my Lord and Master *Jesus Christ*) to keep at Distance from all Manner of sinful Compliance or Accession to the Overthrow of his Work and Worship in *Scotland*, I judged my self deeply concerned how to carry in this Case: Especially, when by the holy and sovereign Dispensation of God, for his own holy and wise Ends, he hath made it the sad Lot of the honest Ministers and Professors in *Scotland* at this Time, to be under a Spirit of Division and Rent, to that Measure, that tho' all were for bearing witness to one and the same Cause and Interest, yet they could not agree in one and the same Method and Way of entering their Testimony. In this Hour of Darkness, being much perplexed how to carry without Scandal and Offence, I betook my self to God for Protection and Direction: For Protection, that I might be kept from any Measure of denying of Christ, or giving Ground to Persecutors to think or say, that I had contributed any Thing for the Overthrow of Christ's Work: And for Direction, that I should not be found to stave off my Trouble upon any Grounds, but such as might be clearly warranted from the Word of God. And after much Liberty in pouring out my Heart to God, I was brought to weigh, That as my paying of it might be by some interpret a Scandal, and a sinful Acquiescence in the Magistrate's sinful Command; so upon the other Hand, my refusing to pay it would be the greater Scandal, being found to clash against a known Command of God, of giving to all their Due, Tribute to whom Tribute is due, Custom to whom Custom; and knowing that *Christ Jesus*, for that same very end, to evite Offence, did both pay Tribute himself, and commanded his Followers to do it, I could see no Way to refuse Payment of that Cess, unless I had clashed with that Command of Paying Tribute unto *Cesar*. So to evite the Scandal of Compliance on the one Hand, and Disobedience to the Magistrate in Matter of Custom on the other, I came to a Determination to give in my Cess to the Collector of the Shire of *Air* where I lived, with a Protestation against the Magistrate's sinful Qualification of his Commands, and a full Adherence unto these Meetings of God's People, called *Conventicles*, which in the Act he declared his Design to bear down, as the Protestation it self, signed by my Hand, more fully bears in a Paper by it self. I had no sooner done this, but I was trysted with many sharp Centures from many Hands, among which this was one, That my Protestation was only to evite Sufferings, and could be of no Weight, being *protestatio contraria facto*. But being truly perswaded, that it is the Magistrate's Right to impose and exact Cess and Custom, I could have no Clearness to state my Sufferings in Opposition unto so express a Command of God. And as to the Magistrate's sinful Qualification, having so openly declared and protested against it, I conceive the Censure of this, to evite Suffering, is altogether groundless; seeing the Enemy has subscribed with my Hand before Witnesses, a resolute Adherence to that which they say this tends to overthrow; and if he mind to persecute upon the Ground of owning Conventicles, he has a fair and full Occasion against me, under my Hand: But if he intend to state my Suffering upon refusing to pay Cess to the Magistrate, I have no Clearness to expose my self, or give him Ground to found my Sufferings upon such a Refusal. And when my subtil Adversary seeks Grounds to state my Trouble upon my Opposition to any of the Commands of God, I absolutely hold it, for Duty to own these Commands, by paying of *Cesar's* Due, and to obviate his Subtilties by a clear Protestation against sinful Qualifications. So whatever has, or shall be the Censure of Friend or Foe, this I say to the Praise and Glory of my God and my Guide, I have met with from him much Comfort, Peace of Mind, and Rest in my Conscience: *Thou hast holden me by my right Hand, thou shalt guide me with thy Counsel, and afterward receive me to Glory.*

Quintine Dickson
Vindlicating
his Sentiments
and Practice
about this Cess:

A few Months ended this Debate practically, and all were forced to pay this Imposition one way or other. We shall, in the Progress of this History, meet with many Instances of the Severities of the Soldiers in exacting Cess from good People who scrupled to pay it. I shall only give one Instance this Year out of many. *James Graham* of *Claverhouse*, with a numerous Party of Soldiers, came and quartered upon *Gilbert Milne* in new *Glenlace* Parish, for a good many Days, without paying any Thing; and when they went off, tho' they had consumed Ten Times the Value of the Cess, they carried with them Three Horses worth Ten Pounds *Sterling*. *John Arrol* who commanded the Party, was killed next Year at *Drumclog*, and had his Bowels tread out by a Horse.

Much Severity
in exacting the
Cess.

Before I leave this Matter of the Convention, let me take some Notice of the State and Circumstances of the Army, and the Affair of the Militia, which came towards the End of this Year to make some Noise. The Troops to be maintained upon this Cess were principally designed against the Presbyterians. The Settling of the *Highlands* was also made a Pre-

1678.

Procedure for
preserving the
Peace of the
Highlands.

text for some of them. I shall give some Hints how this Affair, and that of the Militia, stood this Year, as far as I can gather from the Registers.

September 11th, I find a Letter from the King read in Council, requiring them to raise two Highland Companies, that a Stop may be put to the Depredations in the Highlands; and ordering each Company to consist of 150, besides Officers. I do not find in the Registers that any such Companies are raised. Indeed at this Time they are so throng in prosecuting Conventicles, that they seem to mind Nothing else; and it may be, the Managers inclined to have the Soldiers, supported by the Celts, employed mostly that Way. September 13th, they write a Letter to the Lord McDonald, ordering him to attend them, September 27th, that he may give Security for the Peace of his Bounds; but he makes no Haste to wait on them. And, October 10th, the Registers bear, 'That the Lords of his Majesty's privy Council having, for the Peace of the Highlands, granted Warrant to keep a Garrison at Inverlochy, do give Warrant to their Commander to garison the House of Dowart belonging to the Earl of Argyle, or that of Kenlochallen belonging to Mclean of Lochbowie, or that of Dunolich belonging to the Laird of Mcoul, or Bartallen belonging to the Earl of Cathness, as he shall find cause. November 11th, they write another Letter, charging the Lord McDonald to appear before them November 28th.' But that Popish Lord continues to sit their Charges, and, it is said, wanted not a Friend at Court, who one Day might have Service for him and his Popish Vassals, as much as the Council had for the Highlanders in the Beginning of this Year, against the West Country.

King's Letter
for raising For-
ces.

The Business of the Militia was a Matter that more nearly concerned the Managers, and of greater Consequence to them for securing their arbitrary Measures, and the bearing down of Presbyterians, and therefore some more vigorous Steps are taken in it. A Letter is read in Council, October 9th, from the King, signifying that he had granted Commissions to raise a Regiment of Foot, consisting of Eight Companies, and Three Troops of Horse, of Sixty Men each, besides Officers, to secure the Kingdom from foreign Invasions, and intestine Com-motions; and requiring all the Officers of the former and new levied Forces to attend their respective Charges, upon Pain of his Displeasure. The Council nominate the Earls of Murray, Wigton, and Linlithgow, the Bishop of Galloway (lately made a Counsellor, and now he must be employed for the Church in Military Affairs) Lords Elphinston, Ross, and Colling-ton, and Mr. Matland, or any Three of them, to meet the 22nd Instant, and deliver Com-missions to the Officers named by his Majesty, and to order them to rendezvouze on the Links of Leith last Thursday of November, and appoint the Earl of Linlithgow to intimate his Ma-jesty's Pleasure above to all concerned.

Letter about
modelling the
Militia.

It would seem these new Forces did not fully answer the ends proposed, and therefore, November 14th, a Letter comes down from the King to the Council, about raising and model-ling Five Thousand Foot, and Five Hundred Horse out of the Militia Troops. The Coun-cil acquiesce in it, and no doubt it was the Concert of the prevailing Party among them, and send up Instructions relative to this Matter, for the King to give his Consent to, of which more just now.

King's Letter.
Instructions for
and Division of
5500 Militia,
and the Oath
they were to
take.

December 19th, this Matter is brought to some Ripeness; and another Letter comes down from the King, giving them Thanks for their Care in this Matter, and fully approving their Instructions to the Commissioners of the Militia, and the Division of them, as to the different Shires through the Kingdom, with an Oath that the King will have all of them to take. I have insert all those in the Appendix, for the Use of such as are willing to peruse them: Indeed this was a Model to make the Militia effectual for all the ends of a large standing Army, and a promising Method to bear down and ruine Presbyterians. See App. N^o. 98.

App. N^o. 98.

Accounts of
some other
Particulars this
Year.

I come now to gather up some other Things which fell out this Year, left of design to this Place, which may tend a little to enlighten the History of this Period, and they are set down much in the Order of Time they fell out.

Dr. James Lesly
staged before
the Council,
for writing
Letters to the
Bishop of Lon-
don, reflecting
on the Coun-
cil and Duke
of Lauderdale,
and deprived.

December 17th, 1677. the Council order Dr. James Lesly Principal of Marishal Col-lege in Aberdeen, to be seized, and carefully sent into Edinburgh: And, January 3^d, this Year, the Doctor appears before the Council, and is charged 'with writing Two missive Letters, 'the one dated the penult Day of October, the other the 29th of November last, to the Bishop of 'London, containing many gross Lies, Aspersions, and Misrepresentations of the publick Affairs 'of this Kingdom, and Proceedings of his Majesty's privy Council, and desiring the Bishop to 'advise his Majesty to do Things inconsistent with the standing Laws of the Kingdom. 'The said Doctor did with great Remorse acknowledge his Folly and Error in writing so, and 'confessed the same was so great a Crime that his Life was not sufficient to expiate it, and 'humbly submitted himself to what Punishment the Council should think fit to inflict. 'The Council declare his Place vacant, and fallen into the Earl of Marishal's Hands, and ordain 'him upon his Knees to crave the Council Pardon, which he did immediately, heartily and particu- 'larly begging his Grace the Duke of Lauderdale Pardon, whom he had so groundleily and 'causelessly abused; and is set at Liberty. I know no more of this Matter. It seems the Doctor had written a little too plainly anent the Practices of the Duke, and some way or other his Letters

Letters came to his Hands. And however abundance of Freedom was used with relation to the Duke's Administration at London, yet Nothing of this Nature was let pass here. 1678.

Another Process, somewhat of the same Nature, I find commenced in August this Year, against some Gentlemen in the South. August 1st, the Council being informed of some treasonable Expressions uttered by M'dougal of Gartland, Thomas Hay of Park, M'dougal of Freugh, John Blair of Dunskey, Mr. James Lawrie at Freugh, and of their communing with and resetting Mr. John Welsh and others, declared Rebels; they order his Majesty's Advocate to raise Dittay against them before the Lords of the Justiciary.

The Laird of Gartland pro-
cessed for Ex-
pressions against the
King and
Duke of Law-
derdale; and
detaining Mr.
Row, but Pro-
bation fails.

September 11th, I find by the Justiciary Registers, that the Diet is deserted against M'dougal of Gartland for certain seditious Speeches, upon Absence of Witnesses, who are unlaured. We have heard before, that the same Day the Council have before them others of these Gentlemen, for Reset and Converse, and we have seen what they did. The Process upon seditious Speeches is afterwards resumed against Gartland, November 4th, before the Justiciary. When his Libel is read, bearing, 'That notwithstanding Act 3^d. Parl. 2. James I. and the 83 Act. 6th Parl. James V. and 134th Act, 8th Parl. James VI. and 10th Act, 10th Parl. James VI. and Act 2^d. Sess. 2^d. Parl. 1st. Charles II. against slanderous Speeches against his Majesty and Government: Nevertheless William M'dougal of Gartland did, July 14th, 1678. being Sabbath, say, That the King and the Duke of Lawderdale his Commissioner were establishing arbitrary Government, contrary to the fundamental Laws of the Land, and that every true-hearted Scots Man was concerned to oppose them. And upon the 21st Day of the said Month, Mr. John Row having preached in his own Kirk of Stainy Kirk, where the said William M'dougal is Heritor and Parishioner, against the national and solemn League and Covenants, which by the foresaid Act were declared null, the said William did declare that the said Mr. Row was unworthy to be heard by the People, and that he would hear him no more: Therefore &c. in common Style of Libels. The Laird of Gartland compar'd, and remitted the Libel to Probation, and Nothing being proven, the Process is dropt.

Another Business of the same Nature I find before the Council, December 19th. James Daes of Coldingknows is libelled, 'That having conceived Dislike at his Majesty's Government, he discouraged Souldiers from serving him, by saying, He would not desire their Employment; and in a publick Debate he argued against the Justice of the Laird of Polwart's Imprisonment, and said, His Majesty had no more Power over the Persons than over the Estates of his Subjects, and could not keep in Prison above Forty eight Hours, without putting to a Trial.' The Council find the Libel proven, and appoint him to crave Pardon of the Council on his Knees. Thus People literally are made Offenders for a Word.

James Daes of
Coldingknows
proceeds for
some words
spoken by him.

I shall next take notice of some of the more moderate Steps of the Council, brought about, generally speaking, as much by Interest made with some of them, as by Inclination. March 1st, Mr. Robert Anderson, cited before them for Nonconformity, and, if I mistake it not, tho' the Registers do not bear so much, for preaching at Conventicles, is liberate, because they are informed, he is employed by my Lord Ruthven when abroad, about some of his Affairs: But he is obliged to give Bond, upon Penalty of 2000 Merks, to appear before the Council when called. July 5th, they liberate George M'kartney from the Tolbooth of Edinburgh, upon Bond of 1000 Merks to compare when called. And, August 14th, Sir James Stuart late Provost of Edinburgh, Prisoner in the Castle, is ordered to be liberate, by reason of his old Age and Infirmary, and permitted to go to his own House, under Bond of 10000 Merks, to appear when called.

Mr. Robert An-
derson, George-
M'kartney and
Sir James Stuart,
liberated by
the Council, on
Bond.

August 1st, the Council renew their former Act, requiring all concerned in the Execution of the Laws, to take the Oath of Allegiance, and Declaration, and appoint their Act to be printed, and sent to all the Members of inferior Judicatories, Town-councils and Magistrates, that none neglect the doing of it.

After renewing
the Act
and Declaration
concerned
renewed

Complaints, it seems, had been made against William Stirling Bailie-depute of the Regality of Glasgow, as not having done what he might have done for suppressing Conventicle. August 14th, he compares before the Council, and alledges he hath but newly entred into that Office, and was not well acquainted with the Methods of the Court. The Lords supersede Process against him till October next, and require him to be more diligent. I do not find any more Complaints against him for Remissness this way. But, October 9th, the Council cause write a Letter to him, that they have declared James Dunlop of Houshil incapable of the Trust of being Baron-bailie, and he is required to continue diligent in that Trust, and send in Report of his denouncing the Persons whose Names are sent him, against November next.

William Stirling
Bailie of
the Regality
of Glasgow com-
pares, and is
renewed for
Remissness.

I find James Dunlop of Houshil, formerly fined by the Council in 1000 Pounds, for his neglect in proceeding against Persons guilty of being at Conventicles, having applied to the Committee for publick Affairs, and promised in time to come, diligently and vigorously to do his Duty, if the Council will repon him; they repon him as Bailie-depute of the Regality of Glasgow, during Pleasure, and suspend his Fine. This was got done by the Interpo-

Houshil
ed to be

1678.

Heats and Rents this Summer upon the Indulgence, and hearing the Indulged.

Some Account of the Occasions and Rise of those lamentable Divisions, from a Letter to the Author of this History.

sition of some of his Friends; but this Gentleman was never acceptable to the Archbishop, and Episcopal Clergy, and he continued not long in this Office.

It was this Summer and Harvest that the Heats about the *Indulgence* began to come to a greater Height than formerly, and that both some Ministers and Probationers, lately licensed to preach, began a Separation upon this Score, and some of them likewise took in the paying of the Cels laid on by the Convention, as we have heard. This is a Subject I would willingly pass by in this History, were it not a very considerable Part of the lamentable Circumstances this poor persecuted, and now divided Church was under. I shall only essay to narrate Matter of Fact, as far as I find it in Papers of this Time come to my Hand, and I heartily wish it may be a Beacon to us who come after, to guard against every Thing that may, from very small Beginnings, issue in a Rent and Flame, and have Consequences worse than I can express.

This Account I choose to give rather in the Words of others than mine own, and I shall begin it with Part of a Letter writ to me by a private Gentleman of Piety and very good Sense, who had much Occasion to be with both Sides at this Time; and being then but in his Youth, was a silent and melancholy Observer of what he took to be Excesses on both Hands. Having desired his Accounts of this Period, he writes to me as follows.

‘The State of Presbyterians among themselves, in this Period, is very difficult to enquire into, and no less to describe. All I purpose to my self is, if I can any ways confirm the better and more complete Descriptions you may have already.’

‘The Gospel was for some Years generally preached in the Fields through the South of Scotland, and that with Success; God was unquestionably at Work upon the Hearts of People by the Ministry of the Word, both in the Fields, and in the Churches by the Indulged, and that both in Conversion and Edification; and no doubt *Satan* was busy also sowing his Tares, the Seeds of Dissention and Division, which afterwards sprang up.’

‘Albeit, even from the very first, not a few of the Judicious had their own Doubts as to the *Indulgence*, some thinking their Way to be a little too submissive, and pliable to such Usurpations and Encroachments as were daily making; others judged they should have accepted no Favour from declared Enemies, but what was generally extended to their Brethren in the same Circumstances with them; others smelled much Cunning and Craft in the Design, and feared the Event: Some, both of Ministers and People, were under those Impressions; yet these Things made no publick different Practices, till about this Time (1677 and 1678) and People went to Field-meetings, and the Churches of the Indulged, according to their Conveniency, without any Doubt or Scruple.’

‘But about this Time the Zeal and Love of many being revived by the preaching of the Word, and a considerable Accession of great Numbers of young People brought in by the Gospel, whose Zeal and Fervour, generally speaking, runs high; the Genius of People to me seemed quite to be altered, and from a fearful and discouraged Temper, to turn to a high sanguine Constitution: No Strength of the Enemy was then thought upon, no Danger was regarded, and little else among some was Matter of Thought and Conversation, but Projects of disappointing our Enemies Designs against us. The Zeal and good Success of our first Reformers, and our more immediate Predecessors in the Year 1638. was a pleasant Subject of Discourse, and much admired. Ministers leaving their Charges 1662. and People’s suffering the Curates to be thrust in, and hearing them, was condemned: The King’s Perjury was much spoke of, and his Supremacy, as set up 1669. was reckoned a Prodigy of Wickedness. The publick Executions, and the present and former Severities, were im-
proven against the Government, and some were for running to very great Heights.’

‘The indulged Ministers, upon the account of Favours received from bad and bloody Rulers, came to be less esteemed; their being at Ease when others were in Trouble made them envied, and the Supposition that they derived what they enjoyed from the Supremacy, at least not to have testified against it in strong enough Terms, made some directly to set up against and abhor them.’

‘But that I may give you some further Satisfaction, how it came about, that a People lately so forward to hear the Gospel from every honest Minister, so much in Love with them, so highly esteeming them, yea, bearing so patiently and meekly their Sufferings upon that account; by what Means, I say, such a Temper came to such a Height among them, and our Divisions with it, you may take the following Remarks.’

‘Setting aside the Divine Permission of this for holy and wise Ends, and the invisible Workings of *Satan*, the grand Enemy of the Success of the Gospel, and the Peace and Unity of the Church; you will observe, that when the Gospel came to be more frequently preached, and People came to seek Ministers, the Presbyterian Ministers had their Meetings at *Edinburgh*, and elsewhere, for Unity and Discipline, and licensed and ordained young Men, and sent them out to the Country about, as the People craved; and such who came from the Conntry, took such to preach among them as they were directed to by the Ministers; so that for a good many Years we had some Order among us, and consequently Unity kept up, and this was our *Halecyon* Hour: But the Practice of the indulged Ministers

was

was never relished by many of the outed Ministers, who yet strove by all Means to keep up Union with them, and an Esteem of them. 1678.

Our Numbers and Zeal increasing, together with the Enemies Rage and Cruelty, every Person who was not either acting against them, or suffering by them, was in small Esteem. Some Beginnings of Rents appearing, the Meeting of Ministers to prevent a Breach, did authoritatively enjoin Silence upon this Head of the *Indulgence* among Ministers, and perhaps took young Men engaged at their licensing not to speak against the Indulged, and began to call some of them to an Account for doing so, and were declined by a young Man called before them upon this Head.

I shall make no Remarks upon this authoritative Way of knocking down Divisions, tho' I have heard some made, far less justify the Deed of declining them; but by these, with the Enemies Vigilance, our Order was broke.

It may also be remarked, that many of the most wise, aged, and experienced of the Ministry were taken off the Field, some by the *Indulgence*, some by Age and Infirmary, and others by keeping themselves quiet in Towns, preaching very seldom and very quietly to some Persons of Note; so that the preaching of the Gospel openly in the Fields, which was at this Time mostly in Repute, and was followed with the greatest Numbers, and most zealous of our Way, fell, generally speaking, to the younger, weakest, and unexperienced of the Ministry: And it was observable, that where old and experienced Ministers did frequently preach in the Fields, either in their own Charges or elsewhere, there our Breaches were not so wide, nor did People run to so great Heights; whereas the younger and less experienced Ministers, not being aware of the Evil of Division, and therefore not so careful to avoid the first Causes of it, did either moth-eat, or too much suffer to be moth-eaten by the Vulgar, the Reputation of such who did not follow their Way, by putting hard Constructions upon their Actions in ordinary Conversation, and did not know how to cultivate the Minds of a good and zealous, though young and weak People: Yea, perhaps some might too much cherish some frothy Professors, not duly considering the Difference betwixt a Profelyte to a Party, and a true Christian; so that a hopeful Work was much marred, and a promising Generation stumbled, and perverted to Lengths, from which those whom they most esteemed could hardly ever recover them.

And when the Humour of many began to take a Course this Way, some of the Ministers did fall in with it, and this way hoped to manage them. Thus indeed they came to be upon even Ground in the People's Eye, if not more caressed than the elder and more experienced Ministers; but I cannot say they were in case to manage the People, but were forced to go sometimes further than they themselves inclined; and some zealous and forward Gentlemen, who had been by the Severities of the Time forced to a wandering Lot, to strengthen themselves, and secure a Following, did not a little help forward the Zeal and the Edge that was upon the Spirits of some younger People, and Preachers too.

And I must add, that tho' many Things were imprudently vented in the Sermons of some against the Indulged, and upon the Controversies of the Times, yet these Things were neither so frequent, nor so ill cautioned, that one could have expected so bad Effects as followed, if that of private Conversation had not led the Way, and also followed it, 'twixt People and Ministers, too much flattering one another in their Ways, and both of them too much magnifying Party-work, to the Neglect of solid Piety and Religion. Besides, the Truths delivered by Ministers in the Fields upon quiskous Subjects, with no small Caution by some, and pretty safely, were heard and taken up by the Hearers, according to their Humours and Opinions, many Times far different from, and altogether without the Cautions given by the Preacher, which either could not, or were not understood by them.

Thus not a few were led to act their religious Zeal and Improvements in Knowledge, with relation to the Publick, in high and warm Resentments of the Managers and Rulers, Perjury, Usurpations, Persecutions, and Cruelty, and to reckon violent Opposition to these, as the principal Duty of the Time. This took much with the younger Sort; their Knowledge being but small, their Zeal run high upon these Points. The Zeal and Success of our Predecessors was called to mind, and the Obligation of our Covenants almost only understood of the forcible Resistance against wicked and irreconcilable Enemies, and the having nothing to do with them either as Men or Rulers, was reckoned the safest Way.

Scruples came to be vented against hearing the Indulged, and these came to be more and more blamed for taking Favours from the Enemy, and deserting their Brethren: Upon which a Pamphlet was published for their Vindication, in answer to which the *History of the Indulgence* came forth, and Replies and Duplies. These put the People into whole Hands they fell, aloft.

The banished Ministers and others in *Holland*, had been very much concerned in our Sufferers here; they themselves had been among our first Confessors, and consequently were very much esteemed by our persecuted People in *Scotland*, and in themselves were learned and excellent Men, worthy of the highest Esteem; and yet it is to be questioned, if all the Informations they had of the State of Things in *Scotland*, were well founded and vouched.

1678.

‘Likewise at this Time, many other Papers were reprinted, and carefully spread, such as Mr. Douglas’s Coronation-sermon, and the Oaths the King took, the *Causes of God’s Wrath*, Gillepie upon Associations, with his dying Testimony, and these with other concurring Circumstances blew our Smoke to a Flame; and Steps of Defection since the Restoration began to be reckoned up, such as Ministers leaving their Charges, and forbearing Preaching, the hearing the Curates, and lastly the Indulgence.’

‘It was truly grievous to some of us who were silent Observers of what passed, to see a young Generation endued with a great Zeal towards God and his Interests, so far led aside in the Improvement of it, as very little to know, or seldom to be taught Meekness and Patience under Affliction for Christ’s sake, or Charity and mutual Forbearance in Love, yea, in daily Conversation, to get these Things cast up to them, as tended rather to break their Teeth, than to nourish and refresh their weak Spirits.’

‘And to such a Length did these Heats come, not only among the younger and more vulgar Sort, but even among some of whom better Things were expected, that when we were gathered together before *Bothwell*, there was scarce any Thing but Debates; and some run so high upon publick; yea, personal Acknowledgments of these Steps of Defection, as if the doing of it would have effectually brought Victory, and the not doing so would be the *Achan in our Camp*; yea, some did not stick to term the famous Mr. *John Welsh*, because of his Opposition to this, the *Achan* among us. By reason of those unhappy Jarrs many deserted us, and many more never joyned us.’

This melancholy Subject will offer it self again, when I come to give Account of the Divisions at *Bothwell*. The Account this Gentleman gives, who was a Sufferer himself, and very much among them, will let the Reader into some general View of the breaking out of this lamentable Rent this Year, among Presbyterians.

A Meeting in August at Edinburgh for preventing these Divisions, but without Effect.

When the Accounts of the ungarded Expressions of some Probationers in their Sermons this Summer came to the Knowledge of Presbyterian Ministers, they judged it high Time to essay some Remedy. Accordingly, a good Number, both indulged and not indulged, who had the Union of this suffering Church very much at Heart, met at *Edinburgh* toward the End of *August*, where they had well attested Informations of the Excesses to which some of these young Men had run in their Discourses to the People. Two of them they conversed with, and endeavoured to make them sensible of the Hazard of these Courses they were falling into, and how contrary they were unto the Engagements they had come under when licensed: But very little Ground was gained upon them, and the Third declined to converse with them, or subject himself to their Advices: Whereupon they were remitted to the particular Meetings, in the Country where they had been licensed. Letters were writ to Brethren in these Meetings to deal with them, and by all proper Means to endeavour timeously to quench this Flame that was like to rise; and that some of their Number, with those Preachers, might be present with them at their next Meeting at *Edinburgh*. A large Account of their Informations, the Pains taken with these young Men, and what passed at the Meeting, is before me, in a Copy of their Minutes; but I see no Advantage of raking into these Burnings any further. Whether there was any posterior Meeting at *Edinburgh*, I have no Accounts; but this I know, that the Heats continued, yea, rose to greater Heights, as we shall hear.

Another Meeting in the West on the same Design in September.

All the Account I shall further give of this melancholy Subject, is from a Letter before me, writ by one Minister to another who was not present at a Meeting of Ministers in the West Country, upon the same healing Design with that at *Edinburgh*. The Letter is dated *September 17th*, and what it contains relative to this Matter follows.

‘Having had Occasion to be present at the Meeting, which I acquainted you with, and the chief Design of it being of such necessary and universal Concern at this Time, I think it my Duty to give you some Account of what passed at it, to the end both that you may know their Sense of the Proposal you made, and other Matters of Fact. The Meeting was frequent, and having fallen upon the Business of Union, they did all testify their earnest and hearty Desires after it, looking upon it as Matter of Sorrow, that former Attempts of this Kind have not been followed with a wished for Success. They took these Rents to be a great Advantage to the common Enemy, and a Token of the Lord’s Displeasure, that these who are of the same Principles in Doctrine and Discipline, should yet be divided in Practice and Affection, and every providential Emergent should help to the widening of this Breach.’

‘They all agreed, that the most effectual Way to prevent a further Rupture, and its lamentable Effects, would be to review the former Overtures, for Ministers classing and associating themselves, that these, at a general Meeting, may be condescended to, and vigorously prosecuted; and that every Preacher shall belong to some Class, to which he shall be subject and responsible; and that those who are unfixed, and so cannot constantly attend their Class or Presbytery, may do it ordinarily, or concur in other Meetings, as Providence shall dispose. And as to the Proposal you were pleased to tell me of, in order to communicate to them, of a practical Union, by promiscuous Preaching, this was likewise made

made by other Brethren present, with an Intimation it had been unanimously agreed to. 1678.
 To this it was said by the Brethren concerned, That such a Practice as this must be lookt
 on as a casting them loose from the particular Charges they had Access to labour in, and a
 depriving themselves of that Liberty of exercising their Ministry in the Places where they
 now enjoy it. And as to any Agreement to this purpose, formerly made, they expressly de-
 ny it in the Latitude that is now proposed, but alledge it was directly refused, and that with
 Consent; which was attested by Witnesses who were present in the last Meeting kept on
 that Affair. That the Meeting in *Edinburgh, December 1677.* was only a Committee for
 Consideration, and to report Overtures to the general Meeting of Correspondents, whom
 they were to call upon Occasion; but their Power was not at all definitive.

Nevertheless, they have been, and are ready to supply Vacancies within their own Pre-
 cincts, upon the People's Desire, and would go a further Length, if imposed upon them
 by the unanimous Appointment of their Brethren: But they are still of Opinion, that the
 first Foundation of Unity must be Order; and that there is no other Way of bringing us
 to Temper of wailing, and warming too much estranged Affections, and preventing the like
 or worse for the future, than that Brethren who are moderate and like minded, who, bles-
 sed be God, are yet the very far greater and better Number, may meet together, and con-
 sult upon fit Means for so desirable an End; and this they have taken Care to signify to their
 Brethren in the East, who had been treating with them, and had been breathing after Uni-
 ty and Peace.

They likewise complain they are loaded with Aspersions by some uncharitable young
 Men in their Preaching, and that some Things (as is reported) are coming forth against
 them in Print, which they will find themselves constrained to answer for their own Vin-
 dication, if Matters be not taken up by an happy Accommodation. And truly, Sir, it is a sad Ef-
 fect of the Distance that is betwixt the more sober and judicious, and the Want of an actual
 visible Harmony, that some hot young Men have presumed to refuse Subjection unto Ministers.

And now, Sir, what shall we run to at last, if such manifest and scandalous Schisms be
 not early prevented, while the Promoters are yet but few, and their Interest small, and the
 most godly and judicious of private Christians are grieving to behold them, and longing to
 see the Sparks extinguished?

This Letter contains further, some Hints of a very melancholy Disturbance, given by one
 of those Preachers, supported by *Robert Hamilton*, and some armed Men in the Parish of
Monkland, near *Glasgow*, upon Sabbath *September 1st*, unto the Reverend Mr. *Matthew Selkirk*,
 yet alive, and Minister of the Gospel at *Crichton*. Mr. *Selkirk* had been desired by the Mini-
 sters in and about *Glasgow*, at the Application of that Parish, to preach there; and accordingly
 went out; but was violently hindred, with some Circumstances aggravating enough, that there
 might be Room for the other whom Mr. *Hamilton* had brought in with him on *Saturday* late.
 I have an attested Account of this under the Reverend Mr. *Selkirk's* Hand, with some
 Hints of the Sermon, which he wrote from the Preacher's Mouth, which sadly discovers the
 Heights the Flames were come to. All the Objection made against this worthy Person was,
 That in his Opinion he favoured the *Indulged*, and yet he had suffered not a little for his
 Adherence to the Government and Principles of this Church, both before and after this.
 But I have said enough upon this unhappy Subject of our Rents among our selves; I hearti-
 ly wish there never had been any Room to speak of it.

Mr. Matthew
Selkirk hin-
dred to preach
in Monkland.

Let me end the Accounts of this Year, with some few more Hints, mostly from the Re-
 gisters. When the Council are throng in suppressing Conventicles, *September 12th*, the
 Chancellor communicated a Letter from the Earl of *Dundonald* to him, dated the *9th*, men-
 tioning a Scruple proposed by the Commissioners of Assesment for the Shire of *Renfrew*,
 anent their taking the *Declaration*, which they conceive relates to Burghs, and not to Shires.
 It is ordered to be signified to the Earl of *Dundonald*, that the Council take this Scruple to
 be raised in order to retard his Majesty's Service, the Act plainly enough requiring Commis-
 sioners of Assesment to take the *Allegiance* and *Declaration*; and he is desired forthwith to
 tender both unto them, and to send the List of the Refusers to the Council, against the *27th*
 Instant.

Commissioners
of Assesment
in Renfrew,
scruple at the
Declaration.

And, next Day, they reimpose both of them upon the Royal Burghs. 'The Lords of his
 Majesty's Privy Council, considering *Act 5th, Sess. 2^d*, of his Majesty's first Parliament, and
Act 2^d, Sess. 3^d, which are to be put in Execution by the Council, do hereby require the
 Magistrates, Counsellors, and Clerks of all the Royal Burghs on the South-side of the River
Tay, and the Burgh of *Dundee*, at the ensuing Election of Magistrates, publickly to take
 the Oath of *Allegiance*, and sign the *Declaration*, and that Returns be made to the Coun-
 cil against *November* next, with the Names of the Refusers.'

The Allegi-
ance and De-
claration impor-
ted again on
Royal Burghs.

The Laird of *Polwart* is continued close Prisoner in *Dumbarton* Castle; and, *October 10th*,
 his Lady, Dame *Margaret Ker*, upon her Petition to the Council, is permitted to wait upon him
 till *November 1st*. In *November*, the Prosecution of some indulged Ministers in the Shire of
Renfrew, Mr. *Patrick Simpson* and Mr. *James Wallace*, for their breaking their Confinement,
 is begun. We shall have the Issue of it next Year.

1678..

Fast appointed
Dec. 18, upon
the Popish Plot.A congratulatory
Letter to
the King, on
his Preservation
from the Po-
pish Plot.App. N^o. 99.App. N^o. 100.Some Notice
taken of Pa-
pists.Persons added
to the Council
at this Time.Sir George Mac-
kenzie of Tar-
bet Justice-gene-
ral, and the
Lord of Craigie
is made Ju-
stice-clerk.New Powers
of the Justici-
ary, and all is-
sues in another
Rising at Bot-
swell.

Upon the 15th of *November*; I find, the Council issue out a Proclamation for a Fast, to be kept upon the Third *Wednesday*, the 18th of *December*. The Reason of it is, That the King's Person and Government, and the Protestant Religion, may be preserved under the Hazards they are exposed to from a damnable and hellish Plot. There was no doubt a Reality in the Plot: How heartily that Fast was kept by the Duke of *York's* Party, I am not to judge.

The Council, as a further Demonstration of their Zeal against the Popish Plot, how much soever some of them afterwards were pleased to question the Reality of it, upon the 28th of *November*, remit it to the Lords Register and Advocate, to bring in the Draught of a congratulatory Letter to his Majesty, upon his Delivery from the late horrid Popish Plot; and, *November* 30th, 'tis approved and dispatched to Court. The Reader will be fond to see the proper Sense of our Managers, as to that Plot, which since has been so much ridiculed, and I have added a Copy of it, App. N^o. 99. With this they write a Letter to the Duke of *Lawderdale*, wherein they glory in this, That no *Scotsman* is in the least concerned in it, as may be seen in the Letter it self, App. N^o. 100.

And at this Juncture somewhat must be done against Papists. *November* 28th, the Council remit to the Archbishop of *Glasgow*, Earls of *Murray* and *Linlithgow*, Bishop of *Galloway*, Lord *Haltoun*, Mr. *Maitland*, and *Haddo*, or any Two of them, to inspect the Papers of some Papists, seized lately by the Earl of *Murray*; and appoint the Committee of publick Affairs to meet to Morrow, and consider the Affair of Papists. I find no more in the Registers as to this Matter, save that, *December* 12th, the Council order the Magistrates of *Edinburgh*, next Sabbath and the following, to make diligent Search in *Edinburgh*, *Leith*, and *Canongate*, for Houses where Papists meet to hear and say Mass, and to seize the Priests, and all they find at the Meeting, and imprison them. And at the same Diet they write to the Steward of *Anandale*, to cause demolish, destroy, and burn a Meeting-house lately erected near *Castlemilk*, and send in to the Council the Names of such who caused build it.

At this Time a great Addition is made to the Council. *September* 16th, by a Letter from the King, *John* Lord Bishop of *Galloway* is admitted a Counsellor, and added to the Committee for publick Affairs. *October* 9th, Mr. *Richard Maitland* of *Gogar* is admitted a Counsellor. *November* 11th, Sir *George Mackenzie* of *Tarbet*, and Sir *George Gordon* of *Haddo*, are admitted Counsellors. *November* 21st, the Marquis of *Montrose* is made Captain of the Horse-guards. And, *December* 12th, *John Drummond* of *Lundin* is added to the Council. A good many of these appeared afterwards firm Friends to the Duke of *York*, and they got into the highest Offices in this Kingdom, as we shall hear.

And upon the 18th of *November*, I find a new Commission comes down, and is read, to Sir *George Mackenzie* of *Tarbet* to be Justice-general, and *Craigie* to be Justice-clerk; and the abovesaid Lords of the Justiciary are continued. I shall not enter on Mr. *Gideon Penman*, late Curate at *Creichtoun*, his Process this Year, for being in Compact with *Satan*, and some other plain Processes against Witches, in the Justiciary-registers, these not lying so much in my Road.

The Lords of the Justiciary have new and large Powers, and are appointed to sit frequently; and, if I mind, they are ordered still to sit the first *Munday* of every Month. Meanwhile, the Army are very busy in collecting the Cess. The Severities of both, with some other Things which fell in the Beginning of the next Year, ripened Matters for the Rising which was dissipated at *Bothwell-bridge*, which is the next Period of the Sufferings of this Church, and shall be considered in the third and last Book, to which I now come.

F I N I S.



A N

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A P P E N D I X.

BOOK FIRST.

DECLARATION at *Dumfermling*, August 16th, 1650. N^o. I.

By the KING.

CHARLES R.



IS Majesty taking into Consideration that merciful Dispensation of Divine Providence, by which he hath been recovered out of the Snare of evil Counsel, and having attained so full Perswasion and Confidence of the Loyalty of his People in *Scotland*, with whom he hath too long stood at a Distance, and of the Righteousness of their Cause, as to joyn in one Covenant with them, and to cast himself and his Interest wholly upon God, and in all Matters Civil to follow the Advice of his Parliament, and such as shall be intrusted by them, and in all Matters Ecclesiastick the Advice of the General Assembly and their Commissioners, and being sensible of his Duty to God, and desirous to approve himself to the Consciences of all his good Subjects, and to stop the Mouths of his and their Enemies and Traducers; doth, in reference to his former Deportments, and as to his Resolutions for the future, declare as follows.

Tho' his Majesty as a dutiful Son, be obliged to honour the Memory of his Royal Father, and have in Estimation the Person

of his Mother; yet doth he desire to be deeply humbled and afflicted in Spirit before God, because of his Father's hearkning to, and following evil Counsels, and his Opposition to the Work of Reformation, and to the Solemn League and Covenant, by which so much of the Blood of the LORD's People hath been shed in these Kingdoms; and for the Idolatry of his Mother, the Toleration whereof in the King's House, as it was Matter of great Stumbling to all the Protestant Churches, so could it not but be a high Provocation against him, who is a jealous God, visiting the Sins of the Fathers upon the Children: And albeit his Majesty might extenuate his former Carriage and Actions, in following the Advice, and walking in the Way of those who are opposite to the Covenant, and to the Work of God, and might excuse his delaying to give Satisfaction to the just and necessary Desires of the Kirk and Kingdom of *Scotland*, from his Education and Age, and evil Counsel and Company, and from the strange and insolent Proceedings of Sectaries against his Royal Father, and in reference to Religion, and the ancient Government of the Kingdom of *England*, to which he hath undoubted Right of Succession; yet knowing that he hath to do with God, he doth ingenuously acknowledge all his own Sins, and all the Sins of his Father's House, craving Pardon, and hoping for Mercy and Reconciliation through the Blood of *Jesus Christ*. And as he doth value the constant Addresses that were made by his People to the Throne of Grace in his behalf, when he stood in Opposition to the Work of God, as a singular Testimony of long-suffering Patience and Mercy upon the LORD's Part, and Loyalty upon theirs; so doth he hope, and shall take it as one of the greatest Tokens of their Love and Affection to him and to his Government, that they will continue in Prayer and Supplication to God for him, That the LORD, who spared and preserved him to this Day, notwithstanding of all his own Guiltiness, may be at Peace with him, and give him to fear the LORD his God, and to serve him with a perfect Heart, and with a willing Mind, all the Days of his Life.

And his Majesty having, upon the full Perswasion of the Justice and Equity of all the Heads and Articles thereof, now sworn and subscribed the National Covenant of the Kingdom of *Scotland*, and the Solemn League and Covenant of the Three Kingdoms of *Scotland*, *England*, and *Ireland*, doth declare that he hath not sworn and subscribed these Covenants, and entred into the Oath of God with his People, upon any sinister Intention and crooked Design for attaining his own Ends, but, so far as human Weakness will permit, in the Truth and Sincerity of his Heart, and that he is firmly resolved in the LORD's Strength to adhere thereto, and to prosecute to the utmost of his Power all the Ends thereof

thereof in his Station and Calling, really, constantly, and sincerely all the Days of his Life. In order to which, he doth in the first Place profess and declare, that he will have no Enemies but the Enemies of the Covenant, and that he will have no Friends but the Friends of the Covenant. And therefore, as he doth now detest and abhor all Popery, Superstition and Idolatry, together with Prelacy, and all Errors, Heresy, Schism, and Profaneness, and resolves not to tolerate, much less allow any of these in any Part of his Majesty's Dominions, but to oppose himself thereto, and to endeavour the Extirpation thereof to the utmost of his Power; so doth he, as a Christian, exhort, and, as a King, require, that all such of His Subjects who have stood in Opposition to the Solemn League and Covenant, and Work of Reformation, upon a pretence of Kingly Interest, or any other Pretext whatsoever, to lay down their Enmity against the Cause and People of God, and to cease to prefer the Interest of Man to the Interest of God, which hath been one of these things that hath occasioned many Troubles and Calamities in these Kingdoms, and being insisted into will be so far from establishing of the King's Throne, that it will prove an Idol of Jealousy to provoke unto Wrath him who is King of Kings and Lord of Lords: The King shall always esteem them best Servants, and most loyal Subjects, who serve him, and seek his Greatness in a right Line of Subordination unto God, giving unto God the Things that are God's, and unto *Cesar* the Things that are *Cesar's*; and resolveth not to love or countenance any who have so little Conscience and Piety, as to follow his Interest with a Prejudice to the Gospel, and the Kingdom of JESUS CHRIST, which he looks not upon as Duty, but as Flattery, and driving of Self-designs, under a pretence of maintaining Royal Authority and Greatness.

II. His Majesty being convinced in Conscience of the exceeding great Sinfulness and Unlawfulness of that Treaty and Peace made with the bloody *Irish* Rebels, who treacherously shed the Blood of so many of his faithful and loyal Subjects in *Ireland*, and of allowing unto them the Liberty of the Popish Religion, for the which he doth from his Heart desire to be deeply humbled before the Lord; and likewise considering how many Breaches have been upon their Part, doth declare the same to be void, and that his Majesty is absolved therefrom, being truly sorry that he should have sought unto so unlawful Help for restoring of him to his Throne, and resolving for the Time to come, rather to choose Affliction than sin.

III. As his Majesty did, in the late Treaty with his People in this Kingdom, agree to recal and anul all Commissions against any of his Subjects who did adhere to the Covenant and Monarchical Government in any of his Kingdoms; so doth he now declare, that by his commissioning of some Persons by Sea against the People of *England*, he did not intend Damage or Injury to his oppressed and harmless Subjects in that Kingdom, who follow their Trade of Merchandize in their lawful Callings, but only the opposing and suppressing of those who had usurped the Government, and not only barred him from his just Right, but also exercise an arbitrary Power over his People, in those Things which concern their Persons, Consciences and Estates: And as, since his coming into *Scotland*, he hath given no Commissions against any of his Subjects in *England* or *Ireland*; so he doth hereby assure and declare, that he will give none to their Prejudice or Damage; and whatever shall be the Wrongs of these Usurpers, that he will be so far from avenging these upon any who are free thereof, by interrupting and stopping the Liberty of Trade and Merchandize, or otherwise, that he will seek their Good, and to the utmost employ his Royal Power, that they may be protected and defended against the unjust Violence of all Men whatsoever. And albeit his Majesty desireth to construct well of the Intentions of those (in reference to his Majesty) who have been active in Counsel or Arms against the Covenant; yet being convinced that it doth conduce for the Honour of God, the Good of his Cause, and his own Honour and Happiness, and for the Peace and Safety of these Kingdoms, that such be not employed in Places of Power and Trust; he doth declare that he will not employ, nor give Commissions to any such, until they have not only taken or renewed the Covenant, but also have given sufficient Evidences of their Integrity, Courage and Affection to the Work of Reformation, and shall be declared capable of Trust by the Parliament of either Kingdom *respective*. And his Majesty, upon the same Grounds, doth hereby recal all Commissions given to any such Persons, conceiving all such Persons will so much tender a good Understanding betwixt him and his Subjects, and the settling and preserving a firm Peace in these Kingdoms, that they will not grudge nor repine at his Majesty's Resolutions and Proceedings herein, much less upon Discontent act any Thing in a divided Way unto the raising of new Troubles, especially since, upon their pious and good Deportment, there is a Regress left unto them in manner above expressed. And as his Majesty hath given Satisfaction unto the just and necessary Desires of the Kirk and Kingdom of *Scotland*, so doth he hereby assure and declare, that he is no less willing and desirous to give Satisfaction to the just and necessary Desires of his good Subjects of *England* and *Ireland*; and in token thereof, if the Houses of Parliament of *England* sitting in Freedom, should think fit to present unto him the Propositions of Peace agreed upon by both Kingdoms, he will not only accord to the same, and such Alterations thereanent, as the Houses of Parliament, in regard of the Constitution of Affairs, and the Good of his Majesty and his Kingdoms, shall judge necessary; but do what is further necessary for the prosecuting the Ends of the Solemn League and Covenant, especially in those Things which concern the Reformation of the Church of *England*, in Doctrine, Worship, Discipline and Government; that not only the *Directory of Worship*, the *Confession of Faith* and *Catechism*, but also the *Propositions* and *Directory* for Church-government, accorded upon by the Synod of Divines at *Westminster*, may be settled, and that the Church of *England* may enjoy the full Liberty and Freedom of all Assemblies and Power of Kirk Censures, and of all the Ordinances of *Jesus Christ*, according to the Rule of his own Word; and that whatsoever is commanded by the God of Heaven, may be diligently done for the House of the God of Heaven. And whatever heretofore hath been the Suggestions of some to him, to render his Majesty jealous of his Parliament, and of the Servants of God; yet as he hath declared that in *Scotland* he will hearken to their Counsel, and follow their Advice in those things that concern that Kingdom and Kirk; so doth he also declare his firm Resolution to manage the Government of the Kingdom of *England* by the Advice of his Parliament, consisting of an House of Lords, and of an House of Commons there; and, in those things that concern Religion, to prefer the Counsels of the Ministers of the Gospel to all other Counsels whatsoever: And that all the World may see, how much he tends the Safety of his People, and how precious their Blood is in his Sight, and how desirous he is to recover his Crown and Government in *England* by peaceable Means, as he doth esteem the Service of those who first engaged in the Covenant, and have since that time faithfully followed the Ends thereof, to be Duty to God, and Loyalty to him; so is he willing, in regard of others who have been involved in these late Commotions in *England* against Religion and Government, to pass an Act of Oblivion, except

excepting only some few in that Nation, who have been chief Obstructors of the Work of Reformation, and chief Authors of the Change of the Government, and of the Murder of his Royal Father: Provided that these who are to have the Benefit of this Act, lay down Arms, and return unto the Obedience of their lawful Sovereign.

The Committee of Estates of the Kingdom, and General Assembly of the Kirk of *Scotland*, having declared so fully in what concerns the Sectaries, and the present Designs, Resolutions and Actings of their Army against the Kingdom of *Scotland*, and the same Committee and Assembly having sufficiently laid open publick Dangers and Duties, both upon the right Hand and upon the left, it is not needful for his Majesty to add any thing thereunto, except that in those Things he doth commend and approve them, and that he resolves to live and die with them and his loyal Subjects, in prosecution of the Ends of the Covenant.

And whereas that prevailing Party in *England*, after all their strange Usurpations, and insolent Actings in that Land, do not only keep his Majesty from the Government of that Kingdom by force of Arms, but also have now invaded the Kingdom of *Scotland*, who have deserved better Things at their Hands, and against whom they have no just Quarrel; his Majesty therefore doth desire and expect that all his good Subjects in *England*, who are and resolve to be faithful to God, and to their King, according to the Covenant, will lay hold upon such an Opportunity, and use their utmost Endeavours to promote the Covenant and all the Ends thereof, and to recover and re-establish the ancient Government of the Kingdom of *England* (under which for many Generations it did flourish in Peace and Plenty at Home, and in Reputation Abroad) and Privileges of the Parliament, and native and just Liberty of the People: His Majesty desires to assure himself, that there doth remain in these so much Conscience of their Duty to Religion, their King and Country, and so many Sparkles of the ancient *English* Valour which shined so eminently in their noble Ancestors, as will put them on to bestir themselves for breaking the Yoke of those Mens Oppressions from off their Necks. Shall Men of Conscience and Honour set Religion, Liberties, and Government at so low a Rate, as not rather to undergo any Hazard, before they be thus deprived of them? Will not all generous Men count any Death more tolerable than to live in Servitude all their Days? And will not Posterity blame those who dare attempt nothing for themselves and for their Children in so good a Cause, in such an Exigent? Whereas if they gather themselves and take Courage, putting on a Resolution answerable to so a noble and just an Enterprize, they shall honour God, and gain themselves the Reputation of pious Men, worthy Patriots, and loyal Subjects, and be called *the Repairers of the Breach*, by the present and succeeding Generations, and they may certainly promise to themselves a Blessing from God, upon so just and honourable undertaking for the Lord and for his Cause, their own Liberties, their native King and Country, and the unvaluable Good and Happiness of the Posterity. Whatever hath formerly been his Majesty's Guiltiness before God, and the bad Success that these have had who owned his Affairs whilst he stood in Opposition to the Work of God, yet the State of the Question being now altered, and his Majesty having obtained Mercy to be on God's Side, and to prefer God's Interest before his own; he hopes that the Lord will be gracious, and countenance his own Cause in the Hands of weak and sinful Instruments, against all Enemies whatsoever. This is all that can be said by his Majesty at present, to these in *England* and *Ireland*, at such a Distance; and as they shall acquit themselves at this Time in active Discharge of their necessary Duties, so shall they be accepted before God, endeared to his Majesty, and their Names had in Remembrance throughout the World.

*Given at our Court at Dumfermling, the Sixteenth Day of August, 1650.
and in the Second Year of our Reign.*

Minister [designed] Supplication, August 23^d, 1660. N^o. II.

Most Gracious and dread Sovereign,

WE your Majesty's most humble Subjects, considering the Duty which, as Christians, we ow unto our Lord JESUS CHRIST, who is King of Kings, and Lord of Lords, and which, as Subjects, we ow unto your Majesty as our lawful and native King under him; we hold our selves bound to tender unto your Majesty this our most humble Address and Supplication. How hateful the Actings of the late usurping Powers, in offering Violence unto the Parliament of *England*, in their unchristian and barbarous Murder of your Royal Father, in their insolent changing of the ancient Civil Government of the Kingdom of *England*, and by armed Violence unjustly secluding your Majesty therefrom, in their unjust invading of the Kingdom of *Scotland*, and enthralling the same in subjection to themselves, and beyond all, in their impious Encroachings upon the Kingdom of JESUS CHRIST, and the Liberties thereof, and in promoting and establishing a vast Toleration in Things religious throughout these Nations, unto the perverting of the precious Truths of the Gospel, and defacing of the Ordinances of JESUS CHRIST, in opening a wide Door to all Sort of Errors, Heresies, Schisms, Impiety, and Profaneness; how abominable and hateful these things were unto us, the Lord, who searcheth the Reins and trieth the Hearts, doth know; against which we gave many publick Testimonies before the World, to witness our Abhorrency thereof: And the same Lord knoweth, that as we did earnestly pray for and breathe after his appearing to witness against these, so (saying that Christian Pity and Compassion that we ow unto the Persons of Men, though our very Enemies) we do rejoice in his putting down of them that did lift up themselves, and staining of the Pride of their Glory, and breaking the Yoke of their Power off the Necks of these Kingdoms. We hold our selves also bound thankfully to acknowledge the Lord's signal Preserving of your Majesty's Person, in the midst of manifold Dangers and Designs threatening the same these Years past, and that after a long Exile from your own House and People, he hath been pleased to bring you back to the same; and when the Foundations of the ancient Civil Government of these Kingdoms were overthrown, again to make way for repairing the Ruins, and building up the Breaches thereof, for establishing of the same upon right and sure Foundations, in your Majesty's Person and Family, and to do these Things when they were so little expected, in so quiet and peaceable a Way,

and without the Effusion of Christian Blood, and embroiling of these Kingdoms in the Miseries and Calamities of a new War: And as we do adore the wonderful and wise Hand of God, and bless his Name who hath done these great Things; so it is not only our Practice for the present, but our sincere Purpose and Resolution also for the Time to come, to pour forth the fervent Desires and Supplications of our Souls, unto the most High, by whom Kings reign, for the Preservation and Safety of your Majesty's Person, and for the Multiplication and Increase of his Spirit upon you, that you may employ your Power unto his Praise and the Comfort of his People, and for the establishing of your just Power and Greatness, and, in Subordination to him, to be faithful and loyal in tending of all the Duties of Honour, and Subjection, and Obedience to your Majesty, that are due from humble and loving Subjects to their native and lawful Sovereign. And we desire to be persuaded, and with Confidence to promise to our selves, that your Majesty will accept of these our Professions as proceeding from honest and loyal Hearts, and allow us that Protection, Countenance, and Encouragement, in our Stations and Callings, that may be expected from a gracious King. And considering the great Happiness that ariseth both to Kirk and State, and all the Members thereof by the mutual Embracements of Religion and Righteousness, of Truth and Peace, and from the mutual good Understanding betwixt the supreme Magistrate and the Faithful of the Land, when it pleaseth Divine Providence so to dispose, and the many Calamities and Miseries that, in the holy Justice and Indignation of God, do attend the separating or violating of these only sure Foundations of States and Kingdoms; we are bold, in the Integrity of our Hearts, and in the Zeal of the Glory of God, and of the Good of his Church, and of your Majesty's Honour and Happiness, and from the Sense of the manifold and great Obligations that be upon us, before the Lord, so to declare, and particularly that of the Covenant, that what Lets we are not able our selves to suppress or overcome, we shall reveal and make known, that it may be truly prevented or removed, humbly to represent unto your Majesty the great Danger that threatens Religion, and the Work of Reformation in the Churches of God in these Kingdoms, from the Designs and Endeavours of the Remnant of the Popish, Prelatical, and malignant Party therein, which is beginning again to lift up the Head, and, not only to render hateful and bear down many of your Majesty's good Subjects, who have been employed as Instruments in that Work, and have kept within the Bounds of their Duty in promoting and pursuing the same, so far as human Infirmary would permit; but also to overthrow that blessed Work it self, and to reintroduce Prelacy, and the Ceremonies, and the Service-book, and all these Corruptions which were formerly cast out, as inconsistent with that pure and spotless Rule of Church-government, and Discipline and Divine Worship, delivered unto us in the Word of God, and as a Yoke of Bondage which neither we nor our Fathers were able to bear. Although we know that that Spirit will not want specious Pretences, and plausible and subtil Insinuations for compassing these Ends; yet as there cannot readily be greater Disservice to the Church of God, and to your Kingdoms, and to your Majesty's Honour and Happiness, than Actings of that Nature, so we cannot without Horror of Heart, and Astonishment of Spirit, think upon what dreadful Guiltiness, Kings, Princes, Ministers, and People, shall be involved into, and what fearful Wrath shall attend them from the Face of an angry and jealous God, if after all the Light that he hath made to shine in these Kingdoms from his blessed Word, for discovering the Error and Impiety of these Things, and after his Hand lifted up so high for calling out of the same, and after such solemn Vows and Engagements taken upon themselves before God, Angels and Men, against them; they should again lick up the Vomit thereof. God forbid that ever we should hear or see such heart-altering Things, which would turn the Mirth of the Lord's People into Mourning, and their Songs into most sad and bitter Lamentation. Neither are we less apprehensive of the Endeavours of the Spirit of Error, that possesseth Sectaries in these Nations, which, as it did at first promote the Practice of a vast Toleration in Things religious, and afterwards proceeded unto the framing of the Mischief thereof into a Law; so we doubt not, but it will still be active unto the promoting and procuring the same, under the specious Pretence of *Liberty for tender Consciences*; the Effects whereof have, in a few Years past, been so dreadful, that we cannot think of the continuing of it, but with much Trembling and Fear: Therefore knowing that to Kings, Princes, Rulers, and Magistrates, appertains the Conservation and Purgation of Religion, and that Unity and Peace be preserved in the Church, and that the Truth of God be kept pure and entire, that all Blasphemies and Heresies be suppressed, all Corruptions or Abuses in Discipline and Worship prevented or reformed, and all the Ordinances of God duly settled, administered and observed; and that nothing can more contribute unto the preserving and promoting of Religion, and of the Work of Reformation, than that all Places of Power and Trust be filled with Men of a blameless and Christian Conversation, and of approved Integrity, and known Affection to the Cause of God: We your Majesty's most humble Subjects do, with bowed Knees and bended Affections, humbly supplicate your Majesty, that you would employ your Royal Power unto the Preservation of the Reformed Religion in the Church of Scotland, in Doctrine, Worship, Discipline, and Government; and in the Reformation of Religion in the Kingdoms of England and Ireland, in Doctrine, Worship, Discipline, and Government, and unto the carrying on of the Work of Uniformity in Religion in the Churches of God in the Three Kingdoms, in one Confession of Faith, Form of Church-government, Directory for Worship and Catechizing, and to the Extirpation of Popery, Prelacy, Superstition, Heresie, Schism, Profaneness, and whatsoever shall be found contrary to sound Doctrine, and the Power of Godliness: And that all Places of Power and Trust under your Majesty, may be filled with such as have taken the Covenant, and are of approved Integrity and known Affection to the Cause of God. If in a Matter that so much concerns the Honour of God, and the Good of this Church, and your Majesty's Honour and Happiness, we be jealous with a godly Jealousie, we know your Majesty's Wisdom and Piety to be such, as will easily pardon it. The Sense of our Duty to God, and to your Majesty, with the Importunity of Men of a contrary mind, who seek to make your Majesty and these Kingdoms Transgressors, by building again the Things that were formerly warrantably destroyed, constrain us to be Petitioners against the same, and earnestly to intreat that any Beginnings of Stumbling which have already been given in these things, especially in the Matter of Prelacy, and the Ceremonies, and Service-book in your Majesty's Chapel and Family, and in other Places of your Dominions, may be removed and taken away, and that there may be no further Proceedings in these Things which grieve the Spirit of God, and give Offence to your Majesty's good Subjects, who are engaged with you in the same Covenant and Work of Reformation: And that your Majesty, for establishing the Hearts, and strengthening the Hands of these who are faithful in the Work of the Lord, and for quashing the Hopes and Endeavours of Adversaries, will be pleased to give publick Signification of your Approbation of the Covenant, and of your Purpose to adhere unto the same, and to carry on the Work of God in these Kingdoms according thereto;

thereto ; and that your Majesty's Eyes may be upon the Faithful of the Land, that they may dwell with you. We hope that your Majesty will not take Offence, if we be the Lord's Remembrancers to you, that you were pleased, a little before your coming into this Kingdom, and afterwards at the Time of your Coronation, to assure and declare by your solemn Oath, under your Hand and Seal, in the Presence of Almighty God the Searcher of Hearts, your Allowance and Approbation of the National Covenant, and of the solemn League and Covenant, faithfully obliging your self to prosecute the Ends thereof in your Station and Calling : And that your Majesty, for your self and Successors, shall consent and agree to all Acts of Parliament enjoining the National Covenant, and the solemn League and Covenant, and fully establishing Presbyterian Government, the Directory of Worship, Confession of Faith, and Catechisms, in the Kingdom of Scotland, as they are approved by the General Assemblies of this Kirk, and Parliaments of this Kingdom ; and that your Majesty shall give your Royal Assent to Acts and Ordinances of Parliament, past or to be past, enjoining the same in your other Dominions, and that you shall observe these in your own Practice and Family, and shall never make Opposition to any of these, or endeavour any Change thereof. And we desire to be persuaded, that no Length of Time hath made your Majesty to forget, or weakened upon your Heart, the Sense of the Obligation of that great and solemn Oath of God in the Covenant ; yea, that the Afflictions wherewith God hath exercised your Majesty these Years past, and the great and wonderful Deliverance that of late he hath granted unto you, hath fixed deeper Impressions thereof upon your Spirit, and that amongst all the Kings of the Earth, Religion and Reformation shall have no greater Friend than your Majesty ; yea, that as you are more excellent than the Kings of the Earth, in regard of Purity of Profession, and solemn Engagements unto God, and long Exercisedness with manifold Afflictions, and in the Lord's setting you over these Kingdoms, which were not only through Grace amongst the first Fruits of the Gentiles, but also, in your princely Station and Dignity, are, amongst all that we know in the World, the most eminent for the Purity and Power of the Gospel ; so shall your Majesty excel them in Zeal for God, and for the Kingdom of Jesus Christ, and that by how much your Majesty is, by the Constitution and Hand of the Almighty, lifted up above the Sphere of that of your Subjects, by so much shall your Motions be more vigorous and active unto the carrying about, by the Influence of your Royal Commands and Example, all the Orbs of inferior Powers and Persons in these Kingdoms, in Subordination to God and your Majesty, in the Practice of Godliness and Virtue. It is the Desire of our Souls, that your Majesty may be like unto David, a Man according unto God's own Heart ; like unto Solomon, of an understanding Heart to judge the Lord's People, and to discern betwixt Good and Bad ; like unto Jehoshaphat, whose Heart was lifted up in the Ways of the Lord ; like unto Hezekiah eminent for Goodness and Integrity ; like unto Josias, who was of a tender Heart, and did humble himself before God, when he heard his Words against Jerusalem and Judah, and the Inhabitants thereof ; and not only made a Covenant before the Lord, to walk after the Lord, and to keep his Commandments with all his Heart, and with all his Soul, to perform the Words of the Covenant ; but also caused all that were in Jerusalem and Benjamin to stand to it, and took away all the Abominations out of all the Countries that pertained to the Children of Israel, and made all that were present in Israel to serve, even to serve the Lord their God : So shall your Majesty inherit the Honour and Blessings of these Kings upon the Earth, and their Happiness in Heaven ; so shall your Majesty's Person be preserved, and your Government established over these Kingdoms ; which is the unfeigned Desire, and fervent Supplication of

Your Majesty's most humble and loyal Subjects.

ACT for securing Mr. James Guthrie and others. N^o. III.

At Edinburgh the 23^d Day of August, 1660.

THE Committee of Estates, now presently convened by his Majesty's special Warrant and Authority, upon Information given to them of a Conventicle and private Meeting of some Remonstrator and Protesting Ministers and others at Edinburgh, for which they had neither Warrant from the Ordinary, Civil, or Ecclesiastick Courts ; And the said Committee, being by his Majesty's special Commission and Commands, intrusted and empowered with the caring, ordering, and providing for what may conduce for the Peace of this his Majesty's ancient Kingdom, and Support of his Power and Authority therein, finding such unlawful Conventicles, upon what Pretence soever, without publick lawful Authority, expressly derogatory to his Majesty's Royal Prerogative, and tending to the Disturbance of the present Peace of his Majesty's Dominions ; Gave Order and Command to some of their Number, to search and make Trial after the Occasion and Reason of their Meeting, who in the said Enquiry, found them with Petitions subscribed, and some Papers and Letters scrolled, to be sent for convocating all of their own Judgment, containing many Particulars reflecting upon his sacred Majesty, the Government of our neighbour Church and Kingdom of England, and Constitution of this present Committee, and many other Things directly tending to Seditions, raising of new Tumults, and (if possible) rekindling a Civil War amongst his Majesty's good Subjects. Therefore, the said Committee have thought fit, and hereby ordains the Persons Subscribers of the said Papers, and these in Company at the updrawing thereof ; They are to say, Mr. James Guthrie, Mr. Robert Trail, Mr. John Stirling, Mr. Alexander Moncrief, Mr. John Semple, Mr. Thomas Ramsay, Mr. Gilbert Hall, Mr. John Scot, Mr. George Nairn, Mr. John Murray, Ministers, and John Kirke ruling Elder, to be committed Prisoners within the Castle of Edinburgh, therein to remain, until his Majesty's Pleasure shall be further made known : And gives Warrant to the present Captain of the said Castle, to receive them Prisoners, and to keep them in safe Custody.

Extracted forth of the Books of the said Committee, by me

JO. HAY Cler. Comr.

Letter,

Letter, Mr. John Stirling Minister at Edinburgh, to his Session, when imprisoned by the Committee of Estates, 1660. N^o. IV.

Dearly Beloved,

I Hear there are some Thoughts among you, of Petitioning the honourable Committee of Estates, for my Release. I confess it is no small Refreshment to me, to think that I have so much Room in your Affections, as you are ready to look after me, or desire that I might yet continue to serve you, in the Work of the Gospel: And tho' I be your Debtor on this account, and do most heartily thank you, and all those in whose Hearts this Motion hath been entertained, yet I dare not advise you to follow it any further at present. My Brethren and I are joyntly to petition this Week, and we shall see what Issue that may take, before we desire our People to be engaged in suing for us.

If the Lord have any more Service for me among you, he can bring me to you again (I trust) in the Spirit and Power of the Gospel; and this Testimony of your Affection, shall, I hope, put a new Edge upon my Spirit, to be more willing than ever to spend and be spent, for the Advantage of your Souls: But if otherwise, the Will of the Lord be done. I am hopeful, that he who ministreth Seed to the Sower, shall minister to your Necessities; and I shall never forget you, by his Grace, but ever bear you upon my Heart, to hold you up before the Lord, so long as I am in this Body.

I know the Cause of our Sufferings is strangely represented to you; and, I confess, we were miserable Men, and unworthy of the Room we bear either in the Church or Kingdom, if that were true that is said of us. The personal Sufferings I am under, nor the Reproaches that are upon my Name, are not a very great Trouble, in comparison of the Fear I have that *Satan* may thereby take Advantage to cause the Lord's People stumble at the Gospel I have preached among them: Yet this is my Comfort, that whatever the World say or believe, the Cause I suffer for is the Lord's, and no less than the avowing of his Marriage-contract, in a sworn Covenant, betwixt the Three Kingdoms: And albeit we have not now Liberty to vindicate our selves from the Aspersions cast upon us, but must ly under the Reproaches of *Jeditious Persons*, and *Raisers of a new War*, (which, God knoweth, our Hearts do abhor) and *Enemies to our King*, (whom our Souls do honour, and I dare take you Witnesses of my good Wishes towards him) yet this is no new Thing; you know who was counted an Enemy to *Cesar*, even *CHRIST* our LORD, and *Paul* was a *seditious Fellow*, and went up and down the World as a *Deceiver*, and yet was true.

Yet all we were about, was an innocent Supplication, that his Majesty might mind the Oath of God, and opppse those abjured Corruptions of Prelacy, and Ceremonies that are coming in, and that he might, for advancing of Reformation, imploy fit Instruments in Places of Power and Trust, who are Friends thereunto; and we should desire no other Vindication, but that our Supplication might be printed.

Always, dearly beloved, till I be able, if the Lord will, to speak face to face, I shall desire no other Favour of you, but that you will endeavour that the People may not stumble, but retain somewhat of Charity to me, till God shall fulfil his Promise, in making Righteousness appear, that the upright in Heart may follow after it.

I beseech you, in the Bowels of Jesus Christ, take heed to your selves, and to the Flock over which the holy Ghost hath made you Overseers: Much more lieth upon you now, than formerly when I was with you. Remember, I beseech you, that you watch as those that must give an Account, and that the *Adversary* is going about, as a roring Lion, continually seeking whom he may devour. Ah! my Heart bleedeth to think how much he prevaieth with the most Part, and how few there are who will lay hold on the free Offers of Grace and Salvation through a Redeemer, and come to Jesus that they may have Life. *Edinburgh* hath long had the Plenty and Purity of the glorious Gospel, but ah! *Who hath believed our Report, and to whom is the Arm of the Lord revealed?* It is true the Lord hath a Remnant, yea, a precious Remnant among us, else we should have been like to *Gomorrhah*; but yet alas for the Blindness and Hardness, the Looseness and Profanity of the most Part, who live, in effect, without God in the World: Ah, that in their Day they might know the Things that belong to their Peace, before they be hid from their Eyes! I know there are many such under your Charge, but let me beseech you to be serious with them, while you have Occasion, and to walk exemplarily before them. It is not to Preachers only, but to all Christ's Followers, in their own Place and Station, that he saith, *Let your Light so shine before Men, that they seeing your good Works, may glorify your Father which is in Heaven.*

As for me, the Lord knoweth, that as I have no greater Grief by this Restraint, than my Absence from you, (which would be a deep Sorrow indeed, but that I am perswaded of the Call of God to this Piece of Service that is now put in my Hands) so can I have no greater Joy and Comfort, than to hear of all your Happiness, and of your Love to the Gospel, and Care to adorn the same, by your holy and blameless Conversation. I shall add no more, but my earnest Request for your Prayers before the Throne of Grace: And so recommending you and all the Flock, to him who is the great Shepherd and Bishop of your Souls, I rest,

Your Servant for Christ's Sake,

JO. STIRLING.

Edinburgh, Sept. 11.

P. S. If it be possible, that your Care and mine together, could provide Preaching in your own Church, till we know whether the Lord will shorten this Trial unto me, I wish we could do it.

A Proclamation against Two seditious Books or Pamphlets, the one entituled Lex Rex, the other, The Causes of God's Wrath, &c. No. V.

THE Committee of Estates, now presently convened by his Majesty's special Warrant and Authority, taking into their Consideration, That there are Two Books, the one entituled *Lex Rex*, and the other, *The Causes of God's Wrath, &c.* printed and dispersed by some rebellious and seditious Persons within this Kingdom, cunningly, and of purpose to corrupt the Minds of his Majesty's loyal Subjects, to alienate and withdraw them from that Duty of Love and Obedience, that they owe unto his sacred Person and Greatness, stirring them up against his Majesty and Kingly Government, and containing many Things injurious to the King's Majesty's Person and Authority, laying the Foundation and Seeds of Rebellion, for the present and future Generations: Therefore, in Consideration of the Premises, the said Committee of Estates do declare the said Two Books to be full of seditious and treasonable Matter, animating his Majesty's good Subjects to rise up in Rebellion against their lawful Prince and Sovereign, and poisoning their Hearts with many seditious and rebellious Principles, prejudicial to the King's Majesty's Person, his Royal Authority, and to the Peace of this Kingdom: And that the foresaid Two Books ought not to be read, perused, nor kept in the Hands or Custody of any of his Majesty's Lieges; but that the same be called in, and delivered up, that his Majesty's good Subjects be not longer infected or poisoned thereby. And for this Effect they do ordain all and whatsoever Persons, Havers of the said Books in their Hands or Custody, to bring and deliver the same to Mr. Robert Dalgleish his Majesty's Solicitor in Scotland, betwixt and the Sixteenth Day of October next to come: With Certification to all and every one of these who shall refuse to do the same, and with whom any of the said Books shall be found after the said Day, they, and each one of them, shall not only be esteemed Enemies to the King's Majesty, his Authority, and the Peace of this Kingdom, but also they shall be punished accordingly in their Persons and Estates, as the King's Majesty and Estates of Parliament, or the said Committee, shall think fit. And ordain their Presents to be forthwith Printed and Published at the Market-crosses of Edinburgh, and Head-burghs within the Shires of this Kingdom, that none pretend Ignorance hereof. *Extracted forth of the Books of the said Committee, by me*

JO. HAY Cler. Com.

A Proclamation against all seditious Railers and Slanderers, whether Civil or Ecclesiastick, of the King's Majesty and his Government; and against Remonstrators and their Adherents, and against all unlawful Convocation of his Majesty's Lieges. No. VI.

At Edinburgh, the 20th of September, 1660.

THE Committee of Estates, presently convened by his Majesty's special Warrant and Authority, laying seriously to Heart the great Trust committed to them, for carrying on, ordering, and using of all Means which may tend to the securing of the Peace of this Kingdom, and maintaining and furthering his Majesty's Power and Authority therein; considering, that by many Acts of Parliament, all Leasing-makers, and Tellers thereof, Makers of evil Information, or engendering Discord betwixt the King and his People, all Reproachers or Slanderers of his Majesty, Government, or Realms, Depravers of his Laws, Misconstruers of his Proceedings, Meddlers in the Affairs of his Estate; As also, all Hearers of any such Leasings, Calumnies, or Slanders, by Word or Writ, and Concealers thereof, should be punished as seditious Persons, Enemies to his Majesty, and the Pain of Death to be executed upon them, as at length is contained in the 43^d Act of King James I. his 3^d Parl. the 83^d Act of King James V. his 6th Parl. the 134th Act, Parl. 8th, the 10th Act, Parl. 10th, the 205th Act, Parl. 14th, of King James VI. and the 27th Act of the 2^d Parl. of his sacred Majesty's unquhile dearest Father, of blessed Memory; which, more particularly in relation to any such Reproaches, Lies, or Calumnies, concerning the Kingdom of England, and his Majesty's worthy Subjects therein, is expressly prohibited by the 9th Act of King James VI. his 20th Parl. holden in anno 1609. under the Pain specified in the said Act: Likeas, all Convocation of his Majesty's Lieges, without his Majesty's special Command, or express Licence, whatever Quality, Estate, or Function the Persons be of, Spiritual or Temporal, is expressly prohibited by the 131st Act, Parl. 8th, King James VI. under the Pains therein contained. As also, the Remonstrance presented to the Committee of Estates, in anno 1650. declared by his Majesty and Parliament, in July 1651. seditious and treasonable: Nevertheless, and albeit it hath pleased the almighty God, of his wonderful Goodness and Providence, happily to restore his sacred Majesty to the peaceable Government of his ancient Kingdoms, and all his Majesty's Subjects to their wonted Peace, Freedom, and Privilege, which is (as it ought to be) a Matter of great Rejoycing to all good Christians, and loyal Subjects whatsoever, both at Home and Abroad: Yet the said Committee of Estates, certainly knowing, and receiving daily Information, that several of his Majesty's Lieges, and Subjects within this Kingdom, do, contrary to the said Acts of Parliament, convocate, convene, and assemble themselves, without his Majesty's special Command and Licence; and that there are several scandalous seditious Speeches uttered and preached in Sermons, Declamations, and otherwise, and several calumnious Pasquils, Libels, Rhymes, and other Writs, devised, vented, and published, to the Reproach or Slander of his Majesty's Person, Estate, or Government: As also, That several his Majesty's Subjects do down, adhere to, avow, abet, or assist the foresaid Remonstrance, whereby his Majesty's loyal, well meaning

meaning Subjects, may be drawn from their due Allegiance, and ensnared in such seditious Combinations and Meetings, and involved in their said treasonable Plots and Practices, unless timely Remedy be provided. Therefore, the Committee of Estates, in his Majesty's Name and Authority, command and charge, That no Subject, or Subjects within this Kingdom, of whatsoever Quality, Estate, or Function they be of, Spiritual or Temporal, presume, or take upon hand, to convocate, convene, or assemble themselves together, for holding of Councils, Conventions, or Assemblies, to treat, consult, or determinate in any Matter of Estate, Civil or Ecclesiastick, (except in the ordinary Judicatories) without his Majesty's special Command and expresse Licence, had and obtained to that effect: As also, That none of them, of whatsoever Function, Degree, or Quality, presume, nor take upon Hand, privately or publickly, in Sermons, Preachings, Declarations, Speeches, or otherwise, by Word or Writ, to utter, devise, or vent any Purpose of Reproach, or Slander, against his Majesty's Person, Estate, or Government, his Parents, or Progenitors, or to deprave his Laws and Acts of Parliament, or misconstrue his Proceedings, whereby any Mislking may be moved betwixt his Majesty, and his Nobility, and loving Subjects, or to meddle in the Affairs of his Majesty and his Estate, present, bygone, and in Time coming; or to own, abet, or assist the foresaid *Remonstrance*: With Certification, they shall be proceeded against, conform to the Tenors of the said respective Acts of Parliament. Likeas, the said Committee of Estates declare, that any Person or Persons, who hear any such Leasing, Calumny, or slanderous Speech, or shall see or have any such Pasquils, or Writs, as aforesaid, and reveal not the same to his Majesty, or one of the said Committee, or to the Sheriff, Steward, or Bailie of the Shire, Stewards in Regality or Royalty, or to the Provost, or one of the Bailies within Burgh, as with best Conveniency he may, by whom the same may come to the Knowledge of his Majesty, his Parliament, the said Committee of Estates, or his Majesty's Privy Council, by whom the said Leasing-makers, and Authors of such slanderous Speeches, may be called, tried, and punished, according to the said Acts; in that case they shall incur the like Censure or Punishment, as the principal Party Offender. And the said Committee of Estates considering, that his Majesty's Lieges are subject more easily to be ensnared and enticed to any such seditious or treasonable Courses and Practices, by Ministers in their Sermons, Prayers, Declamations, and private Discourses; The said Committee do declare, That upon Information given to them of any thing uttered or spoken, contrary to the Tenor of the preceeding Act, the same being lawfully proven in Presence of the said Committee, or Parliament, or his Majesty's Privy Council, they summarily will sequester their whole Stipend, and imprison their Person, until his Majesty, Parliament, or Committee of Estates, or any other Judge competent, shall proceed to the final Cognition and Sentencing of their said Crime or Crimes. And to the effect that this Act and Ordinance may come to the Knowledge of all his Majesty's Lieges, ordain Publication to be made thereof, at the Market-crosses of *Edinburgh*, and at the Market-crosses of the Head-burghs of the Shires; and ordain the Magistrates of the several Head-burghs, to send so many of the said Proclamations to each Collector of the Assessment of every Shire, requiring the said Collector to send the same to the several Parishes, that the foresaid Proclamation may be read after Sermon, and affix'd upon the Kirk-doors of each Parish, and upon the Market-crosses of each Head-burgh.

Extracted forth of the Books of the said Committee, by me

JO. HAY Cler. Com.

ACT concerning the President, and Oath of Parliament. N^o. VII.

FOrasmuch as it hath pleased almighty God, to compassionate the Troubles and Confusions of this Kingdom, by returning the King's most excellent Majesty to the Exercise of that Royal Government, under which, and its excellent Constitution, this Kingdom hath for many Ages enjoyed so much Happiness, Peace, and Plenty; and it being, upon good and important Considerations, an inviolable Practice in this Government before these Troubles, that the Person nominate by his Majesty to be his Chancellor within this Kingdom, did of Right, and as due to his Place, preside in all Meetings of Parliament, and other publick Judicatories of the Kingdom, where he was present for the Time: And his Majesty now considering the great Advantages do accresse to the publick Good of his Subjects, by the due Observance of such ancient and well grounded Customs and Constitutions, and the Prejudices that do accompany a Change thereof: Therefore his Majesty, with Advice and Consent of his Estates of Parliament, doth declare, That the present Lord Chancellor, and such as hereafter shall be nominate by his Majesty, or his Royal Successors, to succeed in that Place; and, in case of their Absence, such as shall be nominate by his Majesty, are, by virtue and Right of the said Office, and such Nomination *respective*, to preside in all Meetings of his Majesty's Parliaments, or other publick Judicatories of the Kingdom, where they shall happen to be present, and that they are now and in all Time coming to enjoy this Privilege. And in Discharge of this Trust, they are, at the first down-sitting of every Parliament, to administer to all the Members thereof, the Oath of Allegiance. (*See the Oath in the History, Pag. 22^d.*)

Likeas, his Majesty, with Advice aforesaid, doth hereby rescind and anul all Acts, Statutes, or Practices, as to the President or Oath of Parliament, which are prejudicial unto, or inconsistent with this present Act, and declare the same to be void and null in all Time coming.

ACT concerning the League and Covenant, and discharging the renewing thereof, without his Majesty's Warrant and Approbation. N^o. VIII.

FOrasmuch as the Power of Arms, and entring into, and making of Leagues and Bonds, is an undoubted Privilege of the Crown, and a proper Part of the Royal Prerogative of the Kings of this Kingdom, and that in Recognizance of his Majesty's just Right, the Estates of Parliament of this his most ancient Kingdom

dom of Scotland, have declared it high Treason to the Subjects thereof, of whatsoever Number, less or more, upon any Pretext whatsoever, to rise, or continue in Arms, or to enter into Leagues and Bonds, with Foreigners, or among themselves, without his Majesty's special Warrant and Approbation had and obtained thereto; and have rescinded and annulled all Acts of Parliament, Conventions of Estates, or other Deeds whatsoever, contrary to, or inconsistent with the same. And whereas, during these Troubles, there have occurred divers Things, in the making and pursuance of Leagues and Bonds, which may be Occasion of Jealousy in and betwixt his Majesty's Dominions of Scotland, England, and Ireland; Therefore, and for preventing of all Scruples, Mistakes or Jealousies, that may hereafter arise upon these Grounds, the King's Majesty, with Advice and Consent of his Estates of Parliament, doth hereby declare, That there is no Obligation upon this Kingdom, by Covenant, Treaties, or otherwise, to endeavour by Arms a Reformation of Religion in the Kingdom of England, or to meddle with the publick Government and Administration of that Kingdom. And the King's Majesty, with Advice and Consent foresaid, doth declare, That the League and Covenant, and all Treaties following thereupon, and Acts or Deeds that do or may relate thereto, are not obligatory, nor do infer any Obligation upon this Kingdom, or the Subjects thereof, to meddle or interfere by Arms, or any seditious Way, in any thing concerning the Religion and Government of the Churches of England and Ireland, or in what may concern the Administration of his Majesty's Government there. And further, his Majesty, with Advice and Consent of his Estates, doth hereby discharge and inhibit all his Majesty's Subjects within this Kingdom, that none of them presume, upon any Pretext of any Authority whatsoever, to require the renewing or swearing of the said League and Covenant, or of any other Covenants, or publick Oaths, concerning the Government of the Church or Kingdom, without his Majesty's special Warrant and Approbation; and that none of his Majesty's Subjects offer to renew and swear the same, without his Majesty's Warrant, as said is, as they will be answerable at their highest Peril.

Abernethy's (Jesuit) Account of the Popish Government in Scotland. N^o. IX.

ALL Governments are either spiritual or temporal, and both require Three Things. 1. *Rectores*, these that rule and govern. 2. *Rectus*, these that are ruled and governed. 3. *Modum regendi*, the Form of their Government. All these Three Things are found in the Popish Government in Scotland. And 1st. Their Governors and Rulers are threefold, *that is, remoti, propinqui, & proximi*. Those I call *remote*, are the Pope, and that Congregation *de propaganda* (or rather, as I have heard themselves call it, for the politick Knavery of it, *de extirpanda*) *vide*. The nearer, or *propinqui*, are Monsieur Francisco Barberino, a Cardinal, Protector of our Nation, Mr. George Cons, Secretary for the Latin Tongue to the Pope, the Generals of the several Orders, but especially the Jesuits (they being in great Number in the Country) and Fathers, George Elphinstone in Rome, William Lefly in Down, John Robe younger in London, and William Henderson in Burghston, beside Edinburgh. Most near, or *proximi*, are some Sixteen or Eighteen, more or less, as they can find Houses in Scotland to place them in. They have all their several Places of Residence in Gentlemen or Noblemens Houses, according to William Henderson, Superior of the Mission, his Direction and Pleasure: For he has Notice of them all before they come into the Country, yea, of all their Dispositions and Qualities, by their Superiors or Confessors Letters; yet there is no less Budding, Bribing, Envy, Malice, and Hatred, for obtaining the Choice of these Houses, than for catching at Court a good fat Bishoprick. And this short Relation shall suffice for the Notice and Knowledge of the Rulers and Governors of this Papistical Mission.

Concerning the Second Point, *that is*, The Persons that are ruled and governed by their politick Brains, here is little or nothing to be said; altho' this Mass of Policy, according to the Priests Report, is nothing else but a zealous and pious Piece of Pains, for the Well of the Country, and the Salvation of poor Souls, kept under heretical Persecution and Bondage. But God knows what Spain means in giving Pensions to these zealous Men. But this I omit to another Place. The Number and Quality of their poor blindly led Folks, is (or should at least be better known to the Ordinaries of Dioceses) if they be not accessory, and Pastors of the particular Places of the Kingdom, than by me, who lived not Two Years in the Country with them. Yet, if I were stressed, I could set them as well in Order as the Litanies of the Saints are; for I know them both perquire. Therefore, ere I conclude this Point, I will only notice, That these Priests and Jesuits take Care, Power and Authority over the Papists of this Kingdom, as That these Priests and Jesuits take Care, Power and Authority over the Papists of this Kingdom, as over their own Parishioners in other Countries, and hear their Confessions, say their Masses, preach, baptize, marry, give extreme Unction to them, as if they were their own Subjects and Parishioners; whereof they send their Relations to the Congregation *de propaganda fide*, to the Pope and several Generals, once in the Year at least, and oftner if they please, making Mention of all that has been done by them or their Followers, good or evil, of the Government both spiritual and temporal, of this Kingdom: For this end, one of themselves, the best Rhetorician of the younger Sort, is chosen Secretary thereto. They are called *litteræ annuæ*, whereof are drawn out their Annals, and of thir composed their History. I might likewise speak of their Division or Distinction they give themselves to their Penitents, (as they call them) dividing them into Church-papists and Mass-papists. The First are these who hear the Word in Protestant Churches, subscribe and communicate, or in a word, they are inward Papists, and outward Protestants. The Second are these who do not hear the Word. The first were maintained by some of the Fathers who gave these Persons Absolution of their Sins, as well as others: The Second were governed by the Jesuits, who in end have procured at the Pope's Hands, that these who participate of the Protestant Sacraments, shall be excommunicated and debarred from their Sacraments; yet, for old Acquaintance, they will get Leave to be present at their Masses and Preachings, whereof I know sundry other their Benefactors or powerful Men. Yet, after all this, *in articulo mortis*, or upon Resolution not to return to that Sin again, they will obtain Remission or Absolution. But all this I pass, minding, God willing, to make it more publick to the World at another Occasion; concluding and ending this Point, that this Papistry in Scotland may be joyned to these old Proverbs, and say, *Ex illa minore*, Sol. 1. *de Eu-*

ropa, Pons Polonicus, monachus Bohemus, miles australis, Suevica monialis, Italica dinotio, Ruthenorum religio, Teutonum jejunia, Gallorum constantia, castitas Anglicana, papismata Scoticana, nihil valere omnia.

The Third Thing I propounded of their Government, contains Three Points, 1^{mo}. The Fountain of this Government. 2^{do}. Their Proceeding in it. 3^{tio}. The Sinews of their Government, *that is*, their Entertainment and Maintenance. For the First, 'tis to be remembred, that Pope Gregory the XIII. (called Father of the Jesuits, for his Liberality to them) Paul the V. and Gregory the XV. have built a King-like House in Rome, called *Congregatio de propaganda fide*. The Members of this Congregation, is the Pope as supreme Head of the Kirk, and Judge of all Controversies. His Nephew Cardinal Francis Barberino is his Lieutenant, and immediate Governor of the whole Church, divers Cardinals and Generals of all the Orders that teach or preach, the great Master of the Inquisition, and some few Doctors, all as Judges of equal Authority, their Officers to have Care and Charge of the Missionaries in foreign Kingdoms and Countries, where their Religion is not professed, or has suffered Detriment, through all the World: So that there can be no Time assigned, Day or Night, but 'tis lawful to say, Now a Jesuit is saying Mass; and yet a Mass cannot be said after Twelve a Clock, without a Dispensation: So great are the Limits and Extent of their Bounds. For this end, they have many Colleges or Seminaries of divers Nations, and sundry Countries, as in Rome, of Germans, Hungarians, English, Scots, Irish, Greeks, Maronites or Armenians, Nephittes, Copties, &c. Of our Nation, out of the Country, there be Five Colleges or Seminaries, Rome in Italy, Paris in France, Doway in Flanders, Madrid in Spain, Brunsberg in Prussia. In their Colleges, Youth are brought up in their Discipline, throughout all their Humanity, Philosophy, and Divinity. Their Colleges are furnished with Scholars by the Jesuits residing in their several Countries, some by their Popish Parents, some under Promises of great Learning, some seduced by Jesuits and Priests in the Countries and Abroad, some for Poverty; all of the quickest and best Wits that the Jesuits can find out amongst many that are propounded to them for that Use. The Jesuits have the Care and Guiding of their Colleges, although ruled by the Popes, Cardinals, and Bishops, or other Benefactors. Their Youths, after they have remained Three Months in any College, they make a Vow to take on Priesthood, and return for the Conversion of their Country, after they be found fit, which is always after their Studies. The Jesuits having Charge of these seminary-Youths, put out the best Wits and rarest Judgments for their own Order. Others become Monks and Friars, and the shallowest remain secular or seminary Priests. Yet, whatsoever Order they be of, they are tied to their First Oath, by virtue of a Bull of this Pope's, in favour of the foresaid Congregation. So let this suffice as a short Relation of their Source and Fountain.

2^{dly}. Their Form of Proceeding is, That when they are found fit, after their Priesthood received, and Studies ended, to be sent to their Mission. First, they have Approbation of their sound Doctrine and godly Life, from the Jesuits, under whom they have been brought up. Thereafter, they get their Patent Letters from their Congregation or their General, if they be of any Order, to go to their Country, furnished with Two Suits of Apparel, all their Church-apparel, and Necessaries thereto, and Two, Three, Four, or Five hundred Crowns, as they have Favour, and are thought worthy for their Vocation. Next, to come to Doway, where Mr. William Lestly Superior there, gives them some Books out of the Mission's Bibliothek there, and Marks to know and be known of their Fellows and Country: Whence they depart, changing their Name always, and sometimes their Nations, and come to William Henderson in Burghton, in the Canongate, Paisly, or where he is; for he must visit them all once in the Year, in their several Residences. By him they are visited, if they have all Things fit for their Calling; if they have not, he furnishes them; if they have, he gives them a Letter to some Nobleman or Gentleman, where they are received, and kept till they have learned the Fashion of the Country. Thereafter they go Abroad as Gentlemen or Merchants, thereafter any other Dexterity they please to use, or Functions for their own Ends: And so I was Chamberlain and Bailie in Cathness, for my Lord Berrydale. The Reason of this is, because, among the rest of the Privileges they receive at their Departure from Rome, and kissing the Pope's Feet, with his Blessing, they get Power to dispense with themselves and others in all Things, yea, *in articulo mortis & casu necessitatis*, in Things reserved to the Pope himself, and absolve from all Sins, how many soever. Of these Fathers, as they call them, there be Four already governing in Colleges, some Agents in great Cities for Correspondence, whose Names are needless, and tedious to rehearse; some who are requisite to be named in Scotland, when I was in it with them, to wit, in Berwick, with Sir James Douglas, and thereabout, one Mr. Brown a Jesuit; in Setton, one Mr. Christison or Campbell, who uses likewise in sundry other Places, (excuse me if I know not their Names, for we came from several Parts at several Times) as he is desired, for he is thought of, and sent for in Edinburgh; William Robertson sometimes in Colonel Bruce's, Lady Margaret Hamilton's, Riddoch's, John Guthrie the Taylor's, who for some Years bygone brought me to the said William his Mass, in the said Margaret's House, with a little Frenchman, where there were some Twenty Persons, unknown truly to me. The Jesuits frequent Lady Margaret Hamilton's, Robert Scot's in the Canongate, Burghton, and with my Lord Semple often. For others I know none in Edinburgh, but by Report, not having much frequented the Town. In Paisly and thereabout, a very subtil Jesuit, and crafty Companion, and yet a Scholar, one Mr. Smith with the Marquis of Douglas, and Mr. David Tyrie a gray Friar in Niddale, and thereabout; and Mr. Lindsay a gray Friar in the West: One Mr. Lestly a Capuchin, called by himself the Captain, fled out of the North for having a Child in Angus. One Mr. Ogilvie a gray Friar, and Kinsman to my Lord Ogilvie; in Ardestie, Pitalpie, Drumkilbo, and thereabout, one Mr. Drummond; but truly all Jesuits. When I came to the Country, with my Lady Aboyn, and thereabout, were Mr. John Lestly now dead, and his Brother Mr. Andrew Lestly, both Jesuits. In Achigore, Lessindrum, Carne, Arren, and thereabout, one Mr. William Gibson an Augustin Friar. In Aberdeen, one Mr. Mortimer; in the Earl of Errol's and the Laird of Dalgetie's Houses, was one Mr. William Lestly, now Superior in Doway. In Buchan was Mr. John Seton and Mr. Tobie; now the one is at Madrid, and the other at London, Agents for the Two Missions. In the Bog and Elgin, and thereabout, Mr. Southwell, and Christie, a very timorous but subtil Fellow; the First is in Doway, the last in the Bog. In Cathness, and beyond Ardestie in Angus, my self was a certain Time, beside one Mr. Cusbet a Minim, a Pensioner of her Majesty's, one ready to all Travels, and Directions of her Majesty's Command, and Two others, one Mr. Duncan a Parson, alias Macpherson in Scotland, but unknown to me where they reside.

My Third Point was concerning their Entertainment, which is threefold. One from the Congregation *de propaganda fide*; above a Hundred Crowns, or more, as they have his Holiness and the Cardinals Favour. Another is their own Purchase, their Confessions, Preachings, Masses, Pardons, &c. and lately from the King of Spain

Spain, of whom every one of them that is out of their College, has Eighteen Shillings Scots a Day. *Robert Irvine*, called *Cossopie*, brings it in, *William Hay Laird of Fetter-letter*, is the Treasurer; both receive their Pensions therefore. What others receive, the Superior with his Counsellors, and the Treasurer only know, whereby it may be easily seen they lack nothing in *temporalibus*.

Now my Counsel for Extirpation of them, is only in Two Ways. 1st. To hold out all Appearances, although of indifferent Things, to come near to them, because they think ye will not come at once, but *gradatim* to them, and this holdeth them fast. 2^{do}. Let them not fail to hear, subscribe, and communicate; for by these Means ye shall make the Priests idle, having an Order to deal, that none be suffered to participate of their and your Sacraments. This I have written in Sincerity, for the Salvation of your Souls, and the Advancement of the Gospel, and not of any Malice I have to them, as God shall save my Soul at the great Day.

THO. ABERNETHY.

ACT for taking the Oath of Allegiance, and asserting the Royal Prerogative. No. X.

OUR Sovereign Lord, being truly sensible of the many Sufferings and sad Confusions that his dutiful and loyal Subjects have been brought under, during these Troubles, and desirous, that his Royal Government, in its due Administration, may be refreshing and comfortable unto them, and conceiving it necessary for that end, and for the Honour and Advancement of his own Service, the Welfare and Happiness of his Subjects, and the Peace and Quiet of this Kingdom, That the Places of publick Trust (which be the Chancels and Conduits by which his Majesty's Government is conveyed unto his People) be supplied and exercised by Persons of known Integrity, Abilities and Loyalty, Doth therefore declare, That it is and will be his Majesty's Royal Care, that those whom (according to the undoubted Right of the Crown) he hath, or shall think fit to call to his Councils, or any publick Employments, shall be so qualified; and that for the full Satisfaction of all his good Subjects, and for removing any Scruples or Jealousies can arise upon this Account, they shall, before their Admittance to, or Exercise of any such Trust, give such publick Testimony of their Duty and Loyalty, as may evidence to the World, they are such as the Kingdom, and all honest Men and good Subjects may justly confide in. And therefore the King's Majesty, with Advice and Consent of his Estates of Parliament, doth statute and ordain, That all and whatsoever Person or Persons, who are, or shall be nominate by his Majesty, to be his Officers of State, of his Privy Council, Session, or Exchequer, Justice General, Admiral, Sheriffs, Commissars, and their Deputes, and Clerks, and all Magistrates and Council of Royal Burghs, at their Admission to their several Offices, and before they offer to exercise the same, shall take and swear the Oath of Allegiance, hereunto subjoyned: And also, that all other Persons, who shall be required by his Majesty's Privy Council, or any having Authority from them, shall be obliged to take and swear the same.

And since all the Troubles and Miseries that have overspread this Kingdom, and almost destroyed all religious and civil, all publick and private Interests, these Twenty Years bygone, and upwards, have arisen and sprung from these Invasions that have been made upon, and Contempts done to the Royal Authority and Prerogative of the Crown, his Majesty conceives himself obliged, both for his own Royal Interest, and for the publick Interest and Peace of his People, to be careful to prevent the like for the future. And therefore his Majesty, with Advice foresaid, statutes and ordains, That all Persons who are, or shall be called to any publick Trust, as said is, shall, beside the taking of the Oath of Allegiance, be obliged, before they enter to their Offices and Trusts, to assert under their Hand-writing, his Majesty's Royal Prerogative, as is express in the Acts past in this present Parliament, and in the Manner hereunto subjoyned: Certifying all such as, being required, shall refuse or delay to take the Oath of Allegiance, they shall not only thereby render themselves incapable of any publick Trust, but be lookt upon as Persons disaffected to his Majesty's Authority and Government; and such as shall refuse or delay to assert his Majesty's Prerogative, in Manner underwritten, shall from thenceforth be incapable of any publick Trust within this Kingdom.

Act concerning Religion and Church-government. No. XI.

OUR Sovereign Lord, being truly sensible of the Mercies of almighty God towards him in his Preservation, in the Times of greatest Trouble and Danger, and in his miraculous Restitution to his just Right and Government of his Kingdoms, and being desirous to improve these Mercies, to the Glory of God, and Honour of his great Name, doth, with Advice and Consent of his Estates of Parliament, declare, That it is his full and firm Resolution, to maintain the true Reformed Protestant Religion, in its Purity of Doctrine and Worship, as it was established within this Kingdom, during the Reigns of his Royal Father and Grandfather of blessed Memory: And that his Majesty will be careful to promote the Power of Godliness, to encourage the Exercises of Religion, both publick and private, and to suppress all Profaneness and disorderly Walking; and for that end, will give all due Countenance and Protection to the Ministers of the Gospel, they containing themselves within the Bounds and Limits of their Ministerial Calling, and behaving themselves with that Submission and Obedience to his Majesty's Authority and Commands,

Commands, that is suitable to the Allegiance and Duty of good Subjects. And as to the Government of the Church, his Majesty will make it his Care, to settle and secure the same, in such a Frame as shall be most agreeable to the Word of God, most suitable to Monarchical Government, and most complying with the publick Peace and Quiet of the Kingdom. And in the mean time, his Majesty, with Advice and Consent foresaid, doth allow the present Administration by Sessions, Presbyteries and Synods, (they keeping within Bounds, and behaving themselves as said is) and that notwithstanding of the preceeding Act, rescissory of all pretended Parliaments, since the Year One thousand six hundred and thirty eight.

Act for a Solemn Anniversary Thanksgiving for his Majesty's Restoration to the Royal Government of his Kingdoms. No. XII.

THE Estates of Parliament of the Kingdom of Scotland, taking to their Consideration the sad Condition, Slavery, and Bondage, this ancient Kingdom hath groined under, during these Twenty three Years Troubles; in which, under the specious Pretences of Reformation, a publick Rebellion hath been, by the Treachery of some, and Misperwasion of others, violently carried on against sacred Authority, to the Ruin and Destruction, so far as was possible, of Religion, the King's Majesty, and his Royal Government, the Laws, Liberties, and Property of the People, and all the publick and private Interests of the Kingdom; so that Religion it self, which holds the Right of Kings to be sacred, hath been prostitute for the Warrant of all these treasonable Invasions made upon the Royal Authority, and disloyal Limitations put upon the Allegiance of the Subjects; and hath it not also been pretended unto, for the Warrant of all those vile and bloody Murders, which, in high Contempt of almighty God, and of his Majesty's Authority and Laws, were, under colour of Justice, committed upon his Majesty's good Subjects, merely for the Discharge of their Duty to God, and Loyalty to the King? Hath not that Royal Government, under whose Protection this Nation hath, to the Envy of the World, been so famous for many Ages, been of late troden under Foot, and new Governments and Governors established, and kept up without his Majesty's Authority, and against his expresse Commands? Hath not Law, which is the Birthright and Inheritance of the Subject, and the Security of their Lives and Fortunes, been laid in the Dust, and new and unjust Edicts and Orders past and published, for subjecting both Life and Fortune, and what else was dear unto any of his Majesty's good Subjects, to the cruel and ambitious Lusts of some usurping Rulers? Hath not Religion and Loyalty been the only Objects of their Rapine and Cruelty? And hath not their new and arbitrary Exactions and Burdens upon the People, exceeded in one Month whatever had been formerly in many Years paid to any of the Kings of this Kingdom? And when the best of Men, and the most excellent of the Kings of the Earth, had, in an unusual Way of Confidence, rendered his Person to the Trust and Loyalty of his native Subjects, was not the Security of Religion pretended unto by some, who then governed in Church and State, for the Ground of that base (and never enough to be abhorred) Transaction, in leaving such a Prince, their native and dread Sovereign, to the Will of these who were in open Rebellion, and for the Time had their Swords in their Hands against him? And that when by these and many such like undutiful Carriages, the King's Majesty was removed from his Kingdoms, the Foundations of this ancient and well constitute Government was overturned, the Liberties and Property of the People inverted, and this Kingdom exposed to be Captives and Slaves to Strangers, and nothing left unto them but the sad Meditation of their increasing Miseries, and the bitter Remembrance of their bypast Disloyalties: Yet even then it pleased almighty God to compassionate their low Condition, and, by the Power of his own right Hand, most miraculously to restore the King's most sacred Majesty, to the Royal Government of his Kingdoms; and thereby to redeem this Kingdom from its former Slavery and Bondage, and to restore it to its ancient and just Privileges and Freedom. And the King's Majesty acknowledging, with all Humility and Thankfulness, the Goodness, Wisdom, and Power of God, in this signal Act of his Mercy to him and his People, doth, with Advice and Consent of his Estates of Parliament, statute and ordain, That in all Time coming there be a solemn yearly Commemoration of the same: And for that end, the Twenty ninth Day of May, (which Day God Almighty hath specially honoured, and rendered auspicious to this Kingdom, both by his Majesty's Royal Birth, and by his blessed Restoration to his Government) be for ever set apart as an Holy-day unto the Lord, and that in all the Churches of the Kingdom it be employed in publick Prayers, Preaching, Thanksgiving, and Praises to God, for so transcendent Mercies: And that all Trade, Merchandize, Work, Handy-labour, and other ordinary Employments be forborn, and the remaining Part of the Day spent in such lawful Divertisements as are suitable to so solemn an Occasion. And it is hereby recommended to all Ministers of the Gospel, and to all Sheriffs, Justices of Peace, and other publick Ministers in the several Counties, and to all Magistrates within Burghs, to be careful, that for this present Year, and in all Time coming, the Twentieth Day of May be accordingly kept and observed within their several Jurisdictions. And for the speedier and more full Intimation hereof to all his Majesty's Subjects, it is appointed thir Presents be Printed, and Published at all the Market-crosses of the Royal Burrows.

Act abolishing Patronages, March 9th, 1649. N^o. XIII.

THE Estates of Parliament, being sensible of the great Obligation that lies upon them by the national Covenant, and by the solemn League and Covenant, and by many Deliverances and Mercies from God, and by the late solemn Engagement unto Duties, to preserve the Doctrine, and maintain and vindicate the Liberties of the Kirk of Scotland, and to advance the Work of Reformation therein, to the utmost of their Power; and considering, that Patronages and Presentations of Kirks, is an Evil and Bondage, under which the Lord's People, and Ministers of this Land, have long groined, and that it hath no Warrant in God's Word, but is founded only on the common Law, and is a Custom Popish, and brought into the Kirk in Time of Ignorance and Superstition, and that the same is contrary to the Second Book of Discipline, in which, upon solid and good Ground, it is reckoned among Abuses that are desired to be reformed, and unto several Acts of General Assembly, and that it is prejudicial to the Liberty of the People, and Planting of Kirks, and unto the free Calling and Entry of Ministers unto their Charge: And the said Estates being willing and desirous to promote and advance the Reformation foresaid, that every Thing in the House of God may be ordered according to his Word and Commandment; do therefore, from the Sense of the former Obligations, and upon the former Grounds and Reasons, discharge for ever hereafter, all Patronages and Presentations of Kirks, whether belonging to the King or to any laick Patron, Presbyteries, or either, within this Kingdom, as being unlawful and unwarrantable by God's Word, and contrary to the Doctrine and Liberties of this Kirk; and do repeal, rescind, make void, and anul all Gifts and Rights granted thereanent, and all former Acts made in Parliament, or in any inferior Judicatory, in favours of any Patron or Patrons whatsoever, so far as the same doth, or may relate unto the Presentation of Kirks: And do statute and ordain, That no Person or Persons whatsoever, shall, at any Time hereafter, take upon them, under Pretext of any Title, Infeftment, Act of Parliament, Possession, or Warrant whatsoever, which are hereby repealed, to give, subscribe, or seal any Presentation to any Kirk within this Kingdom; and discharge the passing of any Infeftments hereafter, bearing the Right to Patronages to be granted in favours of these for whom the Infeftments are presented; and that no Person or Persons shall, either in the behalf of themselves or others, procure, receive, or make Use of any Presentation to any Kirk within this Kingdom. And it is further declared and ordained, That if any Presentation shall hereafter be given, procured, or received, that the samee is null and of no effect, and that it is lawful for Presbyteries to reject the same, and to refuse to admit any to Trials thereupon; and notwithstanding thereof, to proceed to the Planting of the Kirk, upon the Suit and Calling, or with the Consent of the Congregation, on whom none is to be obtruded against their Will. And it is decerned, statute, and ordained, That whosoever hereafter shall, upon the Suit and Calling of the Congregation, after due Examination of their Literature and Conversation, be admitted by the Presbytery unto the Exercise and Function of the Ministry, in any Parish within this Kingdom; That the said Person or Persons, without a Presentation, by virtue of their Mission, hath a sufficient Right and Title to possess and enjoy the Manse and Glebe, and the whole Rents, Profits, and Stipends, which the Ministers of that Church had formerly posselt and enjoyed, or that hereafter shall be modified by the Commission for Plantation of Kirks; and decern all Titulars and Tacksmen of Tithes, Heritors, Liferenters, or others, subject and liable in Payment of Ministers Stipends, to make Payment of the same, notwithstanding the Minister his Want of a Presentation; and ordain the Lords of Session, and other Judges competent, to give out Decrees and Sentences, Letters conform, Horning, Inhibition, and all other Executorials, upon the said Admission of Ministers by Presbyteries, as they were formerly in Use to do, upon Collation and Institution following upon Presentations from Patrons: Declaring always, That where Ministers are already admitted upon Presentation, and have obtained Decrees conform thereupon, that the said Decrees and Executorials following thereupon, shall be good and valid Rights to the Ministers, for suiting and obtaining Payment of his Stipend, and the Presentation and Decree conform, obtained before the Date hereof, shall be a valid Ground and Right for that effect, notwithstanding the annulling Presentations by virtue of this present Act. And because it is needful that the just and proper Interest of Congregations and Presbyteries, in providing of Kirks with Ministers, be clearly determined by the General Assembly, and what is to be accounted the Congregation having that Interest; therefore, it is hereby seriously recommended unto the next General Assembly, clearly to determine the same, and to condescend upon a certain standing Way, for being a settled Rule therein, for all Time coming. And it is hereby provided, declared, and ordained, That the taking away of Patronages and Presentations of Kirks, shall import nor inforce no Hurt nor Prejudice unto the Title and Right that any Patron hath unto the Tithes of the Parish, nor weaken his Infeftment wherein the same is contained; but that the said Title, Right, and Infeftment, shall in every respect (so far as doth concern the Tithes) be as valid and strong, as when Presentations were in Use. It is further statute and ordained, That the Tithes of these Kirks, whereof the Presentations are hereby abolished, shall belong heritably unto the said Patrons, and be secured unto them, and inserted in their Rights and Infeftments, in Place of the Patronage. Likeas, the Estates of Parliament declare said Patrons their Right therunto to be good and valid, hereby granting full Power to them to possess, sell, annalie, and dispone the same in Manner afterspecified, as fully and freely as the Minister and Patron might have done, before the making these Presents: Excepting always therefrom, these Tithes which the Heritors have had and posselt, by virtue of Tacks set to them by the Ministers, without any Deed or Consent of the Patrons; concerning which it is provided, That the said Tithes, at the Issue and Outrunning of the present Tacks, shall belong unto the Heritors *respe-*ctive; the said Heritors and the Patrons abovementioned, each of them for their Interest, being always liable to the Payment of the present Stipends to the Ministers, and to such Augmentation and Provision of new Stipends to one or more Ministers, such as the Parliament or Commission for Plantation of Kirks, shall think fit and appoint: Excepting also such Tithes as are and have been posselt and uplifted by the Ministers, as their proper Stipends; concerning which it is hereby declared, That the Minister shall enjoy the same without any Impediment, as formerly; it being hereby provided also, That this Act shall pre-
judge no Person of the Right, Title, and Possession of their Tithes, by Infeftments, Tacks, and other
lawful

lawful Rights acquired by them, and the Predecessors and Authors, as accords of Law. Likeas, the Estates of Parliament renew the former Acts, granted in favours of Heritors, for valuing, leading, and buying of their Tithes; hereby ordaining any Patron, having Right to these Tithes made to them by this Act, and having no Right thereunto of before, to accept the Value of Six Years Rents, according to the Prices of valued Bolls *respective*, enjoyned and set down in the former Act thereanent, and that for the heritable Right of the said Tithes, and for all Title, Interest or Claim that the said Patrons can have or pretend thereunto by virtue of this Act.

Act anent Presentation of Ministers. N^o. XIV. A.

FOrasmuch as the King's most excellent Majesty, considering how necessary it is, for the right and orderly Administration of God's Worship, and the Exercises of Religion, and for keeping of his good Subjects within their Duties they ow to God, to his Majesty, to their native Country, and fellow Subjects, especially at this Time, after so many Confusions and Distractions, both among Churchmen and others, That more than ordinary Care be had in presenting of Ministers to all such Kirks as are or shall be vacant within this Kingdom, hath given particular Commission under his Great Seal, as to all Presentations to all Parsonages, Vicarages, and other Benefices and Kirks at his Majesty's Presentation. And as to all other Benefices and Kirks, whereof the Presentation belongs to any other Patron or Patrons whatsoever, his Majesty, with Advice and Consent of his Estates of Parliament, statutes and ordains. That all Patrons or Persons whatsoever, who hath, or pretends any Right to the Presentations to any Patronages, Vicarages, or other Benefices of Cure, Kirks, or modified Stipends, be careful in all Time coming, that Presentations to these Benefices, Kirks, or Stipends, be granted by them to such Persons only, as shall give sufficient Evidence of their Piety, Loyalty, Literature, and peaceable Disposition, and shall, in Presence of the Patron or his Attorney, and of the Sheriff of the Shire, Steward of the Stewartry, or heritable Bailie, or Commissar of the Bounds, if it be in the Country, and of the Magistrates of the Burgh, before the granting and their accepting the Presentation, take and subscribe the Oath of Allegiance, the said Sheriff, Steward, Bailie, Commissar, and Magistrates, having first taken the Oath themselves. And it is hereby declared, That if any Person who hath not so taken the Oath of Allegiance, shall be presented by any Patron, not only shall the Presentation be void and null of it self, but the Right of the Patronage, as to that Vacancy, shall belong to the King's Majesty, and the Patrons be repute disaffected to his Majesty's Government, and Contemnners of his Royal Authority. And ordains thir Presents to be Printed, and published at the Market-crosses, that none pretend Ignorance.

Petition of the Presbytery of Edinburgh. N^o. XIV. B.

Unto the King's Commissioner, and the Honourable High Court of Parliament, the humble Petition of the Presbytery of Edinburgh.

When we reflect upon the sad Times that have past over this Church and Kingdom, during the Time of the late Usurpers, what Grief and Affliction of Spirit it has been to honest Christians, and true Countrymen, that their Country has been kept in Bondage, his sacred Majesty driven into a sad disconsolate Exile, our Nobles and Rulers scattered into Corners, cast into the far Countries, shut up into Prisons at Home and Abroad, and trode upon by base and bloody Men, and all our civil and religious Concernments left under the Feet of violent Usurpers, and with what Difficulties all honest Men have wrestled, (whereof we, with others of the Ministry, have had not a little Share) which then laboured to keep their Garments clean from the Defections of the Time, and to lament after the Lord, till he should in Mercy visit us: We cannot, now when the Lord has returned our Captivity, but be as Men that dream, and our Mouths filled with Laughter, and our Tongues with singing, the Lord having done great Things for us, whereof we are glad; and as we lookt upon it as a Mercy never to be forgotten, that the Lord in his infinite Goodness, has been pleased wonderfully to bring about his Majesty's Restoration to his Throne, and the Deliverance of this distressed Kingdom, from all that Misery and Bondage under which it hath groined; so 'tis our earnest Supplication to God, that this so great a Mercy may be improved by all Ranks, to the Honour of his great Name, whose Work this Deliverance is, and to the Good and Comfort of this afflicted Church and Kingdom. We do, with all Thankfulness to almighty God, observe and acknowledge his Mercy, who has restored our Judges as at the First, and our Counsellors as at the Beginning, that our Nobles are of our selves, and our Governors proceed from the Midst of us: And that now your Lordships are convened in this High Court by his Majesty's Authority, and with the Presence of his High Commissioner, that you may be the Repairers of the Breaches, and may seek the Wealth of your People, and may speak Peace to all your Seed. We have hitherto forbore to make any Applications to your Lordships, as being unwilling to interrupt you in your weighty and great Affairs; yet since there is not a General Assembly now sitting, which might more freely represent what is of publick Concernment to the whole Kirk, and might remove any Grounds of Jealousy which might be occasioned by the late Actings during our Troubles and Distractions, being upon the Place, and being unwilling to lose the Opportunity of your Lordships Meeting in this present Parliament, we do humbly offer unto your Lordships, (when now we hope many of your

your Affairs are over) what we conceive may be for the Good of the Church, as his Majesty's gracious Letter, bearing his Resolution to provide and preserve the Government of the Church of Scotland, as it is settled by Law, without Violation, hath exceedingly gladdened the Hearts of good Men, as we understand by Letters from the several Presbyteries and Synods, some directed to his sacred Majesty or his Secretary, or some directed to us, by way of Return thereunto, and did secure them against all Fears in that Particular, or any Change ; so it was expected that this High Court of Parliament would confirm and ratify the true Religion, in Doctrine, Worship, Discipline, and Government, established by General Assemblies, approved and ratified by Acts of Parliament. Yet notwithstanding thereof, your Lordships have rescinded the Act *anno* 1640 and 1641. whereby our Government is to be cast loose, as to the civil Sanction thereof, and the Church in Danger, to be laid open to these Snares which formerly were troublesome and grievous to this Church ; therefore, whatever your Lordships have done for the settling and securing the Royal Power and Authority of our dread Sovereign, (whose Authority and Power we do heartily acquiesce, and cordially submit thereto) or for securing the Peace of the Kingdom, in which we acknowledge none of them ought to oppose one another ; yet we are very hopeful, and humbly supplicate, this High Court of Parliament will, by their civil Sanction, establish, maintain, and defend the true Religion, in Doctrine, Worship, Discipline and Government, presently professed, received, and practised, and restrain and suppress all Impiety, Vice, and Profaneness, and whatsoever is contrary to Truth and Godliness. And whereas, through the Iniquity of the Times, and Prevalency of the Usurpers, the General Assembly convened *in anno* 1653. was interrupted, and all Meetings of General Assemblies declined by us, out of our due Respects to his Majesty's just Right and Authority, upon which they would have been ready to have encroached upon such an Opportunity, 'tis humbly desired your Lordships would be pleased to move to his Majesty, That, with the first Convenience, a free General Assembly may be called, which may not only take Care to compose and settle these sad and lamentable Divisions which have been in the Church, but also may recognise upon these Actings, which may be apt to give Offence, during the Time of the sad and unhappy Troubles ; and we may assure your Lordships, that it is the Purpose of honest Men, when they shall convene in an Assembly, to do what shall be found necessary for rectifying all Disorders, and to redress whatsoever has been offensive. We shall not stand to press these our humble Desires, by any Arguments taken from the Lawfulness or Warrantableness, or Necessity of the Things themselves, or from your Lordships Obligation to act for him who has so wonderfully restored you to sit in Judgment, or from the Consideration of our selves, who, with other honest Men, have Confidence to sympathize with the Afflictions of our Rulers and Country, and have not been wanting, to our Power and Station, to act for the happy Revolution, and are and shall be careful to promote his Majesty's Interest and Authority, of which his People and we do assure your Lordships, that, besides the Convictions of the Things desired, we have not been a little pressed to this humble Address, to our tender Regard and Zeal towards his Majesty's Affairs ; so our Desire is, That the Minds of God's People may be settled, whose only Aim and Desire is, that they, under the Shadow of his Majesty's Government, may enjoy the Ordinances of Christ in Power and Purity, as they are established, which will encourage all of us (as in Duty we are always bound) to pray for his Majesty's long and prosperous Reign over us, and for the Affluence of divine Grace and Blessings to be poured out upon his Royal Person and Family, and upon your Lordships and your Families for ever.

Mr. PETER BLAIR Moderator:

Mr. ROBERT HUNTER Cl. *pro tempore*.

A seasonable Word of necessary Exhortation and Admonition, by the Synod of Fife, convened at St. Andrews, the 2^d of April 1661. to all the People of GOD within their Charge. N^o. XV: A:

Many and divers have been the Temptations and Trials of the Church of God, from the Beginning even unto this Day, our holy Lord, in his Wisdom, ordering all these Things for manifesting those that are approved, for clearing of his Truth, purging of his House from Dross and Corruption, exercising his Servants and People in a holy contending for Truth and Piety, against the Spear of Evils that hath been always running in the World, and for the greater Advancement of the Glory of his Power and Goodness, in preserving and giving Outgate in end to his afflicted People tossed with Tempest. And now (Right worthy, and dearly beloved in the Lord) the Concernments of Religion, and the Work of God in this Land, being under apparent Hazard, sad Trials likely to ensue, unless the Mercy of God, and Piety and Justice of our dread Sovereign, using his Authority for God, avert the same, we were most unfaithful, if we should not at such a Time (when Prelacy, with the dangerous Attendants thereof, (of which this Church hath had sad Experience) is like to be introduced again amongst us) declare our constant Resolutions, according to the Tie that lies upon us, by the Authority of God, and our Engagements to him, and give timeous Warning to you the People of God, to keep your Garments clean, and that ye may not be led away to any Measure of Accession to these Evils, whereunto many may be turning aside. We know perfectly, that in our so doing we shall not escape the common Lot of faithful humble Contenders for the Truth, and be represented as intending Reflections on the lawful Authority God hath set over us, or as going about to raise Jealousies and Disaffections in the People towards them, or to move Sedition and Trouble ; and it may fall out that none be more ready to cast black Colours upon our Actions, than Men of our own Order and Rank. In giving this our faithful Admonition and Declaration, we have

laid our Account with all that such Persons can load us with, and much more, being confident, that the constant Tenor of our Deeds hath sufficiently wiped, and shall wipe off all such unjust Aspersions. We have our Witness in Heaven, and a Witness every one of us within us, how much our Souls did long to have our present Sovereign established upon the Throne of his Kingdom among us, (after the horrible barbarous Murder of his Royal Father, of blessed Memory, by the *English* Sectaries) and it is great Joy to our Hearts, that God blessed us with Fidelity to the King's Majesty, in a very dark and dangerous Time, in the Year 1650. when we, with other faithful Subjects through the Land, followed our Duty to his Majesty, when our Land was half subdued, and the rest under the saddest Pressures; and we bless God that at that Time, and until this Day, we have not been following after the unwarrantable Principles and Practices of sundry in this Land, not a little injurious to his Majesty's just Right. It is also our Joy, that under Ten Years Bondage, neither the real Cruelty, nor seeming Civilities of Usurpers, have prevailed to debauch our Loyalty to our dread Sovereign, in whose Absence we sat on the Ground, as a Widow mourning for the Loss of her Husband. In our Darkness we wished for the Dawning of that Day, when the Lord shall bring back our Captivity, and restore our Sovereign, that under his Shadow we might rest: And how greatly we were affected with that signal Work of God, (who is wonderful in Counsel, and excellent in Working) in that happy Restoration of his Majesty, what Praises were rendered to God with signal Cheerfulness, will not soon be forgotten by the Lord's People. But our Hearts were more confirmed in Loyalty, when, at our last Meeting, we received his Majesty's gracious Letter to the Presbytery of *Edinburgh*, to be communicated: A Letter worthy to be engraven in Marble or in Gold, wherein his Majesty declares himself not only well satisfied with the Carriage of the Generality of the Ministers of *Scotland*, in the Time of Trial; but also, to prevent Jealousies which any might create in the Minds of well-meaning People, is pleased to give us Assurance, that, by the Grace of God, his Majesty resolves to discountenance Profanity, and all Contemners and Opposers of the Ordinances of the Gospel, and to protect and preserve the Government of the Kirk of *Scotland*, as it was then settled by Law, without Violation. Which Letter, so graciously sent to us by our Sovereign, preventing our Desires to express his Royal Resolution, as to the Maintenance of the Work of God amongst us, we look upon and esteem as a Kind of *magna charta*, given by our gracious King for our Church-order and Privileges. And as in our Letter, directed from us at our last Meeting, to his Majesty's noble Secretary for *Scotland*, to be humbly presented in our Name to his Majesty's own Hands, we did express our Sense of God's Mercy to us, in putting such a Thing into the King's Heart; so shall we be most loth to suffer such Thoughts to take place in our Hearts, as if so pious and Royal a Resolution were to be altered upon any Instance whatsoever: And we would count it a most undutiful Part in us, to be ready to suggest or express to the People of God, the Subjects of the King, any Fears of that Sort: But as our Loyalty in former Times, hath appeared, so we trust that our Carriage upon all Occasions, shall argue in us indelible Evidences of unstained Loyalty and Love to our Sovereign, whom we honour as a Man next unto God, inferior to none but God, who is his only Judge, invested by God with a peerless Supremacy over all Persons and Ranks of Persons, within his Majesty's Dominions, the chief Nurse-father of the Church, and Keeper of both Tables of God's Law, the sovereign Protector and Defender of the Worship and Ordinances of God, God's Vicegerent, sent by him to bear the Sword, with imperial Power to punish all evil Deeds, and Evil-doers trespassing against Religion and Piety, or moral Honesty, and Duties that Man doth owe to Man, and to put every one in his Dominions to the doing of their Duty to God and Man, the supreme civil Governor of all Persons, and in all Causes Civil and Ecclesiastick; though the Power of the Keys of spiritual Government belongs to the Officers of the Church, appointed by Christ: In a Word, we do willingly yield whatsoever that pious and learned Divine, Dr. *Usher*, attributes to the King, in the Exposition of the Oath of Supremacy, for which he was solemnly thanked, in a Letter yet extant in Print, by that learnedest of Princes, King *James* of blessed Memory, who knew the Bounds of Royal Supremacy, as well as any King on Earth; no less do we acknowledge to be due to our Sovereign Lord King *Charles*, that we may forever stop the Mouths of these who seek Occasion against us in this Matter, and may clear our Loyalty as with a Sun-beam. And we appeal to the great God, in the Point of hearty Loyalty to our Sovereign, though we dare not (and we know he wills us not) in the least Thing depart from the known Mind of our God, in the Matters concerning his House and Worship. And having premised this as a Guard against Mistakes, we aver it to be the true Zeal of our Hearts, towards the Matters of our God, his House and Worship, that hath laid a Necessity on us thus to declare our selves, and to admonish the People of God in our Charge, without any Intention of wronging lawful Authority, whom, if in any Thing to be enjoined, we cannot please with active Obedience, we hope they will be pacified by our passive Obedience, which we resolve to yield, as our God calleth us, rather than to sin against him.

Therefore, we declare to you the Lord's People in our Charge, whom he hath appointed us as Ministers to instruct, that we are convinced, that Prelacy of any one, with Majority of Power and Jurisdiction over Presbyteries and Churches, hath no Warrant from Christ in his written Word, which we are persuaded is a perfect sufficient Rule of Religion, holding forth all the Fundamentals of Church-government, whereunto belong the Offices and Officers, by which the Lord's People are to expect his Blessing; it being certain and undoubted, that no spiritual Efficacy can be in Faith expected by any Office in the Church, or any other religious Ordinance, but that which is appointed by God in his Word, but is contrary thereto, it being evident that our Lord Jesus Christ hath discharged and inhibited all such Majority among the Ministers of his Church, having committed the whole Parts of the spiritual Government thereof, to one united Company of Rulers, and never to one alone; neither did his Apostles, when they are purposely mentioning, in their Writings, the Officers given by Christ to his Church, ever make Mention of any such Prelates over many Pastors and Churches, nor of his Priority and Power, or Work, as distinct from the Presbyters; but do always speak of the Presbyter and Bishop, as of one Office under divers Names. And it being so that this Office hath no Footing in divine Scripture, it ought to be refused and rejected by those who know themselves to be bound to follow the Rule, not of human but of divine Wisdom, in the Government of the Church of Christ. And although those who stand in Opposition to us in this Point, do make a great Noise (to amaze the simple) about Antiquity, and the primitive Times of the Churches and Fathers, as if they all stood on their Side, it ought not to stumble the People of God, seeing

ing that (were it so) Christian Consciences, wanting the Warrant of the Word to bottom Faith upon, can have no Consistency nor Establishment upon human Constitutions; and yet we dare plead with them at the Bar of purest Antiquity, nearest the Times of the Apostles, whilst the Church remained a chaste Virgin, and are confident, that for some Hundreds of Years after the Apostles, there's no Evidence of such a Bishop as we reject and plead against: And from History we can make appear, that there was no such Bishop in our own Church, more than Three hundred Years after receiving of the Christian Religion among us; but whenever that Office did creep in, we are bold to affirm, as our Lord said in another Case, *It was not so from the Beginning.*

II. Next, we declare to you our dear People, our own Resolutions, by the Strength of divine Grace, to adhere constantly, all the Days of our Life, to the Doctrine, Worship, and present Government of the Kirk of Scotland, by Presbyteries, without the foresaid Prelacy in any Degree, under the Name of a constant Moderator, or what else soever, which we have renounced upon the strongest Enforcements of Scripture-authority upon our Consciences, and are in that Matter under an indispensable Tie of a solemn Oath to God; and altho' we cannot, for our conscientious Resolutions, expect Trouble, being under the Protection of so gracious a Sovereign, (to whom we would not doubt to justify the Sincerity of our Hearts, in cleaving to that which is good, had we the Opportunity to represent our Faithfulness to God, and Loyalty to his Majesty) yet, however, in this our Distance from his Majesty, we should meet with Extremities in our Duty, we sha'll with Quietness commit our selves and Cause to him that judgeth righteously, resolving, in so honourable a Cause, to endure, through God's Strength, whatsoever Trial and Hardship it may please the Lord to exercise us with.

III. We do, in the Name of the Lord Jesus, exhort you the People of God in our Charges, (which we sha'll also endeavour, through Grace, for our Parts) speedily to renew our Repentance for our Unthankfulness under the Means of Grace, Neglect and Contempt of the Gospel, ungospel-like Conversation, for the which the Lord may justly remove all his Gospel-ordinances from us, and plague us with sundry Sorts of Judgments, pursuing us as dry Stubble, until we were consumed. As also we intreat that ye would stand fast to the Profession of the Truth of Christ, and to every Part of it, and to love the Order of the House of Christ, which is so well grounded on his Word, and tends so much to the Advancement of Godliness, and the Glory of God, not making light Accounts of that which is a Part of the Truth of the Gospel and of the Kingdom of Christ, after the lukewarm Indifferency of too many, in the holy Things of God. We are persuaded better Things of you, than that ye should be removed from your Stedfastness, after the Shining of so much Light, after so strong Engagements to the Lord: What horrible Guiltiness should this draw on us? How great should our Infamy be among all the Churches of Christ? Whither should we not cause our Shame to go for our Unstedfastness in the solemn Oath of God which is on our Spirits, in a Matter not only lawful, but also necessary for us to adhere to, having so much Light in it? Remember how dangerous Backsliding is; what better Fruits can be looked for from that Way of Government than appeared among us? How loth are we to suffer it to enter in our Hearts, that this Land shall make the Fruit of their loosing from Ten Years Bondage, a Shakeloose of the Government of Christ? or, that good Patriot or People, will embrace that which hath been so bitter to themselves and their Antecessors? How sad a Thing will it be to ly in Chains of our own making, and in end conclude with the simple Repentant, *non putaram?* Be exhorted to avoid that Evil of Prelacy, and all Attendants to it, under whatsoever Colours, as ye would have the Lord regard you.

IV. Finally, we exhort you to all Loyalty and Obedience in the Lord, to our Sovereign the King, not only for Wrath, but for Conscience Sake, and to due Obedience to all who have Authority from him, Judicatories and Persons. We have the Lord to be our Witness, that neither the Matter of our present Administration, nor our Purpose, hath any Tendency to make Trouble; we have done this merely for our own Exoneration, and with respect to your Good and the Honour of Christ. *The LORD establish you with us, by his free Spirit.*

Supplication of the Synod of Galloway, against the intended Change of Government, 1661. N^o. XV. B.

May it please your Honours,

WE the Ministers of Jesus Christ, within the Synod of Galloway, laying seriously to Heart the wonderful Mercies of God, manifested from Time to Time to this poor Nation, First, in the Days of our Forefathers, many Hundred Years ago, in which Time, a little after the Rising of the Sun of Righteousness to give Light to the Gentiles, the Lord was graciously pleased to visit this Land with the Light of the glorious Gospel, and to bless and honour the whole Nation, both with Purity of Doctrine and Government, for sundry Generations together: During which Time, until the Incoming of *Palatius*, ordained Bishop by Pope *Celestine*, the Scots knew not such a Thing as a Prelate-bishop, but had, for the Teachers of the Faith, Administers of the Sacraments, and Exercisers of Discipline, Presbyters only, (called *Culdees*, or *Coldeis*, because of their Piety) of whom some were appointed Overseers or Superintendants, but had no Preheminence or Rank of Dignity above the rest, neither were they of any distinct Order from the rest of their Brethren. Next, in the Days of our Fathers, when the Nation was involved in the Darknes of Popish Superstition and Idolatry, it graciously pleased the Lord to ransom the Land from the Bondage of Popish Tyranny and Superstition, and again to bless it with the Light and Liberty of the Gospel, and with Discipline and Government, established according to the Pattern shewed in the Mount: The beautiful Lustre of which glorious Reformation, remained for many Years unstained, until some ambitious and covetous Men-pleasing Churchmen, emboldned with the Smiles of Authority, not only marred and eclipsed the

the Beauty and Glory of Christ's Government by presbytery, but almost overthrew the Government it self, in obtruding upon it, and setting over it a lordly Government in the Persons of Prelates. Which Course of Defection, to the great Grief of the Godly, and not without the constant Reluctancy, Counteracting, Protestings, and Witnessing of the most learned and faithful Pastors in the Land, to the contrary, was tyrannically carried on for the Space of Thirty eight Years or thereby. Yet, in the Third Place, even in our own Day, the Outgoings of the Lord, in the Year 37. and the Years following, has appeared so glorious and conspicuous, to the dashing and execrating of that lordly Prelacy, and to the replanting and re-establishing of Christ's own Government by Presbytery, in its Integrity, that it were superfluous for us to make Mention of these Things, which many of your Lordships Eyes have seen, wherein many of your Lordships have been honoured to be eminent Actors, and whereof all our Hearts have been joyful and glad. The serious Consideration of these Things, speaking the Lord's Unwillingness to depart, fixes a strong (and we trust) well grounded Perswasion on our Spirits, that our covenanted Lord has Thoughts of Peace, and not of Evil, towards this poor Land, so often, so deliberately, so seriously, and so solemnly, by Oath and Covenant, engaged to the most high God, and that he will be graciously pleased to fix his Tabernacle amongst us, and rest in his Love: And though on the contrary, he should, in his Righteousness, threaten a Departure from us, and denounce also Wo unto us when he departeth from us, (the Fears whereof, as swelling Waves, overwhelm the Spirits of the Lord's People at this present Time, who, for the most Part, are trembling under the sad Apprehensions of a Change) yet the Thoughts of his ancient and late Love to this Land, should persuade all, in their respective Stations, to lay hold on the Skirts of his Garments, and not to let him go: And therefore, the earnest Desire of our Hearts is, to plead in secret with the Lord, that he would mercifully preserve his Staves of Beauty and Bands, in their Beauty and Strength amongst us: So (Christ commanding, Necessity urging, and Duty calling for it at our Hands, to be faithful Office-bearers in the House of God) we trust that it will not be offensive to your Lordships, that (keeping within our own Sphere, and holding our selves within the Bounds of that Christian Moderation which becomes Godliness) we do in all Humility exhort your Honours, that with all Singleness of Heart, with all Love and Zeal to the Glory of God, with all tender Compassion to this yet panting Kirk, faintly lifting up the Neck from beneath the Yoke of this late exorbitant Tyrant of perfidious Men, that with all pious Respect to your Posterity in the Generations to come, whose Souls will bless your Remembrance, for transmitting a pure Reformation to them, and that with all prudent and Christian Regard to prevent the Stumbling, and provoke the holy Emulation of the Nations round about, whose Eyes are upon your Lordships, ye would see unto the exact and faithful keeping of the Engagements, Oaths and Vows of the Lord, lying on your Lordships and the whole Land, to preserve the reformed Religion in the Churches of Scotland, in Doctrine, Worship, Discipline, and Government, against all the Enemies thereof: And that the Lord's People, his Majesty's loyal Subjects, may be delivered from the present Fears of a Change, which they are growing under, we humbly supplicate your Lordships would be pleased to ratify all former Acts of Parliament, in favour of the reformed Religion in this Church, in Doctrine, Worship, Discipline, and Government: And that, as his Majesty has been pleased, in his gracious Letter directed to the Presbytery of Edinburgh, and by them to be directed to the rest of the Presbyteries in this Kirk, to declare his Resolution to protect and preserve the Government of the Church of Scotland, as it is settled by Law, without Violation; so your Lordships would be pleased to declare your Fixedness to the present settled Government, without the least Purpose of ever altering the same, or overcharging it with lordly Episcopacy: And that (besides the Considerations already hinted at) for the Reasons following, partly relating to the *terminus a quo* of such a Change, which we pray the Lord to avert, partly relating to the *terminus ad quem*, and partly relating to the Change it self.

First. If your Lordships will consider the *terminus a quo* of this Change we supplicate against, to wit, The Government of the Church of Scotland by Presbytery; *First*, It is the true Government of Christ's Kirk, who being faithful to him that appointed him, yea, and faithful as a Son over his own House, Heb. 3. 2, 6. has not left his House to Confusion, without Government, but has appointed the same as to be fed by Doctors and Pastors, so to be overseen and ruled by Seniors or Elders, in their lawful Assemblies in Christ's Name, where he has promised to be in the Midst of them; the whole Platform of which Government, erected in Christ's Church in this Nation, as to all the Essentials, is so clearly warranted in the holy Scriptures, that we may confidently say, It is the only Government according to that Pattern shewed in the Mount.

Secondly. Albeit in the Reformation of Religion, whether in Doctrine, Worship, Discipline, or Government, the Example of the best reformed Churches is not to be contemned, but to have its due Respect; yet we have good Ground to assert, that the present Government of the Church of Scotland by Presbytery, was not inconsiderately borrowed from any other as the Pattern, nor headily obtruded on this Kirk, (a Calumny frequently cast on our Government by the Adversaries thereof) but that it is the Fruit of the many Prayers, and the Result of the faithful Pains and Labours of our pious Predecessors, who, by the Space of Six or Seven Years, did, in free and full Assemblies, deliberately debate every Point and Article of the said Government and Discipline, and so did in end, by the good Hand of God upon them, determine and conclude the same according to the Word of God, by the common Votes and uniform Consents of the whole Assembly of this Church.

Thirdly. This Government, clear in Scripture, deliberately closed with by our Progenitors, has now been frequently engaged unto, both, in the Days of our Forefathers, by the King's Majesty, the Nobles, and all Ranks of People within the Land, (whose national Oath is no less obliging of us their Offspring, than the Oath of Joshua and the Princes of Israel to the Gibeonites, was obliging of their Posterity, who were Four hundred Years thereafter dreadfully punished for the Breach thereof,) and also in our own Time we have solemnly engaged our selves by the sacred Oath of God, now thrice, to the said Government: And we may be sure, that such a threefold Knot and Tie will not be easily taken off the Conscience upon which it is indispensibly and indissolvably fastned by the divine Authority of that almighty God, the Searcher of all Hearts, whose Oath it is.

Fourthly. This Government has been ratified and established by many Acts of Parliament: It were impertinent for us to multiply Citations; your Honours know how clear and full the 114th Act, Parl. 12th, of King James VI. is, both for establishing the Government and Discipline of the Church, by Assemblies national and provincial, by Presbyteries and Sessions, and also, for abrogating, cassing, and annulling all former Acts of

Secondly. It will be palpable, not only to our selves, who are Members of this Church, but to all the Nations and Churches abroad, whether Protestant or Popish, that are in the least Measure acquainted with the Affairs of the Church of Scotland, and the Settlement of Government therein, what they have been

been now these Hundred Years bygone, since our Reformation from Popery, that this feared and threatned Change will involve Persons of all Ranks within the Land, (who shall in any way have Accession to it) in the dreadful and horrid Guilt of Perjury, which will both expose the Land to the Wrath of an angry God, who will not hold them guiltless that take his Name in vain, but will prove a swift Witness against them, that swear falsely, and also expose our Religion and Nation to the insolent Blasphemy and Derision of our Adversaries the Papists, who may justly, with all others that hear tell of such a Change, change the ignominious Proverb, *Punica fides* to *Scotica fides*, and embolden the Papists to give us (ironically) no small Thanks, for that by our Perjury we have made the Lord angry with us, as did the *Grecian Agesilaus* to the *Persian Tissaphernes*, when he broke the League he made with him.

There be none that have the least Spark of Reason and Foresight, who may not see what sad Loss and Hurt will spring from this feared Change, unto the Lord's People under our Ministerial Charge. Will not poor Souls be in the same Case and Distraction of Thought, the People in *Syria*, *Arabia* and *Egypt*, were in about the 600 Year, anent the Opinion of *Eutyches*, when some denying, some affirming, the poor People were so brangled and shaken with contrary Doctrines, that in the End they lost all well grounded Persuasion of the true Religion ; so that within short Time, they did cast the Gates of their Hearts open to receive the vile, devilish, and blasphemous Doctrine of *Mahomet*? Even so, what can be expected in this Land, upon such a Change, which will unquestionably occasion not only one to affirm, and another to deny the same Position, but one and the same Man to affirm what he denied, and deny what he affirmed anent one and the same Position, in Matter of Religion? The Forebreathings of which Inconstancy are beginning to puff out already. We say, what can be expected in this Case through the Land, but that the Generality of the People shall become so doubtful and indifferent in the Matters of Religion, that they shall abandon all Piety, open their Hearts to Popery, and what Religion, or rather what Error and Fancy instead of Religion, you will? So that the Blood of their poor Souls will ly heavy on the Authors of the Change.

I. We are aggrieved that Ways are taken to seal up the Lips of the most faithful Ministers of Jesus Christ within the Land, from delivering their Master's Message with that Freedom and Plainness that becomes ; while, upon Occasion of the Proclamation at *Edinburgh*, September 20. 1660. Men disaffected to, or entertaining Grudges and Heart-burnings against Ministers, may and do take Encouragement to delate honest Men, using Freedom against Sin, as unloyal Slanderers and Trumpeters of Treason, Sedition, and Rebellion, when they are, in the Simplicity of their Heart, only giving Obedience to the Lord's Commands. *Isa.* 58. 1. Cry aloud, spare not, &c. We hope it will be acknowledged, that neither private nor publick Sins, personal nor national Sins, Sins in the State-members or in Church-members, are excepted in the Commission of the Ministers of the Gospel, (if any deny the Truth hereof, we are ready to instruct it from the Word of Truth) and it being so, Why should the Ministers faithful Discharge of Duty, in the Discovery of national Sins, whether in Church or State, be charged with the ignominious Aspersions of Railing, Slandering, &c. or they staged before civil Tribunals for the same, seeing that, according to their Commission, they are herein only aiming at the upstirring of People to Repentance, and to serious deprecating of the Wrath of God, that publick national Sins, and particular Faults in Rulers ordinarily draw on upon Lands? as is clear from *Jer.* 15. 4 and elsewhere.

II. We are aggrieved that the Oath of Allegiance does upon the Matter carry the Oath of Supremacy fully in its Bosom, and that in such an absolute, general, and comprehensive Term, without any express Limitation or Qualification, that in our humble Conception, there is conferred upon the King by it a Power to do Ecclesiastick Matters as he pleases ; and this is in effect to confer the same, or the like Headship over the Church, upon the King, as that which is taken from the Pope.

III. We are aggrieved that the civil Sanction is taken from the Covenant, whereupon the inviolable Obligation of the sacred Oath of God upon the Conscience, is trampled upon with Contempt, by very many, which cannot but grievously provoke the Lord, who has declared that he will be a swift Witness against them that swear falsely.

IV. We are aggrieved that there be such sad Breaches made in the Walls of our *Jerusalem*, which once was built a City compact together; we mean, that the Church-judicatories have not only suffered violent Interruption, but also are prohibited and discharged, through which Iniquity has more insolently faced the Cause these Three Quarters of a Year bygone, than it did for many Years before.

V. Looking upon these but as making a wide Gap in the Walls, the beautiful Porches whereof denied an Entry, we are most of all aggrieved to see the *Trojan* Horse now a harling in over the Gap, we mean, the Reintroduction of lordly Prelacy upon this Church and Kingdom, which being once excrete, and the whole Nation solemnly sworn before the almighty God to its Extirpation, it makes our Ears to tingle, when we think of what may be the sad Tokens of God's Displeasure against the Lands, for endeavouring to give Rooting again to that Plant which our heavenly Father never planted. And this being the aggrieving Evil which does most sadly afflict our Spirits, for Exoneration of our own Consciences before the Lord, and that it may appear that we are not aggrieved without Cause, we do in all Humility offer unto your Lordships, these few subsequent Reasons against the Change of our long established Government by Presbytery, unto that abjured hierarchical Government by lordly Prelacy.

Besides the foresaid Reasons drawn from the *terminus a quo*, the *terminus ad quem* of the Change, and from the Change it self, we do in all Humility beg Leave to add Two experimental Considerations, which we desire to express with that Simplicity and Singleness of Heart, in the Sight of God, that becomes the Ministers of Jesus Christ, who are looking to give shortly an Account of their Stewardship unto their Lord and Master.

And the *First* is this : We do find in our Experience, that when the Lord at any Time is graciously pleased to grant unto any of us more near and familiar Access unto himself, and to put our Spirits in a more lively, spiritual, and heavenly Frame, then are we also filled with more perfect Hatred, Abhorrency, and Detestation of that Prelatical Dominion we plead against, and in our Souls, at such Times, we are encouraged and strengthened in the Lord, to set our Faces as Flint against that Course and Way, whatever the Hazard be we may incur ; and when Fears of Hazard, in opposing that Course, do creep upon our Spirits, we do ingenuously confess it is but vain, when we are at a greater Distance from God, and in a more common and natural Frame.

The next is this: We do find in our Experience, that when at any Time, any of us are summoned with the Messengers of Death, or when free of these, we fall upon the serious Thoughts and Meditations of Death, presenting, as in God's Sight, to our selves, what is the Course in the Profession, avowing and maintaining whereof we durst venture upon Death, upon Eternity, and upon the last Judgment; and upon the other Hand, propose to our selves what is the Course in the Profession, avowing and maintaining whereof we durst not venture upon Death, upon Eternity, and the last Judgment; we do as of Sincerity, as of God, in the Sight of God, declare, That we durst not, for Ten thousand Worlds, venture upon Eternity, and face the great Judge of the Quick and the Dead, with the Guilt of being instrumental to re-establish, or with the Guilt of embracing or conforming unto re-established lordly Episcopacy, lying upon our Consciences: Whereas, upon the other Hand, our Desires and Endeavours to be faithful and constant in the received and established Government by Presbytery, according to the Scripture-pattern, is a Mean of gladning and rejoicing our Hearts, when we look and hope for the coming of the Lord.

And now, Right honourable, having, in the Simplicity of our Hearts, opened up our Grievances in part to your Lordships, we do in the last Place, for Remedy, in all Humility, prostrate our selves before your Lordships, most humbly and earnestly begging, in the Name of *Jesus Christ*, that your Honours would be pleased to intercede with the King's most excellent Majesty, *First*. To take off the Restraint laid upon the Exercise of the Government of the Church, in her Assemblies, by the late Proclamations, without which Profanity will abound. *Next*. That his Majesty would be graciously pleased to free and deliver his faithful and loyal Subjects of this his ancient Kingdom, under our respective Charges, and the Godly through the whole Land, from all Fears of innovating and changing the Government of the Church, by Sessions, Presbyteries, Synods, and General Assemblies, which is ratified and approved by King *James VI.* of blessed Memory, as is evident, *Parl. 114. Junii, 1592.* *Thirdly*. That his Majesty would be pleased to ratify all former Acts of Parliament in favours of the Church and her said Government, that she may fully exercise the Power granted to her by *Jesus Christ*, with Freedom and Liberty. *Fourthly*. That his Majesty would be pleased to ratify all Acts both of Parliament and the General Assemblies, against Papists and Popery, against Prelates and Prelacy, that aspiring Men get not the Church of Christ in this Land fetcht under Bondage again. *Fifthly*. That his Majesty would be graciously pleased to renew the national Covenant of this Land, first subscribed by King *James VI.* of worthy Memory, and then taken by Persons of all Ranks and Degrees throughout the Nation; and also that he would be pleased to revive the solemn League and Covenant, subscribed by his Majesty's self, and that he would be graciously pleased, by his Royal Mandate, to ordain that both these Covenants would be renewed, sworn to, and subscribed to, by Persons of all Ranks and Degrees, within his Majesty's Three Kingdoms of *Scotland, England, and Ireland*, and the Dominions thereto belonging. Thus will there be a strong Bar drawn in the Way of Popery, and Prelacy which ushers the Way to Popery, that neither of them shall have a Regress to a replanting in these Lands: Thus shall there not an evil Beast be left to push in all the Mountain of the Lord; and thus may we confidently expect that the Lord shall be One, and the Name of the Lord One, in all his Majesty's Dominions.

Having, in the Zeal and Fear of God, with all humble and due Respect unto your Honours, offered these Considerations against a Change, we humbly beg, that your Honours would lay them (with many more that cannot but be obvious to your Lordships) seriously to Heart, and in the Pensitation of them, and the whole Matter in Hand, sit your selves as in the Sight and Presence of the all-seeing God, who standeth in the Congregation of the Mighty; and judgeth amongst the Gods, and will arise to judge the Earth: Weigh the Matter (we beseech you) in the Balances of the Sanctuary, and not of carnal Reason and Policy: Remember that God has set you up not to be Stepfathers, but Nursing-fathers of his Kirk, not to be Crossers, but Promoters of Purity and Piety, not to be Destroyers of that which many of your selves have builded, (and so Makers of your selves Transgressors) but to be Accomplishers and On-putters of the Cape-stone upon the building of the Lord's House; acquit your selves zealously and faithfully in this so honourable and reasonable Service; and beware, above all Things, to strive against God with an open and displayed Banner, by building up again the Walls of *Jericho*, (we mean lordly Prelacy, the very Lair-stone of antichristian Hierarchy) which the Lord hath not only casten down, but also laid them under a terrible Interdiction and Execration, that they be not built up again. These Walls in this Land, by the Power of God, have been once and again demolished: They now ly under the Lord's terrible Interdiction and Execration; yea, we have all of us, with uplifted Hands to the most high God, sentenced our selves to this dreadful Curse, if we re-edify these Walls again: Assuredly, if there be amongst your Lordships, or within the Land (which the Lord forbid) an *Hiel*, one or more, as was in the Days of *Ahab*, to re-edify cursed *Jericho*, they shall not miss the dreadful Execration, and the Judgment threatened.

Therefore, we do once again, with all due and reverend Respect prostrate at your Honours Feet, humbly supplicate, *First*. That your Honours would ratify all former Acts of Parliament, in favours of the Work of Reformation, in favours of Presbyterial Government, in favours of the Freedom and Privileges of the Church, and particularly of the Ministers of the Gospel, in their faithful and free dispensing of the Word; and that your Lordships would cast and anul all Acts in the contrary. *Next*. We humbly supplicate, That your Honours, in your Wisdoms, would draw such a Bar in the Way of Episcopacy, that this Kirk may be fully delivered from the Fears and Evil thereof, and that corrupt and carnal-minded Churchmen, who have the Preheminence, may be for ever put out of the Hopes of lording it hereafter any more over the Lord's Inheritance. However it shall please the Lord to incline your Honours Hearts to hearken unto these our just and lawful Desires, it is the firm Resolution of our Hearts, to live in all dutiful Obedience unto our dread Sovereign the King's most excellent Majesty, whom we pray the Lord long to preserve under the Droppings of his Grace, and Overloadings of his best Benefits, and special Blessings. Yet we crave Liberty, *first*, in all Humility, to say, That it will tend much to the cheerful Quieting of our Hearts, and the Hearts of the Lord's People we labour among, that your Honours favourably grant our foresaid Desires, for which the present and succeeding Generations shall call you blessed. But next, if your Lordships proceed, (which we pray the Lord forbid) to act any thing to the Prejudice of the Work of Reformation, to the Prejudice of the Government of this Church, and to the Freedoms and Liberties thereof,

of, or to do any thing less or more, directly or indirectly, in favours of Episcopacy, or tending towards the Change of our present Church-government, by Sessions, Presbyteries, Synods, and General Assemblies; then, and in that Case, we crave Liberty to except and protest: Likeas, by these Presents, we do, in the Name of the Lord Jesus Christ, who shall hold that great Court of Parliament, to judge both the Quick and the Dead, at his glorious Manifestation, and in the Name of our Mother-kirk, so richly blessed of God these many Years bygone, under the Government we plead for, and in the Name of the Synod and respective Presbyteries and Sessions we are Members of, and in the Name of the particular Congregations we labour among, for discharging of our necessary Duty, and disburdening of our own Consciences, *except* and *protest* against every Thing of the Kind aforesaid, done or to be done to the Prejudice of Reformation, of Presbyterial Government, and of the Liberties of the Church, and against all and every Thing done or to be done for the Advantage of Episcopacy, or any way tending to the Introduction, Erection, Confirmation or Ratification thereof, at this present Parliament; earnestly beseeching the Lord, that your Honours, this whole Nation, and our selves, may be kept free of the horrid Guilt of such a sinful Change of Christ's Government, and Encroachments upon his Royal Crown, and free of all the sad Inconveniencies ensuing inevitably thereupon, both to Kirk and State; and most humbly craving, that this our Supplication and Protestation may be admitted by your Honours, and registrated among the Acts and Statutes of this present Parliament, in case (as God forbid) any Thing be done to the Prejudice of Christ's Government, and Advantage of Episcopacy. Your Honours refreshing Answer humbly we expect.

Marquis of Argyle's Petition, with Reasons for a Precognition, February 12th, 1661. N^o. XVI.

THat forasmeikle as the Petitioner can, with a safe Conscience, affirm and solemnly protest, that whatever his Actings or Accession hath been, in relation to publick Business, since the Beginning of the Troubles, till his Majesty's Departure hence in the Year 1651. though he will not purge himself of Errors, Failings, and Mistakes, both in Judgment and Practice, incident to human Frailty, and common to him, if not with the whole, at least the greatest Part of the Nation; yet, in one Thing, though he were to die, he would still avouch and retain his Innocency, That he never intended any Thing treasonably, out of any pernicious Design against his Majesty's late Royal Father, of ever glorious Memory, or his present Majesty, (whom God may long preserve) their Persons or Government, but endeavoured always, to his uttermost, for settling the Differences betwixt their Majesties and their People. And as to any Actings before the Year 1641. or since the said Year, till his Majesty being in the Parliament at *Pert* and *Stirling*, your Petitioner did, with a full Assurance, rely upon his gracious Majesty, and his Royal Father, their Treaties, Approbation, Oblivion, and Indemnity, for what was past, and firmly believed, that the same should never have risen in Judgment, or that the Petitioner should have been drawn in question therefore; and during his Majesty's Absence, and being forced from the Exercise of his Royal Government by the late Usurpers, and long after that the Nation, by their Deputies, had accepted of their Authority and Government, and they in Possession, the Petitioner was forced to Capitulation with them, being in their Hands, and under Sicknes; and the same was, after all Endeavours used, according to the Duty of a good Subject, and, upon the Petitioner's Part, so innocent, and necessary for Self-preservation, without the least Intention, Action, or Effect, to his Majesty's Prejudice; that albeit, upon Misinformation, (as the Petitioner humbly conceives) his Actings and Compliance, both in their Designs and Quality, have been misrepresented, as particularly singular and personal, stating the Petitioner in a Degree of Guilt beyond others, and incapable of Pardon; the same have so far prevailed upon his Majesty, as to cloud and damp the propitious and comfortable Rays of his Royal Grace and Favour, and have strained his gracious Inclination beyond its natural Disposition of Clemency, exprest to his other Subjects, to commit the Petitioner's Person, and give Way to the Trial of his Carriage and Actings: Yet, so firmly rooted is the Petitioner's Perswasion of his Majesty's Justice and Clemency, and that he intends the Reclaiming, and not the Ruin of the meanest of his Subjects, who retain their Loyalty, Duty, and good Affection to his Person and Government; that, upon true and right Representation of the Petitioner's Carriage and Actings, he shall be able to vindicate himself of these Aspersions, and shall give his Majesty Satisfaction, at least so far to extenuate his Guilt, as may render him a fit Object of that Royal Clemency, which is of that Depth, that having swallowed and past by, not only personal, but national Guiltiness, of much more deep Dye as any the Petitioner can be charged with, or made out against him, and so will not strain to pass by and pardon the Faults and Failings of a Person who never acted but in a publick joyn't Way, without any sinister or treasonable Design against his Majesty, or his Royal Father; and against which he can defend himself either by Acts of Approbation and Oblivion, *in verbo principis*, which he conceives to be the supreme, sacred, and inviolable Security, or which he was forced to, much against his Inclination, by an insuperable Necessity. And albeit his Majesty's Grace and Favour is strictly tied to no other Rule but his Will and Pleasure, yet his Majesty's so innate, essential, and insuperable a Quality of his Royal Nature, that the Petitioner is perswaded, in all human Certainty, that the leaving and committing to his Parliament, (as is exprest in his Majesty's Declaration, *October 12th*, last bypast) the trying and judging of the Carriage of his Subjects, during the late Troubles, as indeed it is in its own Nature, and ought to be so accepted of all, as an undoubted Evidence of his Majesty's Affection to, and Confidence in his People; so no other Trial or Judging is therein meant, but a fair, just, legal, and usual Trial, without any Prejudice, Passion, or Prelimitation, or Precipitation. Likeas, by the said Declaration, there was a Freedom for all the People interested, to make their Application to the Parliament, or in the mean time to the Committee, from whom only his Majesty is pleased to declare he would receive Address and Information; and seeing it was

the Petitioner's Misfortune, during the Sitting of the said Committee, to be Prisoner in *England*; whereas if he had been Prisoner here in *Scotland*, he would have made Application to them, and would have craved, and in Justice expected, that Precognition might have been taken by them to whom the preparing and ordering of that Affair (to wit, anent the Subjects Trials during the Troubles) was recommended, that the Petitioner's Absence, which was his Punishment, not his Fault, may not be prejudicial, seeing the Petitioner has lately received Two several Dittays, wherein there be many Crimes grossly false, with all the Aspersions and Aggravations imaginable laid to his Charge, importing no less than the Loss of his Life, Fame, and Estate, and the Ruin of him and his Posterity, which, he is confident, is not intended by his Majesty; and that by the Law and Practice of this Kingdom, consonant to all Reason and Equity, the Petitioner ought, upon his Desire, to have a Precognition, for taking the Deposition of certain Persons, which being frequently and usually practised in this Country, when any Person is defamed for any Crime, and therefore incarcerated, before he was brought to a Trial, at his Desire Precognition was taken in all Buiness relating thereto; which the Petitioner, in all Humility, conceives ought much more not to be denied to him, not only by reason of Respect to his Quality, and of the Importance and Consequence thereof to all his Majesty's Subjects, of all Quality, in all Time coming, but also in regard it has been so meaned and intended by his Majesty's Declaration foresaid. Likeas, the Manner of the Crimes objected, being Actions in Times of Wars and Troubles, the Guilt thereof was not personal and particular, but rather national and universal; and veiled and covered with Acts of Indemnity and Oblivion, and so tender and ticklish, that if duly pondered, after a Hearing allowed to the Petitioner, in Prudency and Policy, will not be found expedient to be tossed in Publick, or touched with every Hand, but rather to be precognosced upon by some wise, sober, noble, and judicious Persons, for these and several other Reasons in the Paper hereto annexed; nor does the Petitioner desire the same *animo protelandi*, nor needs the same breed any longer Delay, nor is it sought without an End of Zeal to his Majesty's Power, and Vindication of the Petitioner's Innocency, as to many Particulars wherewith he is aspersed; and it would be seriously pondered, that seeing *cunctatio nulla longa, ubi agitur de vita hominis*, far less can this small Delay, which is usual, and in this Case most expedient, if not absolutely necessary, be refused, *ubi agitur, non solum de vita, sed de fama*, and of all worldly Interests that can be dear or of Value to any Man.

Upon Consideration of the Premises, it is humbly craved that your Grace and the honourable Estates of Parliament, may grant the Petitioner's Desire, and to give Warrant to cite Persons to depone before your Grace and the Estates of Parliament, upon such Interrogatories as your Petitioner shall give in, for clearing of several Things concerning his Intention and Loyalty during the Troubles; and for such as are out of the Country, and Strangers, Residenters in *England*, Commissions may be directed to such as your Grace and the Parliament shall think fit, to take their Depositions upon Oath, and to return the same: And your Petitioner shall ever pray, &c.

Marquis of Argyle's Speech, April 9th 1661: No. XVII.

MY Regard to Parliaments is well known, and my Regard to this cannot be doubted, having his Majesty's Commissioner upon the Throne, and so many worthy Members in the same; therefore I hope it will not be mistaken, that I shew that Parliaments have in them two different inherent Powers or Qualities, the one *legislative*, the other *executive*, or judicial. The Legislative consists in the making and repelling Laws; the Executive or judicial in judging according to Law, whether it be betwixt Subject and Subject, or in relation to any particular Person; which I doubt not but your Lordships will seriously and wisely consider in all your Actions; whereby all Parliaments, and this in particular, will be the more acceptable to the People: And for this purpose his Majesty indicted the same, that therein all his Subjects Carriage during the Troubles, might be tried, his Honour and the Honour of this his ancient Kingdom vindicated, and the ancient Prerogatives of the Crown asserted; which being done, his Majesty declareth he will grant such a full and free Pardon and Act of Indemnity, as may witness there is nothing he more desireth, than that his People should be blessed with the Abundance of Happiness, Peace and Plenty under his Government. Your Lordships Care and Endeavour in these Things is not doubted, neither have I been wanting, according to my present Condition, to witness my Submission and Concurrence with the same, by offering my self and all I have, at all Occasions, to be disposed of as his Majesty should think fit. And although his Majesty's Proclamation be general, for trying all his Subjects Carriage during the Troubles, yet (without Envy or Prejudice to any, I speak it) no Laick Man's Carriage is brought in question, but mine own, whereby my Actions, however publick and common, may be the worse liked, when singly lookt upon; which if seen otherwise, would appear less censurable: And I am so charitable as to concede the main Reasons are these Two, which I take from the Libel, My alledged being a prime Leader and Plotter in all the publick Defences from the Beginning, which a short Narration of Affairs, I hope, will easily clear. The next, My being an Enemy to his Majesty, and his Royal Father, which are both most unjustly charged upon me: Therefore I am confident, when these are cleared, I shall find more Charity and less Prejudice from this honourable Meeting of Parliament.

And for satisfying your Lordships and all Men in these Things, I shall say nothing but Truth: That in all the Transactions of Affairs wherein I ever had my Hand (I thank God for it) I was never led in them by any private Design of Advantage to my self, either of Honour or Benefit, which are the main Things that sway the most Part of Mens Actions: So far was I from desiring Benefits, that I never had Pay as a Committee-man or Soldier in *Scotland*, *England*, or *Ireland*: Few Men can say the like who were in Employment. And sure if I had aimed at Honours, I wanted not Opportunities, if I durst

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have forsaken other Things wherein I was engaged by very strict Obligations, more binding upon me nor particular Ends.

Another Observation I have from the Libel, which is this, That after such an Inquisition, the like whereof was never known in *Scotland*, there is not one particular Crime found of my Maleadministration in any publick Trust, though I had the Honour to be in publick Employment since the Year 1626. neither any Ground for a Challenge in my private Conversation.

But to return to the Narration of Affairs, for vindicating my self from being the prime Plotter and Leader of Affairs during the late Troubles; as I forbear to mention the particular Grounds and Reasons of the Kirk and Kingdom of *Scotland's* Proceedings, which might readily be mistaken, as many Things concerning me have been, and are; neither shall I mention any Man's Name, because I intend no Reflection, some of the prime Actors being already with the Lord; I shall, for clearing the more easily to your Lordships, comprehend all my Actings during the late Troubles, in Three Periods of Time. *First.* Betwixt the Years 1633 and 1641. *Secondly.* Betwixt that and 1651. *Thirdly.* Betwixt that and the Year 1660. in which it pleased the Lord, in his Mercy, to restore his Majesty to the Possession of his just Right, to the great Comfort of all his People, and of my self in particular.

Now, in the First Period, from 1633. (at which Time the Differences first appeared) until the Year 1638. (though I am not to judge any other Man's Actions) there are none who then lived, but know that I had no Hand during that Time, in any of the publick Differences; neither, after that, did I subscribe the Covenant, until I was commanded by his Majesty's special Authority; and it was in Council then declared, that the subscribing of it was with the same Meaning which it had when it was first taken, in the Years 1580 and 1581. I may add likewise, that I was at that Time very earnestly dissuaded by some then called *Covenanters*, who are now dead, from subscribing the same by his Majesty's Command; not that they disliked the Covenant, or the King's Command for subscribing of it, but fearing a contrary Interpretation upon the Covenant, because it was thought, that Oaths were to be understood according to the Meaning of the Giver, and not of the Taker of them. Notwithstanding whereof, I subscribed, according to the Meaning given by the Council, which was cleared afterwards in the General Assembly of *Glasgow*, whereupon many Supplications were sent to his Majesty, for Approbation, but without Effect: Yet thereafter, I did not so much as subscribe any of the national Covenants, until the Year 1639. when there was an *English* Army upon the Border, and the *Scottish* Army at *Dunse*. And at that Time, my Endeavours werenot wanting, to my Power, for a Settling betwixt the King's Majesty and his People, which was then effectuate. And whatsoever I had acted, from my first taking of the Covenant, until his Majesty being in *Scotland*, in the Year 1641. was not only warranted by publick Commissions, but all my Service is approved by his Majesty in his Parliament, which, with his Majesty's Act of Oblivion at that Time, put a Clofe to that Period.

From that Time that his Majesty left *Scotland*, in the Year 1641. until the Year 1644. what I acted in the Fields or Counsels, was by publick Commissions, and the Service approved by the triennial Parliament indicted by his Majesty, who met in the Year 1644. And though in that Interval, betwixt 1641. and the Parliament 1644. there was a Meeting of the *Convention of Estates*, appointed by the Council, Commissioners for conserving the Peace, and these for common Burdens; which Council had Power by themselves to call a Convention of Estates, in which Convention the League and Covenant with *England* was agreed unto, and thereafter approved in the Parliament 1644. yet it is very well known, and I can make it very evidently appear, that I was one of the Men in *Scotland* who had least Correspondence in *England*. There are yet some of the Commissioners alive who were at that Time in *England*, who may evidence the Truth of this: Whereby it is manifest, I was no prime Plotter in such a Business.

And from the Year 1644. until his Majesty's coming unto *Scotland*, 1649. I never acted in relation to the late Troubles, but by virtue and Command of the Parliament, and their Committees, as I shall instruct by their Commissions, and Ratifications of my Service. I shall forbear here to repeat what I spake formerly, concerning my Proceedings with *Montrose*, Mr. *Macdonald*, and the *Irish* Rebels, and of my Agreement with *Montrose*, which I could not get ratified by the Committee of Estates, and therefore it broke off again: But one Thing I may say, That from the Year 1638. until 1648. there was never any considerable Difference (in publick Offices) among all these of Kirk or State, who had once joyned together, except a few who went to *Montrose* after *Killyth*. And any Difference which seemed to be in the Year 1648. was only anent the Form and Manner of proceeding, and not in the Manner of rescuing his Majesty, or relieving the Parliament of *England* from any Violence upon them; and the little Power that I had either in the Parliament 1647 or 1648. sheweth that I was no prime Leader in Affairs.

And for what was done in the Years 1646 and 1647. concerning the Disposal of his late Royal Majesty's Person, the Return of the *Scottish* Army, and the Agreement for the Money to be paid for their Arrears; it is well known that Instructions were sent to and again in these Affairs, both from Committees and Commissioners in *Scotland* and *England*: Yet it shall never be found, that ever either my Hand or Presence was at any Committees where any Thing was debated or resolved concerning the Disposal of his late Royal Majesty's Person, or upon any Treaties or Conclusions for Return of the *Scots* Army, or for the Money for the Satisfaction of their Arrears. So that I hope, when it is seriously considered, that I was one of the last in *Scotland* who subscribed the national Covenant, and never did the same till commanded by his Majesty, and that I was (of all these who acted in publick Affairs) one of these who had least Accession to those Things, though I be most blamed by common Report, That your Lordships will not find my Carriage during the late Troubles, to have deserved to have been put in so singular a Condition.

And as for what was acted in the Year 1649. it is very well known, that what Power and Interest I then had in the Parliament, I did, to my utmost Endeavours, employ the same for bringing Home his Majesty, and possessing him with his Crown, and Exercise of his Royal Authority. I shall not mention any Difficulty I had in the same, lest I might be thought to reflect upon others; but this I will say, that what I did, I did it really and faithfully for his Majesty's Service, and by his own Command, which was afterward acknowledged by his Majesty for good Service; and with the like Affection I assisted all the Time his Majesty was in *Scotland*: For, without Vanity and Presumption, I may also say, If my Counsel had been followed, his Majesty's Affairs had probably gone better; not that I condemn any other Man's different Opinion, be-

cause of Success, which is a very bad Rule to judge by ; but only to testify mine own Sincerity in all my Proceedings, during his Majesty's being in Scotland.

As to the last Period, after the Year 1651. it is well known the Condition that my nearest Relations were in when his Majesty went from *Stirling*, and that I did not then stay behind his Majesty, without his own particular Allowance, and kissing of his Hand, though no particular Charge or Employment was left upon me. I shall here mention nothing that past before the Defeat at *Worcester*, which, I may truly say, was as grievous to my self as any *Scots* Man; neither shall I trouble this honourable Parliament to mention many several Meetings which were held by several Noblemen and Gentlemen in this House, after that Time, wherein I was willing and ready to contribute what was in my Power; but nothing being found possible to be done, every Man was necessitate to retire to his own Family. And immediately after that Defeat of *Worcester*, his Majesty being driven from his Dominions, there were Commissioners sent from the pretended Parliament of *England*, unto *Scotland*, with whom I would never make any Agreement, neither did I ever capitulate, till long after all these in Arms, by Commission from his Majesty, had done the same, and the Representatives of the Nation had accepted the *Tender* of Union, to be under one Government, and thereafter had joyntly met together at *Edinburgh*, and sent their Deputies to *London*.

And it is likewise well known, that my self, and the Gentlemen (my Vassals and Tenants) within the Shire of *Argyle*, had endeavoured to get a Conjunction with our Neighbours in the Highlands, for Resistance of the *English* Power ; which was refused by our Neighbours, and the *English* acquainted therewith : Whereupon, they resolved upon very hard Courses against us. Yet, upon a safe Pass, I did meet with Major-general *Dean*, and others, at *Dumbarton* ; but because nothing would satisfy them, except I my self would take the *Tender*, and promise to promote their Interest, we parted without any Agreement, as a very eminent noble Person in this House can testify, who came to *Dumbarton* at that Time : So their Prejudice against me did the more increase. And they then fully resolved to invade the Highlands, and the poor Shire of *Argyle* in particular, on all Hands, by sending Regiments both of Horse and Foot, by Sea, on the east Side of it, and General-major *Dean* himself marching by Land to *Lochaber*, on the west Side. But when he came there, missing his Ship with his Provisions, he returned back very speedily, and shortly thereafter, came very unexpectedly to my House of *Inverary*, by a Frigate from *Air*, and (as it appeared afterwards) he had ordered his whole Party to meet him there, and to fly near unto my House. It pleased the Lord, that the same Time I was in a very great Fit of Sickness, as Doctor *Cunningham's* Certificate will testify, who was with me when *Dean* came there ; and after himself, and others of his Officers, had been a few Days in my House, keeping Centry both within and without the same, he presented a Paper to me, under his Secretary's Hand, (which Paper I yet have) which I did absolutely refuse : But the next Day he presented me with another, which, he told me, I must either yield unto, or he would carry me with him, and send me to some other Prison : Whereupon, after some few Alterations of it, I did agree, and signed the said Paper, which I have likewise ready to be shown. And although I shall say nothing for justifying of it, yet all Circumstances, and my Condition being seriously considered, I hope it shall be found a Fault, though not altogether excusable, yet very pardonable in me to do it, and afterwards, as Affairs stood, not to break the same.

And for any Thing which I did after that, in my Compliance with the *English*, being their Prisoner upon Demand, I never meddled, but, as I conceived, out of Necessity, for the Good of my Country in general, and Preservation of my self and Family from Ruin, and in nothing to hinder his Majesty's happy Restoration.

There are many other Things which I might instance, of many Aspersions falsely cast upon me by this Libel, which I shall pass by at this Time, being unwilling to be too troublesome to your Grace and this honourable Meeting: And because many of them are fully answered and cleared in my Defences and Duplies, I shall only humbly desire this honourable Meeting of Parliament, to consider the great Difficulty and Disadvantage I am put unto, if I shall be forced to debate the Grounds and Reasons, from the Lawfulness of the Kirk and Kingdom of *Scotland's* former Proceedings, or of the Lawfulness (Circumstances being considered) of *Scotland*, or any Person in it, their Compliance with a prevalent usurping Power, which had the full Possession which his Majesty (in his Declaration concerning the Treaty with *Portugal*) acknowledged they had. So that I hope, and am confident, That, these Things being considered, his Majesty will never allow, that his Father's, or his own Acts of Oblivion and Ratification, should be called in question, or his Subjects pursued for any Deed or Thing whereby they are indemnified by the same, they having nothing which they hold for a better Security. The Truth of these Things is very well known to the most Part of this honourable Meeting, that there was an Act of Oblivion by his late Royal Majesty, in the Year 1641. it is in Print: And that his gracious Majesty, who now is, did pass an Act of Ap probation, at *St. Johnstown* and *Stirling*, in the Years 1650 and 1651. after his Majority, there being none at that Time kept out of the Parliament, nor from his Majesty's Service in the Armies; for all Acts of Classes were rescinded. And I am also confident, if it were represented to his Majesty, by your Grace, and this honourable Parliament, that he would not be less gracious and merciful to these in *Scotland*, (who atted for him so long as they were able, till a prevailing Sword had driven him away, and subdued them) when his Majesty hath so freely pardoned and indemnified the Invaders themselves. And therefore, I humbly desire, before I be put to any further necessary Dispute in the Business, that your Grace and this honourable Parliament may be pleased to read this my humble Supplication and Submission, and recommend the same to his Majesty.

Marquis of Argyle's Speech, after Reading of his Process, April 16th, 1661.
N^o. XVIII.

My Lord Chancellor,

IT is no small Disadvantage to me to be standing before this honourable Assembly, in this Condition, and any, much more so many unjust Prejudices against me: But I hope, as my *Duplies* which have been read, have taken off many, as to the Libel, I desire to speak to some of them, and others not in the Papers; and I shall comprehend the Prejudices against me in Two. The First against my personal Carriage, the Second against my publick.

For the First, of what concerneth my Personal, some are in the Libel which are answered in the Defences and Duplies, and they are Three. *First. Lawmont's Business.* *Secondly.* The sending Men to starve in *Jura.* And *Thirdly.* The Business in *Kintyre.* For the first Two, I am as free of them as any Man; for I was not in *Scotland* when *Toward* was taken, and Articles broken: And I may say, I never harboured so base a Thought as to break Articles, neither did I ever allow it in others: Yet that can be no Excuse to others; for I hold it not lawful in any to do that which they condemn in others; yea, if the one Side of a Relation fail in their Duty, I think it no Excuse for the other to do the like.

And for the Second, the Business of *Jura*, it is so ridiculous, that till I came to *Scotland* last, I never heard a colourable Pretence for the Report.

For the Third, it will be clear it was the Act of a Council of War, by publick Authority, approved in Parliament, and no Deed of mine. I bless God, there is not one Deed in the Libel against me, for any Prejudice done to any Man's Person, when I was in the Fields commanding Forces in Chief, (as I was several Times) neither is there any thing in it for Deeds while his Majesty was in *Scotland*, but Two great Calumnies; The First, My Accession to the Act of the *West-kirk.* The Second, My corresponding at that Time with the *English Army.*

The Prejudices out of this Libel are many, which some of the Parties say they were pressed to give in; some of them for Deeds Thirty, some more Years ago, being lawful Decrees before the Session, when such Fools as *Lawderdale*, *Haddingtoun*, *Southesk*, and such Men, were in Employment, where truly I had no more Influence nor the Justice of my Cause procured to me. I hope no Man mistaketh my ironical Word, in calling these worthy able Men *Fools*.

I confess I thought it strange, when I came from before your Lordships on *Munday* last, I had a Summons, by Warrant of the *Lords of Articles*, at the Earl of *Airlie's* Instance, for these Things done before the Year 1641. so contrary to his Majesty's Act of Approbation of my Service, and his own Act of Oblivion in the same Year, 1641. but nothing of that Kind is strange to me.

One Thing not in the Libel, which I am informed taketh great Impression on some, to my Prejudice, it is this: Though I told to your Lordships formerly, that the Marquis of *Huntley's* Debt was a Million of Merks in the Year 1640. yet it is said, his Estate being great which I have possessed, I am satisfied of what was due to me, yet I possess all. The very Narration of his Rent what it is, will show the Falshood of this Calumny; for after the Death of *Lewis Marquis of Huntley*, my Nephew, now Earl *Aboyne*, and others of his Friends, with the Chamberlains of the Estate, met me and some others who are in this House, at *Stirling*; and when they had put the least Peat or Poultry in Money, the Height of all the Rent, as themselves gave it up, is but about Fifty thousand Merks *Scots*, which I could never find it to be by a good deal; out of which was to be deduced some Ministers Stipends, Chamberlains Fees, waste Lands, and ill Payments, with all publick Dues. And, (altho' it be but very small to a Person of that Quality) the Lady *Huntley* had, by my Connivance, Six thousand Merks in Possession, and the Earl *Aboyne*, upon the same Account, had Four thousand, though I acknowledge it is but small to a Person of his Worth and Quality. Yet these Things being deduced, I dare confidently say, I came very little above Half Interest of the Sums acknowledged due to me, under the Hands of *Lewis Marquis of Huntley*, and Earl of *Aboyne*. And I did certainly offer to give more Ease of the Sums than ever I got, if I might either get Money, Creditors taken off, or Land secured to me: And no reasonable Man can question the Justness of the Debts, when they shall but hear them.

The Second Prejudice against me, is in my publick Carriage and Constancy in the Way wherein I was engaged, which I think a hard Case to make my Crime. I profess if I had not thought the Engagement upon me binding for the Time, to such Things as I did, I think truly I had been much more guilty in doing as I did; for it is observable in one of the Heathen Emperors, who, to try his Christian Servants, imposed some Things contrary to their Profession, and such as refused he honoured, others he rejected.

And I shall here add an Argument, not in my Papers, to shew clearly to all, I was no prime Leader. It hath been told your Lordships by a noble Lord of this House, that in the Year 1647. which is the Year and Parliament wherein all the Business concerning the late King's remaining in *England* (when the *Scots Army* returned) was ended: In that Parliament it is told your Lordships, in *Montrose's* Process, that I pressed a Ratification of my Son's Disposition of *Muckdock*, but could not carry the same; and when I was not able to carry such a Particular, was I prime Leader let any rational Man judge: So with what is in my Papers, this Point cannot stick with any to my Prejudice.

But on the contrary I acknowledge my Duty to the lawful Magistrate to be *jure divino*, and to be contained under the Fifth Command, *Honour thy Father and thy Mother.* And as it is well observed by some, they have that Stile of *Fathers* to procure them all fatherly Subjection, Reverence and Duty from their Inferiors, and to stir them up to all Tenderness and Affection toward their Subjects.

I have forborn many Things in my Papers, of the Causes and Motives of the Church and Kingdom of *Scotland's* Proceeding, lest I should have been mistaken: I must do so here likewise, for if I should but

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mention King James VI. his Words, in his own Book, concerning a King's Duty to his People, and the People's to their King; I might run the same Hazard. I shall therefore direct any to his Works, and the 155th Page; so 157, 195, 200, 174. so 493, 494, 495.

I shall here likewise clear that Point of Compliance, by an Observation which Divines have from this same Fifth Command, and the former, the Fourth, and it is this; That all the rest of the Commands are negative but these Two, and therefore they admit of some Exceptions: For, as they say, affirmative Precepts *semper obligant, sed non ad semper*, bind not at all Times; but negative Precepts *semper obligant, sed ad semper*, bind always, and at all Times. This is not only the Doctrine of Divines, but of Christ and his Disciples, which they practised; so did David, and so he instructeth his Children on his Death-bed; so teach the Apostles, and so is every Man ready to interpret the Fourth Command, though the Latitude of Liberty on that Day be not so great as many presume: But doubtless it is much for Works of Necessity and Charity. And the same Latitude cannot be well denied to the Fifth Command, as may be evidenced both by Precept and Practice of the Prophets and Apostles. But I will not insist in this, hoping it is clear to any.

I shall only at this Time, without Reflection upon any, regret to your Lordships my own Condition, that when his Majesty recommendeth the Trial of his Subjects, I am alone singled out, not to try my Carriage, it seemeth, but to find out any Crime, which is hard, *nemo sine crimine vivit*; neither am I to justify my self, who am as free as any, of all Things which have been worst looked upon in publick Transactions during the Troubles; and was as willing as any to contribute at all Times for a Settling betwixt his Majesty and his People, that his Throne might be established in Righteousness; whereof I gave Evidence at Dunse, in the Year 1639. and by my constant Advice and Correspondence with that noble Person the Earl of Rothes, at London, 1640. and no Man could do his Majesty better Service at that Time than I did, in refusing some Things thereafter in the Year 1641. in Scotland, where, in publick Parliament, I had his Majesty's gracious Testimony, that I dealt over honestly with him, though I was stiff as to the Point in Controversy. And as King James saith, Many Designations are taken in Scotland, from ill Hours. Some present know my Tendernefs of his Majesty, to bring that Business of the Incident to any publick Trial. After that Time, my Endeavours in the Year 1646. were extended for his Majesty's Service, in going twice to London by his Command and Allowance, at which Time (though it be otherwise falsely alledged) no Mention was ever made of any Thing relating to the Disposal of his Majesty's Person, wherein I get the Blame; though I may and do say truly, I deserve as little as any. But yet to shew the Reason of it, I shall mention a few Words of a very honest, learned, and godly Minister, Mr. Gee, in his Book of the Return of Prayer, in his Third Query concerning the Reason of God's hiding himself from his People's Prayers, grounded on his Promises, and his seeming to answer the contrary by his Providences: I hope no Man will mistake me in using his Words and Scripture-examples.

When he comes to speak of the Second Way of Enquiry for this, he telleth of Three Indispositions of Men, that blear our Eyes: First. Offence at the Thing fallen out. Secondly. Mens Partiality to themselves. Thirdly. Their Prejudice against others. I intend only the last: For the first he mentioneth the 37th Psalm, David's stumbling at the Prosperity of the Wicked. For the Second, Partiality to our selves, he saith, Self-indulgence spreads a Vail over the Eyes, and forestalleth the Judgment, that whatsoever Cause of the Thing be in our selves, we cannot easily see it. Few will say, *What have I done?* whereof the Prophet complaineth; fewer, with the Disciples, *Is it I, Lord?* but fewest with David, *It is I, what have these done?*

The Third Indisposition is, Prejudices against others; for we are no less (saith he) hasty and severe in sentencing and faulting other Men, than we are well conceited and favourable in judging our selves; which Humour Christ decyphereth, while he saith, *Why beholdest thou the Mote in thy Brother's Eye, and considerest not the Beam in thine own?* And as there is in Men a Prejudice towards others in general, through which they are disposed to find Fault with all but themselves, and to lay that Blame, which must rest somewhere, at another Man's Door rather than their own; so there is a more special and vehement Prejudice, when Men are banded (as he saith) in Parties, each against other, when usually Men, without standing to enquire or reflect on any other Way, they cast all the Charge and Procurement of calamitous Events, upon their contrary Way or Party. And for this, he instanceth that of Korah, which, after the Lord had cut them off by his own immediate Hand, the Conspirators said, It was Moses and Aaron had killed the People of the Lord. So did the Jew cast all the Blame of their hard Usage from the Romans, on Christ and his Apostles: So did the Romans, the Destruction of Rome by the Goths and Vandals, on Christians and Christianity, which occasioned Augustine to write that Book, *de civitate Dei*. All this may evidently shew the Ill of these Three Indispositions of Mind, and particularly this of Prejudice against others, especially to all who are concerned in it.

I have but only a few Words to say, in remembering your Lordships of Three Things observable in my Carriage during the late Troubles. First. My never joyning in the national Covenant, till commanded by his late Royal Majesty. Secondly. My never receiving any Pay during all the Troubles, either as Committeeman, Commander in Chief, Colonel, or Captain, in all the Services of England, Scotland, or Ireland, in a Parliament of the Year 1646. which was after all I had was destroyed by the Irish Rebels and their Associates: And what I got from the Parliament 1647. was after my Estates and Lands were ruined, and was only for my Family's Subsistence, and paying some necessitous Creditors some Annuallents; as the Act of Parliament 1647. and Order to the Scots Commissioners at London, the same Year, can shew. And for the first negative Part, Sir William Thomson's Hand will prove it, who was either depute or principal Receiver and Lay-er out of all publick Monies all that Time. Thirdly. My being free of any Actings in the Years 1646 and 1647. anent the disposing of his Majesty's Royal Father's Person, never having concurred in Committees in Scotland or England, nor as a Commissioner at London, went the same, nor in any Resolutions concerning the Return of the Scots Army, nor the Money for their Arrears agreed to in these Times; except that I was present in the Parliament 1647. which I do not well know.

By all which it is evident, how clearly and freely I may say, That I do not deserve to be the single Sufferer in all his Majesty's Dominions, for my Carriage during the late Troubles, his Majesty having (to his eternal Praise) pardoned all but some of the Murderers of his late Royal Father.

Therefore

Therefore I take the Boldness, now that all the Papers are read, to show your Lordships, that so much Pains needed not to have been taken in summoning Witnesses, and otherwise, in this Business; for I ever offered, and do offer to acknowledge all Matters of Fact which any Man can justly prove, (much of the Libel being Matter of Fact) except some alledged Words which are notoriously false and irrelevant, and even so libelled.

And as I did formerly, so I do still intreat, before any further Procedure, my humble Submission, with your Grace and this honourable Parliament's Recommendation, may be sent to his Majesty, which I hope none of your Lordships will ever have Cause to repent you of, having now heard and seen the Favourableness of my Cause, and Desire in this.

Marquis of Argyle's Speech upon the Scaffold, May 27th, 1661. N^o. XIX.

Gentlemen,

Many will expect that I will speak many Things; and according to their several Opinions and Dispositions, so will their Expectations be from me, and Constructions of me: But I resolve to disappoint many; for I came not either to justify myself, but the Lord, who is holy in all his Ways, and righteous in all his Works, holy and blessed is his Name; neither come I to condemn others. I know many will expect that I should speak against the Hardness of the Sentence pronounced against me, but I will say nothing to it. I bless the Lord I pardon all Men, as I desire to be pardoned of the Lord myself: Let the Will of the Lord be done, that is all that I desire. I hope that you will have more Charity to me now, than you would have had at another Time, since I speak before the Lord, to whom I must give Account shortly. I know very well that my Words have had but little Weight with many, and that many have mistaken my Words; many have thought me a great Enemy to those great Works that have of late been brought to pass: But do not mistake me, People, I speak it in the Presence of the Lord, I entred not upon the Work of Reformation, with any Design of Advantage to myself, or Prejudice to the King or his Government, as my Will (which was written in the Year 1655. and then delivered to a Friend, in whose Hands it still remains) can show. As for these Calumnies which have gone Abroad of me, I bless God I know them to be no more but Calumnies; and as I go to make a Reckoning to my God, I am free as to any of them, concerning the King's Person or Government. I was real and cordial in my Desires to bring the King Home, and in my Endeavours for him, when he was at Home; and I had no Correspondence with his Adversaries Army, or any of them, in the Time his Majesty was in Scotland; nor had I any Accession to his late Majesty's Murder, by Counsel or Knowledge of it, or any other Manner of Way. This is a Truth, as I shall answer to my Judge: And all the Time his Majesty was in Scotland, I was still endeavouring his Advantage; my Conscience beareth me Witness in it. That is for that. (At this he turned about, and said, *I hope, Gentlemen, you will all remember this.*)

I confess many look on my Condition as a suffering Condition, but I bless the Lord, that he that hath gone before me, hath trode the Wine-press of his Father's Wrath, by whose Offerings I hope that my Sufferings shall not be eternal. I bless him that hath taken away the Sting of my Sufferings. I may say my Charter was sealed this Day; for the Lord hath said to me, *Son, be of good Cheer, thy Sins be forgiven thee:* And so I hope my Sufferings shall be easy; and ye know the Scripture saith, *That the Captain of our Salvation was made perfect through Sufferings.* I shall not speak much to these Things that I am condemned for, lest I seem to condemn others: It is well known, it is only for Compliance, which is the epidemical Fault of this Nation; I wish the Lord may pardon them, I say no more. There was an Expression in my Submission, presented to the Parliament, of the Contagion of the Times, which may be misconstrued, as if I had intended thereby to lay Imputation upon the Work of Reformation; but I declare I intended no such Thing, but it was only in relation to the Corruptions and Failings of Men, occasioned by the Prevalency of the usurping Power.

Now, Gentlemen, I think there are Three Sorts of People that take up much of the World, and this Nation: There are, *First*. The openly profane; and truly, I may say, though I have been a Prisoner, yet I have not had mine Ears shut: I hear assuredly, that Whoring, Swearing, and Drinking were never more common; and never more countenanced than now; and truly if Magistrates were here, I would say to them, *If they lay forth their Power, for the glorifying of God by the restraining of this, they would fare better; if they continue in not restraining of it, they will fare the worse.* I say no more, but let either People shun Profanity, or Magistrates restrain it, or assuredly the Wrath of God will follow on it.

Secondly. Others they are not openly profane, every one will not allow that, but yet they are Gallio's in these Matters; if Things go well as to their private Interests, they care not whether Religion and the Church of God sink or swim: But whatever they think, God hath laid Engagements upon Scotland, we are tied by Covenant to Religion and Reformation; those that were then unborn are engaged to it, and in our Baptism we are engaged to it, and it passes the Power of any under Heaven to absolve a Man from the Oath of God, they deceive themselves, and it may be will deceive others that think otherwise; but I would caveat this. People would be ready to take this as a Kind of Instigation to Rebellion, but they are very far in the Wrong that think so, and that Religion and Loyalty are not consistent; if any Man separate them, Religion is not to be blamed, but they: It is the Duty of every Christian to be loyal, yet I think the Order of Things is to be observed, as well as their Nature, the Order of Religion as well as the Nature of it: Religion must not be the Cockboat, but the Ship; God must have what is his, as well as Cesar what is his; and those are the best Subjects that are the best Christians: And that I am looked upon as a Friend to Reformation is my Glory.

Thirdly. There is another Sort that are truly godly, and to speak to them I must say what I fear, and every one hath Reason to fear, ('tis good to fear Evil.) 'Tis true that the Lord may prevent it, but

if so, I do not, and truly I cannot see any Possibility of it. These Times are like to be very sinning Times, or very suffering Times; and let Christians make Choice; there is a sad *Dilemma* in the Business, *fin* *o* *c* *n*. And truly he that will choose the better Part will choose to suffer; others that will choose to sin, escape Suffering; they shall suffer, but it may be, not as I do here, (turning him to the Maiden when he spake it) but worse; mine is but temporal, but theirs shall be eternal; when I shall be singing they shall be howling: Beware therefore of Sin, whatever ye beware of, especially in such Times. Yet I cannot say of my own Condition, but the Lord in his Providence hath minded Mercy to me, even in this World; for if I had been more favourably dealt with, I fear I might have been overcome with Temptations, as many others are, and I fear many more will be, and so should have gone out of the World with a more polluted Conscience than, through the Mercy of God, now I have: And hence my Condition is such now, as when I am gone, will be seen not to have been such as many imagined. It is fit God take me away before I fall into these Temptations that I see others are fallen into, and I fear many others will fall: I wish the Lord may prevent it. Yet blessed be his Name that I am kept both from present Evils and Evils to come.

Some will expect that I will regret my own Condition; but truly I neither grudge nor repine, nor desire any Revenge. And I declare I do not repent my going to London; for I had always rather have suffered any Thing than lie under such Reproaches as I did. I desire not that the Lord should judge any Man, nor do I judge any but my self: I wish, that as the Lord hath pardoned me, so may he pardon them for this and other Things, and that what they have done to me may never meet them in their Accounts. I have no more to say, but beg the Lord, that since I go away, he may bless them that stay behind.

His last Words, immediately before he laid his Head upon the Block, were the Vindication of his Innocency from that horrid Crime of the King's Murder, in these Words.

I desire you, Gentlemen, and all that hear me, again to take notice, and remember, That now when I am entering on Eternity, and am to appear before my Judge, and as I desire Salvation, and expect eternal Happiness from him, I am free from any Accession, by Knowledge, Contriving, Counsel, or any other Way, to his late Majesty's Death; and I pray the Lord to preserve the present King his Majesty, and to pour his best Blessings upon his Person and Government, and the Lord give him good and faithful Counsellors.

Summons to the Ministers of Edinburgh, before the Sheriff, for praying for the King, August 20th, 1655. with their Declinature. N^o. XX.

I John Cockburn summon you Mr. James Hamilton (and so the rest of the Ministers aftermentioned) Minister within the old Kirk of Edinburgh, to compare before the Sheriff-principal of Midlothian and Linlithgow, in the old Exchequer-house at Edinburgh, upon the 22^d Day of August, at Two Hours in the Afternoon, to hear and see Witnesses led and deposed against you, for not observing and obeying the Order and Inhibition lately emitted by the honourable Commissioners for visiting Universities, against the praying for the late King, and that under the highest Pain and Charge that may follow thereupon, conform unto the principal Warrant direct thereanent, dated at Edinburgh, the 20th Day of August, 1655.

The Ministers Declinature.

WE undersubscribing Ministers of Edinburgh, having received Summons to compare at this Diet, before the Sheriff of Lothian, about a Matter that directly concerns our Ministerial Function, and being unacquainted in this Land with Summons of this Nature, thought it incumbent on us to declare, likeas, by their Presents we do declare, That by this our Comparance we do not subject the Liberties of the Kingdom of Christ, or the immediate Acts of our Ministry, to the Judgment and Determination of a civil Judicatory; and declare in all Humility, according to the Duty we owe to our Lord and Master Jesus Christ, that his Ministers are not convenable for the immediate Acts of their Ministry, before any civil Judicatory; and that we do compare only to make our Master's Interest known, and lest our not comparing should be reckoned Contempt. And since, by the Providence of our God, we are brought here, we do earnestly desire and obtest, in the Name of our Lord Jesus Christ, whose Servants we are, that nothing be done pre-judicial to the Liberties of this Kirk, and to the standing Ministry settled therein. Subscribed at Edinburgh, August 22. 1655.

DAVID DICKSON.

Mr. ROBERT DOUGLAS.

Mr. THO. GARVAN.

Mr. James Hamilton's Declinature at the same Time. N^o. XXI. A.

FORasmuch as I am brought before you the Sheriff of Midlothian, to answer in Matter of the Discharge of my Ministerial Function, the judging whereof, in the first Instance, is only competent to the Officers and Judicatories of the Kirk of Christ, our Lord and Master, according to the Order and Government of this Kirk, warranted by the Word of God, acknowledged and established by many Civil and Ecclesiastical Laws

Laws, and peaceably possess and enjoyed these many Years, to the Preservation whereof this Nation is bound, as by many Obligations, so by the National Covenant, and both Nations are obliged thereto by the first Article of the League and Covenant: I therefore, being in this Case called to give Testimony for that Interest, not out of any worldly Design or wilful Obstinacy, but (my Witness being on high) out of Zeal to the Glory of God, Conscience of the Oaths of God, Love to the precious Liberties of the Kirk of Christ within this Kingdom, which are dearer to me than my Life, Fear of being found accessory to the betraying the Interests of Christ to the Power of Men, and Desire to be found faithful in the Day of my Accounts to the great Shepherd of Souls, according to the laudable Examples of our worthy Predecessors, and of other Reformed Kirks, in the like Case, am necessitate to give this Testimony, against the subordinating the Privileges given to the Officers and Government of the Kirk of *Jesus Christ*, on whose Shoulders the Government of his House lieth, unto the Will and Power of Men; and do hereby decline your Judgment, as no ways competent in these Matters, my Appearance before you being only to give a Reason of my Actions, for clearing and vindicating them, my Ministry, and my self from all unjust Aspersions.

JA. HAMILTON.

INDICTMENT against Mr. James Guthrie, February 7th, 1661.
No. XXI. B.

MR. *James Guthrie*, sometime Minister at *Stirling*, you are indicted and accused, and are to answer at the Instance of *Sir John Fletcher* Knight, his Majesty's Advocate, for his Majesty's Interest, That whereas by the Laws of God, of Nations, and of all well governed Realms, the Common Law, Municipal Law, Acts of Parliament, and Practick of this his Majesty's ancient Kingdom, especially by the First Act, 18th Parliament of King *James VI.* of blessed Memory, and by several other Acts of Parliament, holden by his Majesty's Royal Predecessors, all his Majesty's good and loyal Subjects are bound and obliged perpetually to acknowledge, obey, maintain, and defend, and advance the Life, Honour, Safety, Dignity, sovereign Authority and Prerogative Royal of their Sovereign Lord and King's Majesty, their Heirs and Successors, and Privileges of their Throne, with their Lives, Lands and Goods, to the utmost of their Power, constantly and faithfully to withstand all and whatsoever Persons, Powers or Estates, who shall presume, press or intend any ways to impugn, prejudice, hurt, or impair the same, and shall no ways intend, attempt, enact, or do any Thing to the Violation, Hurt, Derogation, Impairing, Prejudice of his Majesty's sovereign Authority, Prerogative, or Privilege of his Crown, in any Point or Part, and whoever does in the contrary, to be punished as Traitors, and forfeit their Honours, Lives, Lands, and Goods: Likeas, by the 129th Act of King *James VI. Parl. 8th*, upon some treasonable, seditious and contumelious Speeches uttered in Pulpits, Schools, and otherwise, to the Disdain and Reproach of his Majesty's Progenitors and Council, some Persons being called before his Majesty and his Council, did contemptuously decline his and their Judgment in that behalf; his Majesty and his Three Estates in Parliament did ratify, approve and perpetually confirm the Royal Power and Authority over all States, as well Spiritual as Temporal, within this Realm, in the Person of the King's Majesty their sovereign Lord, his Heirs and Successors, and did statute and ordain, that his Majesty, his said Heirs and Successors, by themselves and their Council, were, and in Time to come should be Judges competent to all Persons his Majesty's Subjects of whatsoever Estate, Degree, Function, or Condition that ever they may be of, spiritual or temporal, in all Matters wherein they or any of them shall be apprehended, summoned or charged to answer to such Things as shall be enquired of them by his Majesty and his said Council, and that none of them who shall happen to be apprehended, called, or summoned to the Effect foresaid, presume, or take upon Hand to decline the Judgment of his Majesty, his Heirs or Successors, or their Council, in the Premises, under the Pain of Treason. As also by the 134th Act, *Parl. 8th*, the 10th Act of the 10th *Parl.* the 205th Act, *Parl. 14th*, King *James VI.* of blessed Memory, it is statute and ordained by his said Majesty and Three Estates in Parliament, That none of his Subjects (of whatsoever Degree, Function, or Quality, in Time coming, shall presume or take upon hand, privately or publicly, in Sermons, Declamations, or familiar Conferences, to utter any false, slanderous, or untrue Speeches, to the Disdain, Reproach, Contempt of his Majesty, his Council, and Proceedings, or to the Dishonour, Hurt, and Prejudice of his Majesty, his Parents and Progenitors, or to meddle in the Affairs of his Majesty and his Estates, present, bygone, and in Time coming, under the Pains contained in the Acts of Parliament made against Makers and Tellers of Leafings; and that whosoever hears any such Slanders, and reports not the same with Diligence, the like Pains should be executed against them with all Rigour, as at more Length is contained in the said Acts. And also, by the Act, of the 25th Day of *November* 1650 Years, past by his Majesty and his Committee of Estates, thereafter ratified upon the 4th Day of *June* 1651 Years, by his Majesty and his Estates of Parliament, a Paper called a *Remonstrance*, presented to the said Committee upon the 22^d Day of *October*, and insisted upon thereafter upon the 19th Day of *November* 1650. was declared to be scandalous and injurious to his Majesty's Person, prejudicial to his Authority, dishonourable to his Kingdom, holding forth the Seeds of Division, strengthening the Hands of the Enemy, and weakning the Hands of many honest Men: And also, by the 131st Act of the 8th *Parl.* King *James VI.* it is statute and ordained by his said Majesty and his Three Estates, That none of his Majesty's Subjects, of whatsoever Quality, Estate or Function they be of, Spiritual or Temporal, presume or take upon Hand, to convocate, convene, or assemble themselves together, for holding of Councils, Conventions or Assemblies, to treat, consult, or determine in any Matter of Estate, Civil or Ecclesiastical, (except in the ordinary Judicatories) without his Majesty's special Commandment, or express Licence had and obtained to that Effect, under the Pains ordained by the Laws and Acts of Parliament, against such as unlawfully convocate his Majesty's free Lieges. **NEVERTHELESS** it is of Verity, That you the said Mr. *James Guthrie*, having laid aside all Fear of God, Loyalty to his Majesty your Sovereign Lord and King, natural Duty and Affection to your Country and

and Countrymen, Respect and Obedience to the Laws of all well governed Realms, the Common Law, and the Laws, Statutes, Acts of Parliament, and Practick of this his Majesty's ancient Kingdom, and having seditionously and traitorously intended and purposed the eradicating and subverting the fundamental Government of this his Majesty's ancient Kingdom, at least the enervating, violating, derogating, or impairing the Sovereign Authority, Royal Prerogative, and Privilege of his Majesty's Crown, did, for raising Division amongst his Subjects, and Sedition against his Majesty's Person, Dignity, Authority, and Privilege of his Crown, and, so far as in you lay, the alienating of the Affections, and brangling the Loyalty and Allegiance of his Majesty's People, to the great Encouragement and Advancement of the Designs and Attempts of that bloody Usurper *Oliver Cromwel*, and bringing of his Majesty, and his ancient and your native Country in Subjection and Bondage under him, contrive, complot, counsel, consult, draw up, frame, invent, spread abroad, or disseminate, speak, preach, declaim, or utter divers and sundry vile, seditious and treasonable Remonstrances, Declarations, Petitions, Instructions, Letters, Speeches, Preachings, Declamations, and other Expressions tending to the vilifying and contemning, Slander and Reproach of his Majesty, his Progenitors, his Person, Majesty, Dignity, Authority, Prerogative Royal, and Government, not only within this his ancient Kingdom of *Scotland*, but also in his Majesty's Kingdoms of *England* and *Ireland*; at least did hear and conceal, and not reveal the same to his Majesty, nor to any of his Judges or Officers, mentioned in the said Acts of Parliament; at least did aid and abet, or was Art and Part thereof, or of one or other of them, in so far as, after the cruel bloody Usurper *Oliver Cromwel*, and his Complices, had most barbarously and cruelly murdered his Majesty's Royal Father, of ever blessed Memory, their dread Sovereign and Lord, and his Majesty's Arrival to this his ancient Kingdom from foreign Parts, after a most tedious and dangerous Voyage at Sea, and after that treacherous Usurper, in pursuance of his horrid and treasonable Designs, for hindring his Majesty to inherit that his just and lawful Right to the Crown of the said Kingdom, had, with an Army of Sectaries, invaded the same; and that God Almighty had been pleased to blast and frustrate his Majesty's first Endeavours for opposing his said treasonable Invasion, by suffering his Majesty's Armies to fall and flee before him at *Dunbar*, upon the 3^d Day of *September* 1650 Years. First. You immediately thereafter did compile and draw up a Paper, commonly called the *Remonstrance*, and presented, or caused present the same to his Majesty's Committee of Estates at *Perth*, upon the 22^d Day of *October*, wherein most treasonably you utter and belch forth a great many damnable and execrable Leafings, Slanders and Reproaches against his Majesty's dearest Father, of eternal Memory, and others his Majesty's noble Progenitors, their Persons, Majesty, Dignity, Authority, and Government: And also, you not only disclaim his Majesty's Authority over you, and disown him in the Exercise of his Royal Power and Government, in the Right whereof his Majesty and his Predecessors were invested by God, and in Possession by a Series of One hundred and eight Progenitors; but also most treasonably reproach others his Majesty's good Subjects for doing the same, and most impiously held forth, that the main and great Cause of the Sufferings of his Majesty's People, under the Tyranny and Oppression of the bloody Usurper, is the owning of his Majesty's Interest in this his ancient Kingdom, and the Purpose of restoring his Majesty to his Throne and Government of his Kingdom of *England*, from which most wretchedly and godlessly you aver, that his Majesty was most justly removed; wherein also are many more bitter and ignominious Reflections, seditious, treacherous, and treasonable Expressions, tending to the Contempt and Disdain, Slander and Reproach of his Majesty, his Progenitors, in his Person, Majesty, Dignity, Authority and Government, as at more Length is contained in the said malicious Paper, and which is here repeated, as a Part of the Libel, *brevitatis causa*. Secondly. After it had pleased God to suffer the said bloody Enemies and Murderers of his Majesty's Royal Father, so far to prevail as to avoid their Fury and Cruelty, his Majesty was necessitate to withdraw himself from his Dominions, and live in foreign Parts, under great Difficulty and Hardships, (which low Condition of his Majesty's might have calmed and quieted the wicked and malicious Spirits of his Majesty's rebellious Subjects, at least their venomous and viperous Tongues and Pens) not the less the Bitterness and insatiable Malice of you the said Mr. *James Guthrie*, was such, that not satisfied with the Injuries committed by you against his Majesty's Person, Dignity, and Authority, express in the foresaid Paper of *Remonstrance*, you did contrive, write, compile, and that it might be the more publick, and follow his Majesty beyond Seas, and defame and bring him in Contempt with foreign Princes and States, caused print, in anno 1653 Years, a seditious Pamphlet called, *The Causes of God's Wrath*, not only containing all the former injurious, wicked, and seditious Reflections and Expressions, fully set down in the foresaid Papers, formerly condemned by Act of Parliament, and expressly relative thereto, but also many more malicious, ignominious, dishonourable, and treasonable Passages, at Length set down in the said Pamphlet, and specially in the Fifth and Sixth Articles thereof, and Enlargements in the said Articles, which is repeated as a Part of the Libel, and which being considered by the said Committee of Estates, they have found the same, by their Act of the Date the 19th Day of *September* 1660 Years, of so high and treasonable a Nature, and that it deserves publicly to be burnt with the Hand of the Hangman, and the Havers and Users thereof hereafter to be punished, in Manner as at more Length is exprest in the said Act. Thirdly. God, in his great Mercy to his Majesty and his oppressed Kingdoms, having wonderfully, contrary and in despite of all the wicked, damnable, and treasonable Practices and Machinations of you and your Complices, restored his Majesty again to his just and lawful Inheritance, as to the Exercise of his Royal Power and Authority in all his Dominions, in peaceable Manner, which so wonderful and immediate Acting of Divine Providence might have justly quieted the Spirits of all his Majesty's Enemies, and have made them acknowledge the Sinfulness of their former Ways and Courses, and that God was displeased therewith, and that they had highly provoked him thereby, and have made them walk more answerable to such Deliverances and Mercies, and have behaved themselves more dutifully and obediently to his Majesty: Yet the evil Spirit wherewith they are possessed, prevails so in them, that the more they see of the Lord's Appearances, the more they are hardened in their former wicked, malicious, and treasonable Designs and Attempts; and therefore knowing, that without great Hazard to themselves, they durst not so openly and avowedly act, Hearts and Affections of his Majesty's good Subjects to him) they durst not so openly and avowedly act, speak, or write against his Majesty, his Authority or Government, or any ways meddle in the Government-affairs, or Estate of either his Majesty's Kingdoms, as formerly they have done, and as is more fully exprest in the above written Article; you, in a most subtil and covered Manner, under the Pretext and Cover of Piety, Loyalty, and Zeal for Religion, with many insinuating Expressions of your Joy and Gladness for his Majesty's Restoration, and your good Wishes for him in Time coming, did, by way and in the Drefs and

Garb of an humble Petition to his Majesty, not only most wickedly calumniate, traduce, and asperse his Majesty with Dissimulation and Perjury, but also most unwarrantably, seditiously and treasonably reflect upon his Majesty, and the lawful Government and Order of his Church and Estate of England and Ireland, and of his Majesty's Chapel and Family, and calling him to alter and invert the same, and most grossly encroach upon his Majesty, his Authority and Prerogative, in meddling with his Majesty's Affairs, and filling of all Places of Power and Trust under his Majesty, contrary to the foresaid Laws and Acts of Parliament, as is more fully express'd in the said pretended Petition, which is here repeated, *brevitatis causa*, as a Part of the Libel.

Fourthly. Not only did you and your Complices convocate your selves, but also by missive Letters, Commissions, and Instructions drawn up by you at the same Time, you did frame the foresaid pretended Petition, did presume and take upon you to convocate and convene his Majesty's Subjects and Lieges, whereby it is evident that you have not only contravened his Majesty's foresaid Acts of Parliament, made against unlawful Convocations of his Majesty's Lieges, but that your only Purpose and Intent in contriving the slanderous and infamous pretended Petition, was to publish and disperse the same, thereby to sow Sedition amongst his Majesty's Subjects, and, so far as in you lay, to render his Majesty and Government hateful and contemptible to them, as if his Majesty intended to subvert the true Protestant Religion, and bring in Popery and Idolatry amongst them.

Fifthly. You the said Mr. James Guthrie being convened before his Majesty and Committee of Estates at Perth, to answer for some seditious and unwarrantable Speeches uttered by you in your Sermons, at Stirling, and otherways, against his Majesty, his Authority and Laws, and having appeared, you most contemptuously, disobeyed, and treacherously did disclaim and decline his Majesty and his Authority, and did protest for Remede of Law against his Majesty, for a pretended *Gravamen*, as you term it, in convening you before his Majesty, and confining you, as the same had been contrary to the Laws of God, of Nature, and the Laws of the Land, the Right and Privilege of his Majesty's Subjects, as is more fully contained in Two Protestations given in and subscribed by you, dated in February 1651 Years, which are here also repeated as a Part of the Libel, *brevitatis causa*. And further, you the said Mr. James are indicted and accused for having, in Stirling, at a Meeting with certain Ministers and Ruling-elders, in anno 1650 or 1651. most treasonably moved, and offered as your Judgment, That his Majesty should not only be debarred the Exercise of his Royal Power, but that his Person might be secured and imprisoned within the Castle of Stirling; and in Answer was made thereto by some of the said Number, *That they might as well proceed to the taking of his Life as the imprisoning of his Person*: You did reply, *It was not yet seasonable, nor Time to speak to that, but that it was necessary to do the one before the other*.

By all which Particulars *respective* above express'd, it is clearly evinced, That you were Author, Contriver, Deviser, Consulter, Adviser, or Art and Part of the foresaid Crimes of Treason, and others *respective* above libelled, or one or other of them, in Manner above declared, and thereby has incurred the Pains and Punishment of high Treason, and others contained in the Laws and Acts of Parliament, which might and should be inflicted upon you with all Rigour, in Example to others in all Time coming.

Edinburgh, 7th February 1661.

The Lords of the Articles having heard, seen, and considered the abovewritten Indictment of Treason, do appoint the same to be given up to Mr. James Guthrie, to be seen by him, and to answer against Tuesday the 19th of this Instant.

GLENCAIRN Cancellarius, I. P. D. Art.

Mr. James Guthrie's Defences. No. XXI. C.

WHereas Mr. James Guthrie is indicted before my Lord Commissioner his Grace, and the Three Estates of Parliament, upon sundry Particulars alledged to be seditious and treasonable; he is glad, that through the holy and good Providence of God, it is his Lot to plead his Cause not before Strangers Usurpers, who, as they were not acquainted with the Doctrine and Laws, and the Estate of the Affairs of this Church and Kingdom, so have they not just Title or Claim to exercise any Power or Jurisdiction in or over the same, but before an honourable Court of Parliament of his own Nation, well acquainted with the Laws of this Kingdom, and bred up in the Doctrine and Profession of the Church, and called and countenanced by his Majesty, whose native and just Title to the Crown of these Kingdoms, as he did ever acknowledge, so doth he bless God for the Preservation of his Person, and for removing out of the Way these usurping Powers that hindred the Exercise of his Government, and prays that his Throne may be established in Righteousness over these Nations, that the Lord's People under him may live a quiet and peaceable Life in all Godliness and Honesty.

The Defender is glad also, that among the Laws mentioned in the Proposition of his Indictment, the Law of God is set in the first Room, that being the sovereign and supreme Law which is the Foundation and Source of all other Laws, according to which they are to be squared, and there being an express Act of Parliament, James VI. Parl. 1st. Cap. 3d. whereby all Laws and Statutes made against God's holy Word, are declared to be void and null in themselves; a Law well befitting, and most worthy of a Christian King and Kingdom: Therefore, the Defender doth humbly expect that Judgment shall be given of him, and of his Proceedings by this Law, especially as by that which is most perfect and absolute, and, in Confidence hereof, comes to his Defences:

And alledges, *First.* That there can be no Process upon this Libel, till the Act of the Committee of Estates, of the Date 25th of November 1650. and the Act of Parliament which is libelled upon, as ratifying the same, dated 24th of June 1651. anent the Paper called the *Remonstrance*, be produced and given up to the Defender to see; because albeit printed Laws *allegari debent non probari*; yet whatever is not a written Law, whether Acts, Decrees, and Writings, whereupon

I. Past from and not insisted.

upon Processes are founded as they must be produced to the Judge, and not alledged only; so for the same Reason they must be given up to the Party to see, which is both our Law and Practick, and consonant to common Law, *L. 1. §. 3. ff. de Edendo; ubi edenda sunt omnia quæ quis apud iudicem editurus est*; that is, whatever the Party Pursuer is to produce before the Judge, that ought to be given up to see to the Defender; and the Reason is given there, and *L. 3. Cod. eod. to wit*, That the Defender may come prepared to make his Defence. This is so uncontroverted that it needs be confirmed by no more Law. But so it is, the foresaid Acts of Committee of Estates and Parliament anent that Remonstrance were never printed, and therefore ante omnia they ought to be produced, and, before they be produced, no Process.

Secundo. Every Libel ought to be clear, and criminal Dittays ought to be most clear. *Damond. T. 3. N. 4.* and should contain no Ambiguity nor Obscurity, *Chap. Constitutis 6. Extra de Relig. Dom.* and therefore, *Libellus criminalis obscurus, parte etiam non excipiente, extenditur favore rei*; that is, a criminal Libel that is obscure, is extended in favours of the Defender, though he should propound no Defence against it, *Bald. in L. edita N. 10. C. de Edend.* and other Doctors. But so it is, this Libel is indistinct and obscure, in so far as in the Proposition there are several

different Acts of Parliament libelled upon, made upon Facts of divers Natures, and containing divers Pains; and in the Subsumption different Facts and alledged Crimes falling under the Compass of one and the same Law, ought, as the Defender humbly conceives, to have been libelled and subsumed immediately after the same, whereby the Defender might have known for Contravention of what Law by every Fact he was convicted, whereanent he is left now in an Uncertainty, and therefore the Libel herein is uncertain and obscure, and there can be no Process thereupon.

Tertio. As to the First Part of the Proposition of the Libel, founded upon the Act 1. Parl. 18. James VI. there is no such Act as is libelled, for it is libelled otherwise than it bears, against Act 107. Parl. 7. James I. whereby it is forbidden that any Man interpret his Majesty's Statutes otherwise than the Statutes bear; but so it is, that Statute, Act 1. Parl. 18. aforesaid, bears no Pain at all, let be the Pain of Treason, and Forfeiture of Honour, Life, Lands and Goods, and therefore there can be no Process of Treason thereupon founded to infer any Pain, far less the Pain of Treason, seeing it bears no Pain, as said is, which is confirmed. *2do*. Because there can be no Process of Treason, but upon particular Acts of Parliament, made under the Pain of Treason against Dobyers and Contraveners, by the expresse Act of Parliament, Act 28. Parl. 2. Charles I. Anno 1640. But so it is, the Act libelled on, as said is, bears no such Pain; therefore it can found no Process of Treason. And *3tio*. Every Pain ought to be irrogate and established by a Law, *Doct. ad L. At si quis §. Divus ff. De Relig. & Semp. For.* For it is by a Sanction of Law that Punishments are established, *Legis 11. Virtus est imperare, vetare, permittere, punire. L. 7. de Leg.* that it is the Virtue of Law to command, forbid, permit and punish. Now there is nothing in the said Law and Act of Parliament, but a Declarature of the King's Royal Prerogative, and of an Obligation of the three Estates to maintain the same; and therefore seeing that Law hath made no Sanction, neither of Treason nor any other, this Part of the Proposition of the Dittay founded thereupon, is altogether without Ground, and there can be no Process thereupon.

Quarto. No Process upon the Act of the Committee of Estates, libelled to be of the Date, 25th November 1650. and Act of Ratification in Parliament, libelled of the Date 24th of June 1651. anent the Paper called the Remonstrance, because these are not printed Acts, and are not produced, as said is.

The next Thing in the Indictment is the Subsumption, in which there is first a general Charge upon the Defender, of his being culpable of sundry seditious and treasonable Remonstrances, Declarations, Petitions, Instructions, Letters, Speeches, Declamations, &c. To all which he saith, That generalia non pungunt, they can have no Strength as to the inferring one Crime or Guilt upon the Defender, except in so far as they are instanced and verified in Particulars, and therefore doth he not judge himself bound to make any Answer thereunto, were it not that he is therein charged, to have seditiously and traiterously intended, and proposed the eradicating and subverting the fundamental Government of this his Majesty's ancient Kingdom, at least the enervating, violating and impairing his Majesty's Authority, by complying with, and being subservient unto the Designs and Purposes of that Usurper Oliver Cromwel, and his Complices: Concerning which he is bold to say, That it is an unjust Charge, and mere Forgery, there was never any such Intention or Purpose in his Heart, nor can it be proven from any of his Speeches, or Writings, or Actions. He dare and doth truly affirm, that as he never had any Compliances with the Designs and Counsels, or Actings of the late usurping Powers, against his Majesty's Royal Father, or himself, or against the Kingdom, or the ancient Government thereof, or of the Kingdom of England or Ireland, so there was no Part of their ungodly Courses, and unjust Attempts, and violent Usurpations and Actings, but he did, in his Station and Calling, both by Word and Writ, bear Testimony against the same, which is a Thing better known and more manifest than that he can be liable in the least to Suspicion therein, many of these Testimonies being given before many living Witnesses, and many of them being yet extant, and such as will be extant to Posterity for his Vindication in this Particular; besides two or three common solemn publick Testimonies, in which he joyned with many of his Brethren against these things, one of which was condescended upon and directed to these usurping Powers, at the very Time the Causes of the Lord's Controversy were condescended upon, which may sufficiently clear the Honesty of his Intentions and Actings as to these Causes: Besides these common publick Testimonies, he was violently thrust from the Pulpit, and quartered upon for Six Months together, for preaching against the Tender, and giving Warning to his Congregation not to take the same, as being destructive to Religion, and the Liberties of the Nation, and the ancient civil Government of this Kingdom in his Majesty's Person and Family. He was called before the President and some others of Oliver Cromwel his Council in Scotland, for writing and spreading a Paper, holding him forth in expresse Words to be an Usurper, and his Government to be Usurpation; he was threatned with Imprisonment for writing and communicating a Paper against Oliver Cromwel his usurping of the Crown of these Kingdoms; he was threatned with Banishment for being accessory to the offering of a publick subscribed Testimony against the Actings of the late usurping Powers, unto Richard Cromwel his Council in Scotland, immediately after his usurping of the Government of these Kingdoms: Which Things he should not mention, knowing that he hath nothing wherein to boast in himself, were it not that he is thereunto constrained, for vindicating himself from the unjust Aspersions that are cast upon him, and that by telling of known and manifest Truths, concerning his Faithfulness and Zeal against the King's

King's Enemies, he may make it appear, that not only is he innocent of these Aspersions, but also in his Accession to the *Causes of God's Wrath*, and to the *Supplication and Declinator* mentioned in the Indictment, he had no Dole, or Fraud, or Intention to defame or reproach the King, but in these things he walked in the Simplicity of his Heart, with an Eye upon his Duty both to God and to his Majesty, and acted in these things from a true Principle of Piety towards God, and Loyalty towards his Majesty, and therefore cannot, because of his Accession to any of these things, be judged guilty of Treason and Sedition.

The First particular Deed subsumed in the Indictment against the Defender, is, That he did compile and draw up a Paper commonly called the *Remonstrance*, and presented it, or caused it to be presented to his Majesty, or the Committee of Estates, upon the 22^d October 1650. To which he answers, 1^{mo}. By denying what is alledged. He did not compile or draw up that *Remonstrance*, neither had he any Hand in the compiling or drawing up thereof, nor did he present it, nor caused it to be presented to his Majesty and the Committee of Estates; and it is notour, and the Defender could prove by many Hundreds of Witnesses, if need were, that he was so far *alibi* in the Time of the drawing up thereof, that he was at *Stirling* that Time, many Miles distant: And that he did not present the same, nor caused it to be presented, is also notour. And as to what may be alledged of his abetting the same in the *Causes of Wrath*, he shall answer it in its own place.

The Second particular Head, or Article of the Indictment, is anent the Defender's contriving, compiling, causing print, in Anno 1653 Years, that seditious Pamphlet (as it is libelled) called, *The Causes of God's Wrath*, containing many malicious, ignominious, and treasonable Passages, as is alledged therein, and specially in the 5th and 6th Articles thereof, and which is declared against by an Act of the Committee of Estates, of the Date the 19th Day of September 1660.

To this Article the Defender answers as follows. 1^{mo}. That Act of Committee, if any thing be intended to be founded thereon, ought to have been produced, and given up to see, and till then no Process, for the Reasons above alledged. 2^{do}. If it were produced, no Act can be a Ground to found a Dittay of Treason, and to infer the same, but an Act of Parliament, by the express Act of Parliament before cited, Act 28. Parl. 1640 Years, and that must be an Act made under the Pain of Treason against the Contraveners. But, 3^{do}. It seems, from the Place wherein this is libelled, being in the Subsumption, it is only intended for an Argument of the alledged Guilt of that Paper; and the Defender doubts nothing, but whatever it pleased the Committee to do anent that Paper, there being none concerned therein called and heard before them at that Time or before, yet the Commissioner's Grace and the Estates of Parliament will be very far from condemning the Defender unheard, and therefore he shall shortly premise the true Case of his Accession to that Paper, and Motives, and Ends therein; and thereafter shall proceed to his further Defences. The Case is truly thus.

The Lord, by the sad Defeats of our Armies at *Dunbar*, *Innerkeithing* and *Worcester*, and rendring our whole Nation Captives in all their precious Interests, unto the Cruelty and Lusts of usurping Strangers, having declared from Heaven much of his Wrath and Indignation against this whole Land, and all Ranks of Persons therein, from the highest to the lowest, especially against the Ministry of this Church; the Defender, with many of these Ministers and Elders who had been dissatisfied in their Consciences with the publick Proceedings of the former Year, did come together after *Worcester*, not to comply with or strengthen in any Thing the Hands of Adversaries, or to cast any Reproaches upon the Person of the King's Majesty, or do any Injury to the ancient civil Government of the Kingdom in his Majesty's Person and Family, but in Singleness of Heart to search into the Causes of all this great Wrath, both as to their own Sins, and the Sins of all Sorts of Persons in the Land, so far as God should be pleased, from the Light of his Word, to discover the same to them: Therefore, having first searched into and acknowledged their own Sins, they did, in the next Place, search into the Sins of the Land; and after Conference and Prayer, to the best of their Light and Apprehension, win at some Discoveries thereof, they did draw the same first into some short Heads and Articles, which they did afterwards enlarge, merely in order to a more clear Discovery of Sin and Guilt to such of the Land, especially of their own Congregations, whom God should be pleased by his Word and Spirit to convince thereof.

The Case being thus truly, the Defender alledges, 4^{to}. Whatever may be in the Matter of that Paper, yet this Article of the Dittay is no ways relevantly libelled, nor subsumed under the Acts of the Proposition to infer the Crime and Pain of Treason, because this Article can only be subsumed on that Part of the Proposition founded upon the Acts of *James VI. Parl. 8th, 10th, and 14th*, mentioned therein against Authors of slanderous Speeches or Writs against his Majesty, the Pain whereof is not the Pain of Treason in none of those, nor no other Acts of Parliament whereunto they may relate; for in the foresaid 134 Act, Parl. 8th, *James VI.* Relation is made to the Pains statuted against Leasing-makers, which is not the Pain of Treason, but of Tinsel of Life and Goods, as is clear by the 43. Act Parl. 2. *James I.* anent Leasing-makers, wherein, by Goods is only understood Goods moveable, and that Pain is no ways the Pain of Treason, nor is that Crime ordained to be Treason by any of our Acts of Parliament, as is clear by the Stile and Tenor of the same by *Skene* in his *Treat of Crimes* in the End of the Majesty, and by his *Index* of the Acts of Parliament on the Word *Treason*: And therefore, in so far as the Passages of that Paper are libelled here to be treasonable, the Article cannot be reasonably subsumed under the aforesaid Acts, nor no other Acts of Parliament, and the Defender ought to be absolved therefrom.

5^{to}. This Article, as it is subsumed upon the Acts of Parliament, false and scandalous Speeches and Writs against his Majesty, &c. is no ways relevantly libelled, because as all Crimes require as well Malice in the Person as Evil in the Thing done, that is, *Dole & Malitia subjectiva* as well as *objectiva*, *D. D. ad L. 1. ff. de sua*, so specially in Injuries, whether by Word, Writ or otherwise, Dole and an Intention to injure and reproach, is essentially requisite, so that without that there can be no Action of Injury; *nam ad hoc debitum, requiritur animus injuriandi*, say the Doctors, and the Law is express *Lib. 3. § 1. ff. de injuriis & famosis libellis*. In that Title of the Law anent Injuries and infamous Libels, the Words are, *Injuria ex affectu consistit*, that is, an Injury depends all upon the Intention of him who does it, thereby to injure; and the Doctors, following the Words, express that Law and Principle, *Instit. de injuriis*; and specially *Craveta Concilio 419. N. 1.* and *Concil. 9. N. 36.* says, *That agens actione injuriarum debet allegare dolum*

dolum, that is, He that pursues an Action of Injury should alledge Dole. And *Menoch.* says in *Concil.* 197. *Lib.* 12. That the Words must be injurious, and must be *prolata animo injuriandi*, that is, they must be also spoken and written with Intention to injure; and many others, whom it were tedious to alledge. But so it is that there is nothing libelled to infer that the Defender had an evil, seditious, ignominious, dishonourable, or any ways sinister Intention, in order to his Majesty, in what Hand he had in that Paper, without which the Dittay in this Part is not relevant; but that neither is nor can be libelled: But on the contrar, to clear that the Defender had no Dole or Intention of Injury against his sacred Majesty, it is evident, 1^{mo}, because *Menoch.* in the forced Place, *Concil.* 197. *Lib.* 12. disputing the Case of Words of a Subject that may seem to reflect against his Prince, says, *Animus injuriandi non præsumitur in bono subdito adversus principem*, but rather *prolata esse bono animo & zelo versus principem*, that is, In a good Subject it is not presumed that he intended to injure his Prince, but rather that his Words (whether spoken or written, for both are but Words) was from a good Zeal towards his Prince. Now what a good Subject the Defender hath been, and what Zeal he has had for his Prince and against his Enemies, and how much he did suffer therefore, he is confident has been evident from the true Information thereanent abovementioned, and which is n. tour, as has been said: Whence Law and Reason will presume, that he intended no Injury against his Majesty by that Paper, especially seeing, 2^{do}. (which, if need be, he propones joynly) That the Nature and Quality of the Act, being that by which the Intention of the Agent is best known, as Lawiers observe well from *d. l. 1. ff. ad. L. Cornel. de Sicar.* it is clear from the Nature of the Act whereabouts the Defender was in that Paper, that he intended no Injury to his Majesty, nor was there any Dole or Malice in it; for it is an Act directory of Acknowledgment of Sins and Repentance, which consists of two Parts, Conviction and Sorrow for Sin, which is no ways Dole or Malice against the supposed Sinner, and without which Dole and Malice there is no Crime or Injury; but on the contrar the very End of it is the Recovery of the supposed Sinner, and appeasing of Divine Wrath against him: Whereunto adding 3^{io}. That Repentance is *προς τον Θεον*, that is, towards God, and so has no Tendency toward, and cannot be a Crime against any Creature. And 4^{to}. Though there were even a Mistake upon the Matter, in acknowledging and repenting of what were Duty, (or at least what were not sinful) for Sin, yet a naked Error in Opinion, without Dole or Malice, is no Crime, as has been said, though the Error were even *lata culpa*, that is, not to understand that that all understand, as it is defined in *L. lata culpa, ff. de Verb. Signif.* For where even a Law or Statute irrogates corporal Punishment or Death, there that *lata culpa*, or gross Mistake, is not sufficient to infer it. *D. D. in Lib. 1. ff. de Sicar.* and *Godseid. super L. pen. Cod. de custod. reor & L. pen. ff. de in litem jurand. Battand. Reg. 8. prox. crim. in primo*, citing many Doctors for it, and *Dambond. Cap. 85. N. 11.* Yea, it is not sufficient and relevant to infer but Infamy per *Gloss. in L. in actionibus, ff. de in lit. jurand. Bastol. in L. Cod. nec Num. 20. cum seqq. ff. de Possit.* But as to *levis culpa*, which is not giving that Diligence to do or to know, which other exact Persons may give, as it is commonly defined, was never made equivalent to Dole, or made the Ground of a Crime by no Lawier, and yet the Defender subsumes, that if there were any Mistake upon the Matter in that Paper, specially the 5th. Step (called) of *Defection*, it was an Opinion common to him and the Church, and States of the Kingdom, as by many of the Declarations may appear; and therefore in him had neither *latam* nor *levem culpam* in it, far less *dolum*, and so he is, as not culpable, so not criminal therein. 5^{to}. *Quævis causa, injusta etiam & fatua, excusata dolo*, and so from Injury, *Clarus, Lib. 5. Sent. fin. & alii per L. igitur, Gloss. in L. Num. ff. Si quis jns dicenti non obtemperet & Jason. ibid.* How much more ought the Defender to be excused, who had for the Cause and Motive of his and others Acknowledgments in that Paper, the Declarations, Warnings and other Papers, both of Church and State, particularly aftermentioned, and had a far other End than Malice, imported in the very Nature of the Action, as said is, to wit, deprecating and appeasing Divine Wrath, which had gone out against the whole Land, reconciling him by Repentance, as well to the Defender as others, from Love to all, eminently to his Majesty, as having eminently suffered by that Displeasure, under the Chastisement whereof all of us then were: In respect whereof the Defender ought to be absolved from any Dole or *culpa*, and so from any Action of Injury, and from all Crime and Pains libelled in or upon that Article. As for the Two Articles specially condescended on of the said Paper, viz. the 5 and 6 Articles, as they are designed in the Libel, it is answered, 1^{mo}. That these Articles are anent the Sin of Covetousness of the People, and Ministers and others who had been in the Army, and other Places military and civil over them, and their abusing of publick Faith; and as to these they are both incontroverted Sins, and clearly meant no ways of his Majesty, but of the People and other inferior Rulers, who, before his Majesty's Return, had been in Places of Power over them; but it seems, it is not meant of the 5 and 6 Steps (called) of *Defection*, and therefore the Defender, adhering to his general Answer made against all this Article, upon this Paper in general, alledges specially to the 5 Step.

1^{mo}. That for what is contained therein, has proceeded according to the proper Rules of Acknowledgment of Sins, and of Repentance, viz. Church-canons in their Declarations, and therefore *culpa vacabat*; the Defender was not culpable, and so not criminal therein, having therein walked according to Ecclesiastick Rules and Declarations then standing.

2^{do}. It is alledged that there is nothing in these Acts of Parliament cited in the Indictment, that concerns Lies, and Slanders, and Reproaches, &c. of his Majesty, that can infer or include the Crime of Treason and Sedition against the Defender, because any thing asserted in that Part of the Book of *Causes of Wrath*. For, first, Mr. Coke, in his *Reports of the English Law*, tells, That all the Judges certified his Majesty, that the speaking of any Words, whereby a personal Vice is charged upon the King, cannot be Treason, and this he said, Judge *Zelvertown* said, was told by the Judges in Debate, about Mr. *Pothin's* Case, who was judged for divers treasonable Speeches in his Sermon. And the same Mr. Coke in his *Treatise of Treason*, tells us, That Words may make an Heretick but not a Traitor. And for this there is an excellent Law *Cod. Si quis imperatori maledixerit, si quis modestia nescius, & pudoris ignarus, improbo petulantique maledicto nomina vestra tradiderit laceffenda, ac temulentia turbulentus obrestator temporum nostrorum fuerit, eum poena nolumus subjugari, neque durum alicui nec asperum remittendum seu condemnandum.* That is to say, If any Man ignorant, either of Modesty or Shame, thinks to provoke our Majesty or Name, by wicked or reproachful Speeches, and being troublesome through Drunkenness, become a Reproach of our Times, we will not have him punished, nor suffer any hard Thing therefore; because if it has proceeded of Levity it is to be despised, if of Madnes it is worthy of Pity, if of intention to injure it is to be forgiven. And in *France*, as *Coke* well observes, it is no Treason for a *Hugonore* to call the King

an *Heretick*, for says he, it is no Treason to say, the King is a *Catholick*, neither is Treason to say, That a *Catholick* is an *Heretick*, which seems very agreeable to that of the Prophet *Isaiab*, wherein he reproves it as one of the Sins in his Time, that a Man was made an *Offender for a Word*. But, *secondly*. If it be true that it was a Sin, to close a Treaty with the King for investing him with the Exercise of his Royal Power, he still continuing in his former known Opposition of the Work of Reformation, as is asserted in the 5th Step of the Article, then cannot the Defender fall within the Compass of the Breach, or Pains of any of these Acts of Parliament relating to Slanders, Lyings, &c. But that it is true, that this was a Sin, is, as the Defender humbly conceives, holden forth and proven in the common received Doctrine of this Church, and publick declared Judgment of this Kingdom, both before the Treaty, and in the Time of the Treaty, and after the Close of the Treaty with the King at *Breda*. Therefore, for making out of the Subsumption, he doth humbly offer unto your Lordships, the serious Perusal of the following Paper herewith presented, in which are mentioned many clear Testimonies, out of the publick Papers of Kirk and State, confirming the same to have been their Judgment likewise; and craves it might be read, and as the Papers therein mentioned are notour, so your Lordships will find them conform to the Registers and Records, both of Kirk and State; and humbly craves, that your Lordships would hold these Testimonies sufficiently verified *notorietae juris*, most of them being printed; or if any thing further be needful for the verifying thereof, that your Lordships would search the Registers, and allow him Extracts out of the Registers themselves, in which these Testimonies are contained, and, as a Part of the publick Proceedings of this Kirk and Kingdom, are ratified by his Majesty's Treaty at *Breda*, and Act of Ratification at *St. Johnstown*, or *Stirling*, or is conform to that which was ratified. From all which,

3th. The Defender alledges, That seeing what is asserted in the 5th Step was warranted by the Acts of Church and State, and ratified in Manner foresaid, it cannot be libelled to infer a Crime against him, and he ought to be absolved from that Part of the Dittay; neither can these Acts of Parliament cited in the Indictment, against meddling with his Majesty's Affairs, conclude the Defender culpable in this Matter, because the Crime condemned by these Acts, is only extravagant and unwarrantable meddling, or such as do not fall within the Compass of, or is not confined within the Bounds of a Man's Station and Calling; otherwise it should be culpable for any of his Majesty's Officers, or for any subordinate Magistrate, or any Person whatsoever, to meddle in his Majesty's Affairs: But so it is, that the Defender his meddling in this Business was not extravagant or unwarrantable, but that whereunto he was called, and to which he was bound *virtute* or *necessitate officii*, as a Minister of the Gospel. It is competent and incumbent to the Ministers of the Gospel, to cry aloud, and not to spare in shewing the Lord's People their Transgressions and Sins, to warn Persons of all Sorts concerning Sin and Duties, and to declare the whole Counsel of God, the whole Book of God, which contains the whole Counsel of God, without Exception of any Part thereof; being the subject Matter of that Commission, which Ministers do receive from *Jesus Christ* their Lord and Master, and therefore, there be many Instances in the Book of God, the Practices of the Prophets and Apostles, and of *Jesus Christ* himself, discovering and reproving Sin in Persons of all Ranks, tho' it was their Lot often to be misconstrued and mistaken in their doing thereof, as tho' they had been no Friends to civil Authority.

In Defence of the 6th Step of the 9th Article of the *Causes of Wrath*, the Defender doth offer to your Lordships Consideration, that there is nothing therein that can be accounted treasonable, because there is nothing asserted therein but what is true, even that which relates to the *Remonstrance* it self, to wit, That it doth contain a Testimony concerning Sin and Duty, the Discovery whereof was rejected, as may appear from the publick Judgment of the Commissioners of the General Assembly at *Perth*, the 29th of *December* 1650, in their Remonstrance to the honourable Estates of Parliament, concerning this Business. The Words be these: 'Whatever has been your Lordships Sense of that Paper, presented to you by the Gentlemen, Officers and Ministers attending the Forces in the West, yet we with you seriously to lay to Heart the many sad Truths contained therein; we will not here mention the Sins relating to the King and the Royal Family, having particularly represented these to his Majesty's self, and appointed a Day of solemn Humiliation therefore; but we do with all Earnestness exhort your Lordships to take to Consideration, the Sins herein held forth relating to your selves, and to mourn before the Lord for them: And particularly, and in the first Place, That your Lordships may impartially, and in a self-denying Way, as in the Sight of the Lord, seriously ponder if there has not been, at least in some of you, sinful Precipitance, unstraight Designs and carnal Policy in appointing Addressees for treating with the King, and in a Way of carrying on and closing of the same.'

As to what is asserted in the Close of this Step, concerning the rejecting of the Means of Peace, it doth not strike against any Act of Parliament whatsoever, nor can be judged culpable, seeing Robbers and Pirates, and Brigandines, and Usurpers, and unjust Invaders may, yea, sometimes ought, in some Cases, be communed or treated with, upon Conditions that are sinless, and there may be Pride and Presumption of Spirit in not doing so.

To the Third Article of the Dittay, bearing, That the Defender under colour of Piety, Loyalty, and Zeal for Religion, and in the Address and Garb of a humble Petition, did calumniate his Majesty with Dissimulation and Perjury, reflected upon his Majesty, and the lawful Government of the Church and State of *England* and *Ireland*, and of his Chapel and Family, and challenged him to alter and invert the same, encroached upon his Authority and Prerogative, in meddling with his Majesty's Affairs, and filling all Places of Power and Trust under his Majesty.

It is answered, 1^{mo}. It is not relevantly libelled, except it had been libelled that the said Petition had been publicly presented, divulged and exhibited, being otherwise but *nudus conatus*, especially, seeing tho' the same had been, and of the Contents and Tenor libelled, yet could it not, upon any Act of the Proposition, infer the Crime and Punishment of Treason, seeing the Acts made against slanderous Speeches and Writs and Slanderers, under the which only it can be subsumed, are not made under the Pain of Treason, as has been abundantly evinced in the Answer to the former Article anent the Paper, called *The Causes of God's Wrath*. In which Crime of Lese-majesty alienarly *affectus sine effectu* is *humilis*. 2^{do}. Altho' the same had been printed, yet as to the calumniating his Majesty thereby, as the Defender denies any Intent or Purpose he had for that effect, so, with Confidence, thereto he doth oppose the Petition it self, bearing no such Thing. 3^{mo}. As to his reflecting upon, and meddling with his Majesty's Affairs, and the Government of his Church in *England* and *Ireland*, his Majesty's Chapel and Family, and filling of Places of Trust, &c. *non relevat*, except it had been libelled, and made appear by the Petition, that the same was to the Disdain, Reproach and Contempt

Contempt of his Majesty or his Government, as he is hopeful, no Word in that Petition can genuinely infer. Next, for any Expressions relating therein to the Government of the Church of *England* and his Majesty's Chapel, as there is no Mention made thereof in any of the Acts of the Proposition, wherein his Majesty's lawful Government is only exprest and forbidden, so he humbly conceives that Prelacy and the Chapel is no such lawful Government and Form, but that a Minister of the Church of *Scotland*, sworn against the same by the Oath of the *National Covenant*, and *Solemn League and Covenant*; both which are approved, authorized, and enjoined by the Canons of this Church and Law of this Land, and declared to have the Strength of Acts of Parliament, may in all Humility petition his Majesty, who is in the same Covenant with him, that the same be not established nor received in any Part of his Dominions, because of the Oath of God foresaid, and that he may, according to the received Doctrine of the Church of *Scotland*, and *Confession of Faith* of both Kingdoms, ratified by Parliament, publicly preach, that Prelacy is no lawful Government, and that the Order of the Chapel is no warrantable Worship, without incurring the Pains of Sedition and Treason, which yet is more than a private Petition; and without being thought a Meddler, or Busie-body in *re aliena*: In respect whereof he humbly conceives, he cannot be convict of any Crime, much less high Treason, upon this Article of the Dittay: And the whole Subjects of this Nation, being obliged by the solemn publick Oath of God in the 4th Article of the *Solemn League and Covenant*, to endeavour the Discovery of Malignants, which is approved not only by an Act of the Committee of Estates in the Year 1648. but also by an Act of Parliament 1649. that all Places of Power and Trust might be filled with Men of unquestionable Integrity and Affection to the Cause of God, and of a blameless and Christian Conversation; he doth humbly conceive that his petitioning his Majesty to this Effect, is so far from being treasonable, or seditious, or any Ways culpable by the Laws of God, or of the Land, that he was thereunto engaged by the indispensable Oath of God in the *Covenant*, and in the solemn publick *Engagement unto Duties*.

The next Part of this Article bearing, That the Defender and his Complices did not only convocate themselves, but also by their missive Letters, Commissions and Instructions drawn, they did presume to convocate his Majesty's Leiges, &c. It is answered, 1^{mo}. It is not relevantly subsumed under the Act of Parliament 131. *Parl. 8th. James VI.* in the Proposition. For first, In that Act Meetings only that take upon them Jurisdiction, lead Process give forth Sentence, and put the same to Execution, are prohibit, as is clear from the Occasion, Ground and Rise of that Law in the Beginning thereof, seeing that during Twenty Four Years preceeding the making of that Act, sundry Forms of Judgments and Jurisdictions as well in spiritual as temporal Causes, are entred in the Practice and Custom, whereby the King's Majesty's Subjects are often convocated, and assembled together, and Pains as well civil and pecunial as ecclesiastical enjoined to them, Process led and deduced, Sentence and Decrees given, and the same put to Execution. It is secondly clear from the dispositive Reason of the Act, which is, that there was no such Order, that is afore said, of Jurisdiction established by his Majesty and Three Estates, which is contrary to the common Custom observed in any well governed Commonwealth. Thirdly. From the statutory Words, which prohibit Jurisdictions, spiritual and temporal, not approved by his Majesty and Three Estates of Parliament, and convocating for holding of Council, Conventions, or Assemblies, to treat, consult and determine (not *alternative*, or determine as it is libelled) in Matters of State: But so it is, the Meeting or Convocation libelled was not taking upon them any Jurisdiction, nor to determine as having Power in any Matter to either, of State or others; and therefore comes not under the Compass of that Act, and cannot be relevantly subsumed thereupon. 2^{do}. *Non relevant* drawn up except subscribed, nor subscribed except sent, nor sent except thereupon some Convocation had happened, nor Convocation except the same had been tumultuary and seditious; and the Defender opposes the common unquestioned and proven Custom of the Nation, by which Persons of all Ranks, according to their several Occasions, bring together many of his Majesty's Lieges, and were never quarrelled therefore, except it manifestly appear, that they had been brought together of purpose to disturb the Peace, the contrary whereof was manifest in the Convocation, wherein the Petition was drawn up, they being assembled neither with Multitude nor Tumult, but in a very small Number, and for Business in it self lawful, to wit, humble petitioning of his Majesty for preserving and carrying on the Work of Reformation and Uniformity in Religion, according to the Covenant, which obliges them to do the same sincerely, really and constantly all the Days of their Life. Next 3^{tio}. *Absolutor*, because by the Act 29. *Parl. 40.* it is found and declared, that Councils, Conventions and Assemblies intended for the Defence and Preservation of Religion, are not prohibit by any preceeding Laws, such as the Acts of the Proposition are, and for this Purpose the Meeting was clearly intended of them: Therefore.

The Fifth Article bears, That the Defender being convened before his Majesty and the Committee of Estates at *Perth*, to answer for some seditious and unwarrantable Speeches uttered by him in Sermons, in *Stirling*, and otherways, against his Majesty's Authority, and having compeared, that the Defender did treasonably disclaim and decline his Majesty and his Authority, and that he did protest for Remed of Law for his Confinement, which at more Length is contained in the Declinator and Protestation, repeated as a Part of the Libel *brevitatis causa*.

It seems that this Article is specially founded on the 129 Act *Parl. 8. James VI. Anno 1584.* confirming his Majesty's Royal Power over all Estates and Subjects within this Realm; to which the Defender says, 1^{mo}. *Non relevant* as to the inferring the Crime and Punishment of Treason. First, That Act confirms no Power and Authority to his Majesty, but his Royal Power and Authority. And albeit the Defender doth most readily acknowledge his Majesty's Royal Power and Authority to extend to all Things civil, and that as civil Magistrate the Conservation and Purgation of Religion, as is asserted in the *Confession of Faith* of this Church, doth belong unto him, or that as it was said of the Christian Emperor, That he is *Episcopus ad extra*: Yet he humbly conceives, That the Power and Authority to judge of Ministers Doctrine in the first Instant, especially in an orthodox and rightly constituted Church, whose Judicatories are acknowledged and established by his Majesty's own Authority and Laws, is not a Power and Authority that belongs to him as civil Magistrate; but being a Power and Authority in its own Nature spiritual and ecclesiastical, which properly belongs to the spiritual Office-bearers of the House of God under *Jesus Christ*, who is Lord and Master over his own House, and Head of his Church, whose Kingdom is not of this World, and hath appointed that the Spirit of the Prophets should be subject to the Prophets; and the Magistrate's Power is not spiritual and ecclesiastick, but civil only, and what is most consistent with, and consonant to his Majesty's Royal Prerogative, as it is established by the 1 Act *Parl. 18. James VI.* afore said, can never contravene, as not that

that Act it self libelled on, so neither the other *Act* 129. *Parl.* 8. *James VI.* also libelled on: That establishes that same Royal Power in his Majesty's Person over all Estates, in respect whereof he is Judge competent to all his Subjects of whatsoever Estate, and his Judgment to prohibit to be declined, because prior Laws are drawn to posterior Laws, *non est novum, & L. idev. ff. de Leg.* and this posterior *Act* 1. *Parl.* 18. is declaratory of that Prerogative confirmed in that first Act, in respect whereof his Majesty is Judge competent to Persons of all Estates in Manner therein contained: But so it is, the Declinator and Protestation mentioned in this Article does contravene that Act *Parl.* 18. in so far as all that is declared there, is that his Majesty has the sovereign Authority over all Estates, Persons, and Causes, which does no way take away nor exclude the proper Jurisdictions of the several Judicatories established by the Laws of the Kingdom, otherwise it should evacuate all the Jurisdictions of the same, and presently might bring all Causes immediately before his Majesty and Council; which will not be affirmed.

2^{do}. *Non relevat*, because of the transferring the Judgment of a Minister's Doctrine from his Majesty's immediate Decision in a civil Court, to the Decision of the Judicatories of the Kirk, is not a declining, but an acknowledging and maintaining and confirming his Majesty's Power and Authority in an orderly Way, or in such a Manner as his Power and Authority is asserted and established by himself, and his own Authority, in his Laws; because he hath by many Laws and Acts of Parliament, ratified and established the Judicatories of the Kirk, as the proper and competent Judges of Ministers Doctrine, particularly in his 114 *Act*, *Parl.* 12. *Anno* 1592. in which the haill Jurisdiction and Discipline of the Kirk over Judicatories is ratified and confirmed; and the 6 *Act* of the 12 *Parl.* *Charles I.* And therefore, tho' there may be Reason to condemn these Declinators of his Majesty's Royal Power and Authority, that are made upon Respect to Powers, foreign and exotick, which are not acknowledged by his Majesty, nor established by his Laws; yet there can be no Reason to condemn this, because the avocating of a Cause from one Court, or his Majesty's Jurisdiction and Authority in one Court, to another Court established by the same Authority, in and by the Laws of the Kingdom; it is but a taking of it *a Casare ad Casarem*, and from that Authority in one Court to the same, as approving the other, and that the Doctrine contained in the Protestation libelled on, belonged to the spiritual Jurisdiction of the Kirk doth yet more appear, because it was, as is clear by the Protestation it self, upon a Question merely spiritual, *to wit*, Whether the *Resolutions* were contrary to the Word of God, to the Oaths of the *Covenant*, and *League and Covenant*, to the solemn *Engagement*, to the Declarations, Remonstrances, Warnings, Causes of Humiliation, and Resolutions of the Kirk, offensive and scandalous, which are all mere spiritual Considerations, and no ways Civil and Politick.

3^{tio}. *Non relevat*, because Declinators that are not made upon the Account of foreign and exotick Jurisdictions, are lawful in all the Judicatories of the Kingdom from the highest to the lowest. It is usual to propose a Declinator or Exception of Incompetency, against any Judge or Judicatory within the Nation, when in the Exercise of their Jurisdiction, they do exceed the Bounds prescribed by the Law, which could not be said, if it were treasonable to decline the King and the Council as incompetent Judges in some Cases, because the King's Majesty may be personally present, and is always virtually and by his Authority present in all the Judicatories of this Nation, as effectually *quoad omnes effectus juris*, as in the Committee of Estates; and is it not daily ordinary that when Parties trouble his Majesty's Commissioner's Grace, and Three Estates of Parliament, with Causes and Business proper to the Lords of Session, that they refer it to the Judge Ordinary, and will not meddle therewith?

4^{to}. *Absolvitor*, because that Act, since the making thereof, hath been often repeated, first materially in the Year immediately thereafter, by a Declaration under King *James* his own Hand, sent to the Commissioners of the General Assembly of the Kirk of *Scotland* at *Linlithgow*, *December* 7th, 1585. which, he says, shall be as good and valid as any Act of Parliament whatsoever, insert in the Register of the Kirk; in which Declaration he hath these Words. 'I for my Part shall never, neither my Posterity ought ever cite, summon, apprehend any Pastor or Preacher for Matter of Doctrine in Religion, Salvation, Heresies, or true Interpretation of the Scripture, but, according to my first Act, which confirmeth the Liberty of Preaching, Ministration of the Sacraments, I avouch the same to be a Matter mere Ecclesiastick, and altogether impertinent to my Calling; therefore neither shall I, nor ever ought they, I mean my Posterity, acclaim any Power or Jurisdiction in the forefaids.' Which Declaration we cannot but look upon as a material repeating of that Act, because it was directly and of purpose penned and subscribed, and sent by the King to the Commissioner of the General Assembly, for removing the stumbling Offence, and easing of the Grievance and Complaint, which was made by the whole Kirk of *Scotland*, because of the making of that Act. Secondly. That Act is formally and expressly repealed in the 12 *Parl.* *James VI.* *Act* 114. in which the Government and Jurisdiction is established by Assemblies, Presbyteries, &c. And the Act libelled upon, in so far as concerns or is prejudicial to the Privilege of spiritual Office-bearers, concerning Heads of Religion, Herefy, Excommunication, or any Censure, specially grounded, and having Warrant from the Word of God: But so it is, That the Act of Parliament propounded upon by the Pursuer, doth in nothing concern the Jurisdiction of the Kirk, or the Privileges of the spiritual Officers thereof, but in so far as the same does establish his Majesty's Jurisdiction in spiritual Causes, and prohibits all Declinators of that Judgment, which, as in this derogatory and prejudicial Clause to the Privilege of the Kirk, is in this rescissory Act expressly cast and made void: Likeas, the 1 *Act*, *Parl.* 18. *James VI.* proponed upon, with the 3 *Act* of 1 *Parl.* *Charles I.* whereby the King's Authority and Prerogative is established over all Estates, Persons and Causes, is repealed, in so far as the same are prejudicial and derogatory to the Privilege of the Kirk of God, the Discipline and Government of her Office-bearers and Church-judicatories, in the 4 *Act*, *Parl.* 2. *Charles I.* and *Act* 5 of the same Parliament, wherein amongst the Causes of bygone Evils, the Jurisdiction of secular Powers in Matters spiritual is complained upon, and the committing of the Power of both Swords to Persons merely Ecclesiastical, and the giving the Keys to Persons merely civil against the Privilege of the Church, her Officers and Judicatories, and Remedy provided against the same for the Time to come; and likewise by the 6 *Act*, 2 *Parl.* *Charles I.* Jurisdiction and Power of the Kirk is solely and only in the General Assembly, provincial Synods, Presbyteries, as was established by the *Act* 1592. If therefore the *Act* 1592. did rescind that *Act* 1584. anent the Jurisdiction of the King in all Causes spiritual, and since by this *Act* of *Charles I.* the *Act* 1592. is confirmed, it must rescind and repeal the *Act* 1584. and doth in express Words rescind and anul all and whatsoever Acts of Parliament and Constitutions, in so far as they derogate and are prejudicial to the spiritual Nature, Jurisdiction, Discipline and Privileges of this Kirk in her General, Provincial, Presbyterial Assemblies

blies and Kirk-sessions. *Lastly*: That Act Anno 1584. and all other Acts of that Nature, are rescinded and annulled both by the *National Covenant*, and by the *Solemn League and Covenant*, which were not only posterior in Time, and are ratified in Parliament, and declared to have the Strength of Laws and Acts of Parliament; but also in the Nature of them are of more Strength than any municipal Law or Statute, as being confirmed by the solemn publick Oath of God taken by his Majesty and all the Subjects of this Kingdom, which binds to maintain and defend the Doctrine, Worship, Discipline and Government of this Kirk; which *Covenant* is confirmed by the Treaty at *Breda*, and Ratifications at *St. Johnstoun* and *Stirling* ratifying the said Treaty, and Acts of Parliament that ratify these Covenants.

That it may further appear how good Reason there was for repealing and rescinding that Law, and for declining the civil Magistrate, as competent Judge of Ministers Doctrine in the first Instance, the Defender doth humbly propone, that such Declinators are warrantable, *First*, by the Word of God, which is the sovereign and supreme Law by which all other Laws are to be regulated and squared. *Secondly*. By the *Confessions of Faith*, and Doctrine of this Church, which doubtless ought to be acknowledged by all the Members thereof, to be binding and obligatory, and by all the Subjects of this Kingdom, seeing they are ratified and confirmed in Parliament. *Thirdly*. By the Practice of this Church, not only before, but also since that Act of Parliament, Anno 1684. was made. And *Fourthly*. By the Judgment of sound orthodox Divines, and the Strength of divine Reason.

The Word of God doth clearly hold forth, that *Jesus Christ* hath a visible Kingdom, which he exercises in or over his visible Church, which is wholly distinct from the civil Powers and Governments of the World, and not depending upon nor subordinate unto these Governments in the Administrations thereof, which are spiritual, and are to be regulated not by the Laws of Men, but by his own Laws set down in his Word, who is King and Lawgiver of his House, and hath committed the Ministry to his own Office-bearers under himself, *John* 18. 36 & 37. *Matth.* 16. 19. *John* 20. 28. *Ezek.* 43. 10, 11, 12. *Heb.* 3. 5, 6. The *Confessions of Faith* and Doctrines of this Church do also affirm the same Thing; these do acknowledge no Head or Lawgiver over the visible Church of *Christ*, but *Jesus Christ* himself, and do assert the Government of the Church to be distinct from that of the civil Magistrate, and such as ought to be squared by *Christ's* own Laws, and exercised by the Office-bearers of his own House, and may be seen in the *Confessions of Faith* and *Books of Discipline* of this Church: For the Practice of this Church there, there be many Instances of such Declinators extant in the Registers and Story thereof, particularly that of *Mr. David Black* in the Year 1596. which was first subscribed and given in by himself to the King's Majesty and his Council, then sitting at *Edinburgh*, upon Occasion of his being cited to compare before them to answer for some Doctrine which he had preached at *St. Andrews*, where he was then Minister, which was alledged by the King's Majesty and his Council to be treasonable and seditious; which Declinator was owned by the Assemblies of this Kirk; and a little after his giving in thereof, was subscribed by Three or Four hundred Ministers, who yet were not, because of so doing, judged nor proceeded against as guilty of Treason and Sedition. It would be tedious to cite the Testimonies of orthodox and sound Divines, who have written on this Subject, both ancient and modern. It is known what was said to the Emperors who were *Arian*, and took upon them to judge of the Doctrine of the Orthodox. *Tibi Deus imperium commisit, nobis quæ sunt ecclesiæ concessit; dare, scriptum est, quæ sunt Cæsaris Cæsari, quæ sunt Dei Deo, neque fas est nobis imperium in terra tenere, neque cum imperator thyaniameton, & sacrorum, aut clarium ecclesiæ potestatem habes.* The Treatises and Books of *Scots, English, Belgick and French*, and other Divines, written for the Defence and clearing of the divine Right of Church-government, and of the Power of the Magistrate about holy Things, and that Appeals from the Church in Church-matters to the civil Magistrate are not lawful, do contain many Assertions and Testimonies to this Purpose. As for divine Reason, the Defender doth only say, That if the Function of the Magistrate be distinct from the Ministerial Function in all the Causes thereof, then must needs the Jurisdictions and Exercises thereof be also distinct, and not depending one upon another; as the Church cannot lay hold upon the Sword of the Magistrate, so neither can the Magistrate take the Keys of the Church. The confounding of these, and the Clashings and Encroachments of the Civil and Ecclesiastical Powers, have been the Cause of much Trouble and Confusion in the World, and the preserving of them distinct, and giving to *God the Things that are God's*; and to *Cesar the Things that are Cesar's*, is the best Foundation of Order, Union and Peace, both in Church and State.

For the other Branch of this Article, *viz.* For protesting for Remeed of Law, *non relevat*, because there is no Act of Parliament contained in the Proposition, which doth prohibite the same, neither doth the Act a-
 nent declining his Majesty's Authority, concern the Protestation, seeing the same is consistent and compatible with his Majesty's Authority, and in *criminalibus*, especially in *atrocibus delictis*, as that of Treason; there can be no Extension of an Act of Parliament from the genuin native Sense of the Words of the Act it self, specially seeing by the 28 Act, Parl. 2. *Charles I.* it is expressly provided, That nothing shall be counted Treason, but that which is declared and statute to be such by an Act of Parliament. *Secondly*. Such a Protestation for Remeed, against a particular Law for Remeed, against a particular Grievance according to Law, is so far from importing any Declamation of his Majesty's Authority, that it doth import an acknowledging and establishing of the same, because it imports an establishing of his Majesty's Authority in his Laws, according to which, and no otherwise, Remeed is desired.

The last Article wherein the Defender is accused, for giving Advice in a certain Meeting of Ministers and Elders at *Stirling*, not only to suspend his Majesty from the Exercise of his Royal Power, but also to imprison him in the Castle of *Stirling*, and when it was answered by one of the Number, They might as well proceed against his Life, that the Defender replied, That it was not yet seasonable to speak of that, but that it was fit he should first be secured. To which the Defender answers, *1mo.* That the same is an unjust and false Asperion; he had never such a Purpose in his Heart, much less did he utter any such Words. *2do.* The Article, as it is conceived, is not relevant in so far as it doth condescend upon such a lax and wide Space of Time, *viz.* 1650. or 1651: whereas in Law the Pursuer ought to condescend upon the Year, Month, and Day of the Crime alledged, especially in *delictis momentaneis*, which are not reiterated nor repeated *ex sua natura*, but once only committed, *L. 3. ff. de Accus. L. si quando*, and if the Day were condescended upon, the Defender might have good Ground thereby given him to prove that he was *alibi* that Day. *Lastly*. The said Article is no ways relevant, in respect it doth not condescend upon the Names of the Ministers, and Rulers, or Elders in the Meeting, to whom these Words were alledged to have been spoken, neither upon the Name of that

that Person who did answer the Defender his alledged Overture, nor upon the Circumstance of the Place, in *Stirling*, in which these Speeches are alledged to have been spoken, by which general Libelling the Defender is deprived of his lawful Defences, *viz.* That those Persons were *alibi*, or were dead : In respect whereof the Libel is irrelevant, and ought not to be sustained by your Lordships.

The Defender having now answered the whole Indictment, concludes thus, *1mo.* That he did never purpose or intend to speak, write, or act any Thing disloyal, or seditious, or treasonable against his Majesty's Person, or Government, *God is Witness.* And what he has spoken, written or acted, in any of these Things, where-with he is charged, hath been merely and singly from a principle of Conscience ; that according to the weak Measure of Light given him of God, he might do his Duty in his Station and Calling, as a Minister of the Gospel, upon which account only, and no other, he hath meddled in these Matters, keeping himself within the Bounds of what was competent to a Minister of the Gospel. *2do.* Because Conscience taken *quovis modo*, is not a sufficient Plea, tho' it may in a good Measure extenuate, it cannot wholly excuse; he doth humbly say, That he hath founded his Speeches, and Writings, and Actions in these Things, so far as he was accessory thereunto, upon the Word of God, and the *Confessions of Faith*, and Doctrine of this Church, and upon the *National Covenant*, and *solemn League and Covenant*, and solemn publick Acknowledgment of Sins, and Engagement unto Duties, and upon the Laws of the Land, and publick declared Judgment of the Kingdom : And therefore humbly prays and expects, that your Lordships will not look upon him as a Person guilty of any Disloyalty, or Sedition, or Treason, against his Majesty and his Laws, but that ye will absolve him from the Charge thereof, libelled against him in the Indictment.

Addition to the Defence of the 5th Step, of the 9th Article of the Causes of Wrath.

Testimonies out of the Declarations and publick Papers of the Kirk and Kingdom of *Scotland*.

First. The Commissioners of the General Assembly, in their *Solemn and seasonable Warning*, December 19th 1646. printed at *Edinburgh*, Page 4. have these Words : ' So long as his Majesty doth not approve in his Heart, and seal with his Hand, the *League and Covenant*, we cannot but apprehend that, according to his former Principles, he will walk in Opposition to the same, and study to draw us in to the violating thereof.

Secondly. The Kirk of *Scotland* did, before the Treaty with the King, in many of their publick Declarations and Papers, hold forth, That the King's Interest was subordinate to the Interest of God, and of Religion ; and therefore we find this Subordination holden forth, and engaged unto both in the *National Covenant*, and in the *solemn League and Covenant*, which doth oblige us to maintain and defend the King's Person, and Authority, in the Defence and Preservation of true Religion, and Liberties of the Kingdom, upon which Consideration the Commissioners of the General Assembly, in their humble Representation to the honourable Estates of Parliament, the 28th of April 1648. printed, do take notice of a new Interpretation, which the Declaration of the Parliament puts upon this Article of the *solemn League and Covenant*, and tell their Lordships, that no such Interpretation hath been made by the Assembly of the Kirk, of the *solemn League and Covenant*, as their Lordships are pleased there to make of it.

The Commissioners of the General Assembly, in their Declaration at *Edinburgh*, 1st March 1648. printed, do declare, ' That altho' in the Covenant, the Duty of defending and preserving the King's Majesty's Person and Authority be joyned with, and subordinate unto the Duty of preserving and defending the true Religion and Liberties of the Kingdom ; and that although from the Beginning of the Cause, the Good, Safety and Security of Religion have been principally sought after, and insisted upon, yet Solicitations, Persuasions and Endeavours have not been, nor are wanting for his Majesty's Restitution to the Exercise of his Royal Power, and for espousing his Majesty's Quarrel, notwithstanding his not granting the publick Desires, concerning the Covenant and Religion ; and this Course is clearly contrary to the declared Resolution of the Parliament of this Kingdom, after Advice desired from us, upon the Case concerning the King then propounded to us ; and it is no less contrary (say they) to the Principles and Professions of the Convention and of the Committee of Estates, before any such Advice was desired or had from us.

The Commissioners of the General Assembly, in the Year 1650. in their Answer to the Estates Observations upon the Assembly's Declaration, printed, speak thus, Page 23. concerning the Subordination of civil Power, to the Good of Religion : ' It is granted by your Lordships, and that it is a great sin in Kings to do otherwise, but that, if Kings fail in Religion, the Subjects are notwithstanding tied to Obedience in Things civil. We conceive that it will not be denied, (say the Commissioners) that Subjects are as straitly tied to a Subordination of all to God as the King is. Doth not the Word oblige all Men, whether King or Subjects to prefer the Glory of God, and the Good of Religion to all Things, to seek it in the first Place, to postpone it to nothing whatsoever ? And again Page 28. of the same Answer, We are sorry (say they) to see their Interests still so carefully provided for, and so little Security for Religion, which indeed was the main and principal Cause of our Engagement in the late Wars. The Declaration also of the General Assembly in the Year 1648. printed, speaketh thus : Whereas the Duty of defending his Majesty's Person and Authority, is, by the 3^d Article of the *Covenant*, qualified with a Subordination unto the Preservation and Defence of the true Religion and Liberties, there is no such Qualification nor Subordination asserted in the present Engagement, but is so carried on, as to make Duties to God, and for Religion, conditional, qualified, limited, and Duties to the King absolute and unlimited : And again in the same Declaration, Malignancy is revived, in spreading of specious Pretences, vindicating Wrongs done to his Majesty. We desire not to be mistaken, as if Respect and Love to his Majesty were to be branded with the infamous Mark of Malignancy ; but we warn all who would not come under this foul Stain, not only in their Speech and Profession, but really in their whole Carriage, not to own nor prefer their own nor the Interest of any Creature whatsoever, before the Interest of Christ and Religion.

The Representation also of the Commissioners of the General Assembly 1648. April 28th Page 4. printed, speaketh thus : ' Your Lordships are obliged by the 3^d Article of the *Covenant*, to defend his Majesty's Per-

Person and Authority, in the Defence and Preservation of the true Religion and Liberties of the Kingdom; we suppose your Lordships should not demand from, nor press upon the Kingdom of *England*, his Majesty's Restitution, except with that Qualification in the *Covenant*, and with Subordination to Religion, and the Liberties of the Kingdoms; and how can this Subordination according to the *Covenant*, be said to be observed in your Lordships Demand as it stands, if his Majesty be brought with Honour, Freedom and Safety, and without Security for establishing Religion and Peace? We then leave it to your Lordships Consciences, whether his Majesty shall be restored to his Honour, before *Jesus Christ* be restored to his Honour, and set upon his Throne of Government, before *Jesus Christ* be set upon his Throne of Government of his Church, and his Majesty put in a condition of Liberty, before the Ordinances of *Christ* have a free Course; and whether his Majesty's Safety shall not be provided for, and secured, before either Church or Kingdom can say, That they are in a Condition of Safety. And is this to endeavour the settling of Religion, before all worldly Interests, or rather it come after the King's Interest?

The same Representation in the 26 *Pag.* speaketh thus: 'We only put your Lordships in mind, that the *National Covenant* doth joyn with his Majesty's Safety, his good Behaviour in his Office, saying, That the Quietness and Stability of Religion and Kirk, doth depend upon the Safety and good Behaviour of his Majesty, as upon a comfortable Instrument of God's Mercy, granted to this Country for the Maintenance of this Kirk, and Ministration of Justice: Otherwise, if a King do not his Duty for the Maintenance of true Religion, and Ministration of Justice, it is not his Safety alone that makes the People to be in Quietness and Happiness. Withal, as our Quietness and Happiness dependeth on his Majesty, and his doing of his Duty, as an Instrument and Minister of God for Good, so the Honour, Greatness, and Happiness of the King's Royal Majesty, and the Welfare of his Subjects, doth depend upon the Purity of Religion, as is well exprest in your Lordships Oath of Parliament.'

In the printed Answer of the Commission to the Estates Observations on the Assembly's Declaration, *August* 1648. *Pag.* 19. be these Words. Their Lordships press doing Duties to his Majesty, *viz.* his restoring to Honour, Freedom and Safety, notwithstanding of the Fear of any bad Consequence, how much more ought we to do Duties to God, *viz.* to see the Security of Religion before his Majesty's Restitution, whatever Danger or bad Consequence come?

In the Declaration of the General Assembly to *Eng'land*, in the Year 1648. printed, be these Words: 'We are not against the restoring of his Majesty to the Exercise of his Power in a right and orderly Way; yet considering the great Expence of Blood, and Pains this Kingdom hath been at, for maintaining their just Liberties, and bringing the Work of Reformation this Length, and considering his Majesty's Averseness from the Reformation, and his adhering to Episcopacy, we trust, that Security shall yet be demanded for Religion, &c.'

And which is yet more considerable, not only is it acknowledged to be a Sin, in the solemn Acknowledgment of publick Sins, and Breach of the *Covenant*, condescended by the Commissioners of the General Assembly, and approved by the Committee of Estates, *October* 1648. and afterwards by the Parliament, and solemnly kept with a Day or two of solemn publick Humiliation, by all the Ministers and Congregations of the Land: 'That some among our selves have laboured to put into the Hands of our King, an arbitrary and unlimited Power, and that under the Pretence of relieving and doing for the King, whilst he refuses to do what is necessary for the House of God, some have ranversed and violated most of all the Articles of the *Covenant*.' But also in the solemn Engagement to Duties, condescended upon by the Commissioners of the General Assembly, and approved by the Committee of Estates and Parliament, and solemnly sworn by the whole Land at the Time of the renewing of the *Covenant*, we are all of us solemnly obliged in the first Article of that Engagement, 'That because Religion is of all Things the most excellent and precious, the advancing and promoting the Power thereof against all Ungodliness and Profanity, the securing and preserving the Purity thereof against Error, Heresy and Schism, and carrying on the Work of Uniformity, shall be studied and endeavoured by us before all worldly Interests, whether concerning the King, our selves, or any other whatsoever.'

Secondly. There be many Things to be found in the publick Papers of the Kirk of *Scotland*, arguing the Sinfulness of restoring the King to the Exercise of his Royal Power, whilst continuing in known Opposition to the Work of Reformation, or before necessary Security given for Religion, from the great End and Duty of Magistracy it self, from the mutual Covenants and Contracts betwixt the King and his People, from the Oath of Coronation, which is ratified by Act of Parliament, and is to be taken by all the Kings that reign over the Realm, at the Time of their Coronation, and Receipt of their Princely Authority, whereby they are obliged to be of one perfect Religion, or to serve the same eternal God to the utmost of their Power, according as he hath required in his most holy Word, and to maintain the true Religion of *Christ Jesus*, the preaching of his holy Word, and the due and right Administration of the Sacraments, now received and preached within this Realm, and that they shall abolish and gainstand all false Religion contrary to the same, and from the Danger of arbitrary and unlimited Power; and sundry other Grounds and Reasons of that kind, which would be tedious to repeat, with the Passages of the publick Papers wherein they are mentioned. Therefore, passing other Papers emitted by the Kirk concerning those Things, we do only refer unto the printed Declaration of the General Assembly 1649. in which we will find a brief Sum of the Arguments and Reasons that are more largely scattered in former Papers to this Purpose, with a Conclusion drawn therefrom concerning the Sinfulness of admitting the King to the Exercise of his Royal Power, before the obtaining real Security for Religion, which Security could not be obtained, he continuing in his former known Opposition to the Work of Reformation; which Declaration, in so far as concerns this Business, is repeated in the Book of the *Causes of Wrath*, in the Enlargement of the 5. Step of the 9. Article.

In the third Place it is to be remembered, That the Commissioners of the General Assembly, in the Years 1649 and 1650. do hold forth in their Instructions and Letters relating to the Treaty with the King, concerning this Purpose. First, in their Instructions 1649. they do require their Commissioners effectually and seriously to represent unto the King's Majesty, the Evil of the Popish, Prelatical and malignant Party, and to labour to perswade him to forsake their Counsels and Courses, and to cleave to those who would be faithful to God and to his Majesty. And in their Instructions 1650. they are instructed to desire him to take Course, that his Council and Family may consist only of such as are of known Integrity and Affection to the Cause of God, and of a blameless and Christian Conversation; which, they say, there is the more Reason to urge, because

cause most of the Evils that have afflicted the King's House and his People, have issued in a special Manner from the King's Council and Family, their Disaffection and Looseness.

The Commissioners of the General Assembly, upon Report of closing of the Treaty with the King at *Breda*, in the Year 1650 by an Express sent from them for that Effect, they do in a large Letter written to their Commissioners, of the Date 20th of May 1650. profess their Disaffection therewith, in which Letter are these Passages. 'We cannot (say they) but profess our selves to be exceedingly unsatisfied with his Majesty's Concessions, as coming short of many of the material and important Desires of this Kirk and Kingdom, concerning the Security of Religion, and the Peace of the Kingdom. And in another Place of that Letter: Albeit (say they) we conceive our selves bound with all cordial Affection, heartily to invite and welcome his Majesty upon complete Satisfaction to the Desires of Kirk and Kingdom; yet it is Matter of Stumbling to us, that he should, not only without such Satisfaction so far as we could discern, but that Assurances are also given to him in Matters of great Importance, not yet determined by the Parliament of this Kingdom, or General Assembly, or Commissioners of the Kirk. And again in the same Letter: As we earnestly pray for, and desire to endeavour a sound Agreement with his Majesty, so we conceive our selves bound to discover and asseverate to endeavour a sound Agreement as will prove dangerous and destructive to the Kirk of God in our Hands; and therefore, as we are confident that ye will be short in no Duty that ye owe to the King, or that we may procure a right Understanding or happy Settling betwixt his Majesty and this Kirk and Kingdom, so we also perswade our selves that ye will take heed of Snares, and discern well of the Counsels of all these who have been involved in the late Defection, and are not yet convinced of, nor humbled for the Offence given thereby.'

The Commissioners of the General Assembly, did at the same Time send this particular Instruction to their Commissioners at *Breda*. 'You shall not fail, for preventing and removing of all Questions and Debates anent the King's Oath, to declare by a Paper to his Majesty, That it doth not only import his Allowance and Approbation of the *National Covenant* and *solemn League and Covenant*, to his Subjects, but also that his own Swearing and Subscribing the same, and in the Words subjoynd thereto, imports his Allowance and Approbation of all the Heads and Articles thereof, in his own particular Judgment, and his Engagement to every one of them, as much as the Oath of any of the Subjects thereto, imports their Approbation and Engagement.'

By these Things we hope it is manifest and clear, that the Kirk of *Scotland* did require in the King, a discontinuing from his former Opposition to the Work of Reformation, before admitting him to the Exercise of his Royal Power, as a Thing necessary for the Security of Religion, and that they judged it not Duty, but Sin to do otherwise.

Fourthly. We shall show this to have been the common received Doctrine, and publick Judgment of the Kirk of *Scotland*, after the Treaty with the King, or after the King's Homecoming into *Scotland*; which appears first from the printed Declaration of the Commissioners of the General Assembly, the 13th August 1650. which speaks in this Manner: 'The Commission of the General Assembly considering, that there may be just Ground of Stumbling, from the King's Majesty's refusing to subscribe and emit the Declaration offered to him by the Committee of Estates, and Commissioners of the General Assembly, concerning his former Carriage, and his Resolution for the future, in reference to the Cause of God, and the Enemies and Friends thereof, do heretofore declare, that this Kirk and Kingdom do not own nor espouse any malignant Quarrel or Interest, but that they fight merely upon their former Grounds and Principles, and in Defence of the Cause of God, and of the Kingdom, as they have done these Twelve Years past; and therefore, as they disclaim all the Sin and Guilt of his House, so they would not own him nor his Interest, otherways than with Subordination to God, and so far as he owns and prosecutes the Cause of God and the *Covenant*, and likewise all the Enemies and Friends thereof.'

Secondly. It appears from the Cause of the Fast at *Stirling* condescended upon, First, by the Presbytery with the Army, and afterwards approved by the Commissioners of the General Assembly at *Stirling*, a little after the Defeat at *Dunbar*, in which it is offered, That we ought to mourn for the manifold Provocations of the King's House, which we fear are not truly repented of, nor forsaken by him to this Day, together with the crooked and precipitant Ways that were taken by sundry of our Statesmen for carrying on the Treaty with the King. Secondly. The Commissioners of the General Assembly, in a Remonstrance of theirs to the States, of the Date at *Perth*, 29th of November 1650 do exhort, 'That they would seriously lay to Heart any Sin or Guiltiness through sinful Precipitancy, and unstraight Designs and carnal Policy, in appointing Addresses for treating with the King, and in the Way of carrying on and closing the same, and what, upon serious Search, your Lordships shall find may give Glory to God, in an ingenuous Confession and Acknowledgment thereof, and sincere Humiliation before him for the same.'

Thirdly. The Causes of the Fast at *Perth*, condescended upon by the Commissioners of the General Assembly, for the King and his Family, 26th of December 1650. In which Causes, besides what relates to the King, his Royal Father, and his Royal Grandfather, are these Things relating to the King himself, the present King, 'His entering to tread the same Step, by closing a Treaty with the Popish Irish Rebels, who had shed so much Blood, and granting them not only their personal Liberty, but also the free Exercise of the Popish Religion, so that he might use them against his Protestant Subjects. 2^{dly}. By commissionating James Graham again to invade the Kingdom, who were striving to be faithful to the Cause and to his Majesty, and to give Commissions for sundry at Sea and Land for that End. 3^{dly}. By his refusing for a Time the just Satisfaction which was desired by the Kirk and Kingdom. 4^{thly}. His entertaining private Correspondences with Malignants and Enemies to the Cause, contrary to the *Covenant*, whereupon he was drawn at last to a publick and scandalous deserting of the publick Judicatories of this Kingdom, so contrary to the Treaty, his Oath, Declarations, and Confessions; whereupon followed many Offences and Inconveniences, and to joyn with Malignants and perverse Men, who were by his Warrant encouraged to take Arms at such a Time, to the hazarding of the Cause, fostering of Jealousies, and the disturbing the Peace of this Kingdom. These Things, say the Commissioners of the General Assembly, in the Causes of Humiliation, being sensibly laid out before the Lord, he is with fervent Prayers to be intreated to do away the Controversies he has against the King or his House for these Transgressions, and that he may be graciously pleased to bless the King's Person and Government.' These Causes of Fast at *Stirling* and *Perth*, and the Remonstrance cited, are to be found in the Registers of the Kirk.

In the last Place, we shall bring some Things which may also prove the same to have been the publick Judgment of this State or Kingdom of *Scotland*. *First*. The Parliament 1648. in their Declaration concerning their Resolutions for Religion, King and Kingdoms, in pursuance of the Ends of the *Covenant*; as they do all along acknowledge the first Motive of these Kingdoms engaging in a *Solemn League and Covenant*, to have been for Reformation and Defence of Religion; so in the 6th Page of that Declaration, as it stands printed in the Acts of Parliament, they do expressly declare, 'That they resolved not to put in his Majesty's Hands, or any other whatsoever, any such Power, whereby the Ends of the *Covenant*, or any one of them may be obstructed or opposed, Religion or Presbyterian Government endangered; but on the contrar, before an Agreement or Condition to be made with his Majesty, having found his Majesty's late Concessions and Offers concerning Religion not satisfactory, that he give Assurance by his solemn Oath under his Hand and Seal, that he shall for himself and his Successors give his Royal Assent, and agree to such Act or Acts of Parliament, and Bills, as shall be presented to him by his Parliaments of both or either Kingdoms *respective*, by enjoining the *League and Covenant*, and fully establishing Presbyterian Government, *Directory of Worship*, and *Confession of Faith*, in all his Dominions, and that his Majesty shall never make any Opposition to any of these, nor endeavour any Change thereof.' *2dly*. The Parliament 1649. as they do in their second Act, *January 5th*, approve of the solemn publick Confession of Sins, and Engagement unto Duties; so do they in the 4th Act, of the Date 16th of *January* 1649. approve of the Desires, Supplications, Remonstrances, Declarations of the Kirk, and Representation of the Commissioners of the General Assembly, against the restoring the King without sufficient Security first had from him concerning Religion, and do condemn the unsound Gloss that is put upon the *Covenant* and Acts of the General Assembly, in the Close of the Declaration of the Parliament 1648. in these Things that concern our Duty to the King. *3dly*. The Parliament 1649. in the Act of the 7th of *February*, anent the securing the *Covenant*, Religion and Peace of the Kingdom, doth provide, 'That before the King's Majesty who now is, or any of his Successors, shall be admitted to the Exercise of his Royal Power, they shall not only swear the Oath of Coronation, and his Allowance of the *National Covenant*, and Obligation to prosecute the Ends thereof in his Station and Calling, and that he shall for himself and his Successors, consent and agree to Acts of Parliament enjoining the same, and fully establish Presbyterian Government, *Confessions of Faith*, and Catechisms of this Church, and Parliament of this Kingdom, in all his Majesty's Dominions, and that he shall observe these in his own Practice and Family; and that he shall never make Opposition to any of these, nor endeavour any Change thereof: But it is also declared and ordained in the same Act, That before the King, who now is to be admitted to the Exercise of his Royal Power, he shall leave all Counsel and Counsellors prejudicial to Religion and to the *National Covenant*, and to the *Solemn League and Covenant*.' *4thly*. The Parliament at *Edinburgh*, 18th *May* 1650. taking to Consideration the Invitation that was given to his Majesty by their Commissioners at *Breda*, in their Explanation of the Invitation, do declare, 'That the Assurance given to his Majesty therein, doth include the Condition of his Majesty's performing Satisfaction to the Desires of the Kingdom, according to the Four Demands which they sent with that Explanation: And in their Instructions sent at that Time to the Commissioners, they do expressly instruct them, that they shall not fail, for removing all Questions and Doubts about the King's Oath, to declare by a Paper to his Majesty, that it doth not only import, that the *National Covenant*, and the *Solemn League and Covenant* betaken by the Subjects, but also that his own swearing and subscribing the same, and the Words subjoyned thereto, imports his Approbation of all the Heads and Articles thereof in his own particular Judgment, and his Engagement to every one of them, as much as the Oath of any of the Subjects imports their Approbation and Engagement thereto.' And it is considerable, that in these Instructions they do require clear Satisfaction from his Majesty to their necessary Desires, and that they do declare, that without such Satisfaction, not only will that Joy and Cheerfulness, wherewith all his Majesty's good Subjects desire to receive him, be impeded, but also his Coronation be delayed, and this Kirk and Kingdom be necessitate to Declarations, which will be inconvenient both for his Majesty and them. For instructing these Things we refer to the Registers of the Kingdom.

Lastly. As the Parliament and Committee of Estates of this Kingdom, did not for a good While after his Majesty's coming into *Scotland*, admit the King to the Exercise of his Royal Power; so the Committee of Estates, in order to the necessary Security of Religion, did, with Advice of the General Assembly, judge it necessary to desire him to subscribe a *Declaration*, concerning his former Carriage, and Resolutions for the future, in reference to the Cause of God, and the Enemies and Friends thereof; and upon his Majesty's refusing to subscribe that Declaration of the Commissioners of the General Assembly, of the 13th of *August* 1650. did approve of the Declaration, and heartily concur therein, as is evident from their own Act subjoyned thereto, and published therewith.

From these Things, we hope, it is manifest, that it was the common received Doctrine of the Church, and the publick Judgment of this Kingdom, concerning the necessary Security of Religion, that it was not our Duty, but our Sin, to close a Treaty with the King for invelling him with the Exercise of his Royal Power, he still continuing in his former known Opposition to the Work of Reformation.

MINUTES of the Process against Mr. James Guthrie. N^o. XXI. D.

AT *Edinburgh*, 11th *April*, 1661. In the criminal Pursuit and Indictment of Sedition and Treason, at the Instance of Sir *John Fletcher* his Majesty's Advocate for his Majesty's Interest, against Mr. *James Guthrie* sometime Minister at *Stirling*, before the Lord Commissioner the Earl of *Middleton*, and the Three Estates of Parliament; appeared for the King's Majesty's Interest the said Sir *John Fletcher*; and for and with the Pannel at the Bar, Mr. *Robert Burnet*, Mr. *John Cuninghame*, Mr. *Andrew Birnie*, and Mr. *George Mackenzie*, Advocates.

After reading of the Libel, Defences, Replies and Duplies, in open Parliament, his Majesty's Advocate declared he insisted against the Pannel upon the first Article, concerning the *Remonstrance*, without Prejudice of the rest, so far allenarly as he did own and homologate the same, by framing the 5th and 6th Steps of the

9th Article of the *Causes of God's Wrath*, and Explanation thereof; and declared he did not insist upon the Act of the Committee of Estates, in Anno 1650. condemning the *Remonstrance*, nor upon the Act of Parliament in Anno 1651. ratifying the said Act of the Committee of Estates, because they have not been, nor are produced for instructing that Part of the Libel. The Pannel at the Bar, being enquired concerning his Accession to the *Causes of Wrath*, acknowledges, that he was one that framed the same.

Edinburgh, 12th April, 1661.

THE Estates of Parliament, after advising the Relevancy of the whole Process, do repel the Alledgances against the first Two Articles of the Dittay, concerning the *Remonstrance* and *Causes of Wrath*; and notwithstanding thereof, find the Libel, as to those Two Articles thereof, relevant to bring the Pannel under the Compass of the Acts of Parliament made against Slanderers, viz. 134 Act, Parl. 8. James VI. the 205 Act. 14 Parl. James VI. and other Acts mentioned in this last Act. As likewise the said Estates of Parliament repel the Alledgances against the Third and Fourth Articles of the Dittay, concerning the Meeting libelled, and the Petition and Instructions, and others done therein; and notwithstanding thereof, find the Meeting, with the Petition, Instructions, and what else was in that Meeting, to have been unlawful and seditious: And also the said Estates of Parliament repel the Alledgance against the Fifth Article of the Dittay, concerning the declining his Majesty's Authority, and protesting for Remeed of Law against his Majesty and Committee of Estates, for a pretended *Gravamen*; and notwithstanding thereof, find the Declinator containing the Protestation falls under the 129 Act of the Parliament 1584. made anent the King's Majesty's Royal Power over all Estates.

Edinburgh, 15th April, 1661.

THE Lord Advocate declares, for proving the Articles of the Dittay, he repeats the Pannel's Confession at the Bar, and throughout the whole Defences, with the *Remonstrance*, *Causes of Wrath*, *Petition*, *Instructions*, *Declinators*, and others produced, all acknowledged, written, or subscribed by the Petitioner's own Hand, and renounces further Probation.

Thereafter, the Estates of Parliament having this Day again considered the former Interlocutors, as also having considered the Pannel's Confession at the Bar, and extant throughout his whole Defences, anent his Accession to the Pamphlet, entituled, *The Causes of God's Wrath*, wherein one of the Causes is mentioned to be the rejecting of the *Remonstrance*, and having considered the said Two Pamphlets themselves, they find the Libel sufficiently proven thereby, in so far as relates to the First and Second Articles; as also having considered the *Petition*, *Instructions* and others done in that Meeting, mentioned in the Third and Fourth Article, and his judicial Acknowledgment, that he was at the Meeting, and Subscriber of the *Petition*, and Writer of the *Instructions*; they find these Articles also proven: And having considered also the *Declinator* containing the *Protestation*, with the other *Protestation*, both acknowledged by the Pannel, and subscribed with his Hand; the Estates of Parliament find the Fifth Article thereby proven.

The Lord Advocate takes Instruments upon the Dittay being found relevant and proven, and protests; That the Pains contained in the Acts of Parliament may be inflicted upon the Pannel.

GLENCAIRN Cancell. I. P. D. Parl.

At Edinburgh, 28th May, 1661.

THE Estates of Parliament find, That Mr. James Guthrie, sometime Minister at Stirling, has committed the Crime of Treason against the King's Majesty, his sovereign Authority and Royal Government, and has slandered his Majesty's Person, State and Government, in so far as the said Mr. James had Accession to the framing of a Pamphlet called, *The Causes of God's Wrath*, wherein one of the Causes is mentioned to be the rejecting of the *Remonstrance*, and that thereby he has contravened the 205 Act 14 Parl. James VI. and the 10 Act of the 10 Parl. James VI. and incurred the Pain of Death therein contained: And likewise, the said Mr. James did contrive and petition at a Meeting of some Ministers in the Month of 1660. last bypast, which Meeting, *Petition* and *Instructions*, and what else was done at the said Meeting, the Estates of Parliament find unlawful and scandalous; and in so far as the said Mr. James did decline his Majesty's Authority, and protested for Remeed of Law against his Majesty and Committee of Estates, for a pretended *Gravamen*, and that thereby he has contravened the 1 Act 8 Parl. James VI. in Anno 1584. and incurred the Pain of Treason therein contained: And therefore, upon the Ground of the foresaid treasonable Crimes and Acts of Parliament abovementioned, thereby contravened, the King's Majesty, with Advice and Consent of the Estates of Parliament, finds and declares, That the said Mr. James Guthrie has incurred the Pain of High Treason, and other Pains contained in the said Acts, and decerns and ordains him to underlie the Punishment due to Traitors, viz. the Tinsel and Confiscation of his Life, and of all his Lands, Goods, moveable and immoveable, Offices, Dignities, Sums of Money, and all Rights and others whatsoever belonging to him, or which may any Way pertain or belong to him, and ordains the same to be confiscate and appertain to the King's Majesty, and to remain for ever with his Majesty in Property; and that he be hanged to Death at the Cross of Edinburgh, upon Saturday next, the 1st Day of June, at Two of the Clock in the Afternoon, as a Traitor against his Majesty; and thereafter his Head be cutted off, and affixed on the Nether-bow of Edinburgh, and that presently his Arms be delete out of the Books of Heraldry, and torn in Pieces by the Lion-herald, at the Market-cross of Edinburgh, and there to be left torn and ranveried, as a Testimony of the vile and abominable Treason; and declares his Children and Posterity incapable in all Time coming, to brunk, possess, or enjoy any Office, Dignities, Successions, Possessions, Lands, Goods, moveable and immoveable, or any other Thing within this Kingdom.

At Edinburgh, 28th May, 1661.

THIS Decreet read and voted in Parliament, approven and pronounced, touched with the Royal Sceptre, and appointed to be recorded, published, and put in Execution accordingly.

CRAWFORD I.P.D. Parl.

Mr. James Guthrie *his last Speech*, June 1. 1661. N^o. XXII.

MEn and Brethren, I fear many of you are come hither to gaze rather than to be edified by the Carriage and last Words of a dying Man: But if any have an Ear to hear, as I hope some of this great Confluence have, I desire your Audience to a few Words. I am come hither to lay down this earthly Tabernacle and mortal Flesh of mine, and, I bless God, through his Grace, I do it willingly, and not by Constraint. I say, I suffer willingly: If I had been so minded, I might have made a Diversion, and not been a Prisoner; but being conscious to my self of nothing worthy of Death, or of Bonds, I would not stain my Innocency with the Suspicion of Guiltiness, by my withdrawing: Neither have I wanted Opportunities and Advantages to escape since I was Prisoner, not by the Fault of my Keepers (God knoweth) but otherwise; but neither for this had I Light or Liberty, lest I should reflect upon the Lord's Name, and offend the Generation of the Righteous: And if some Men have not been mistaken, or dealt deceitfully in telling me so, I might have avoided not only the Severity of the Sentence, but also had much Favour and Countenance by complying with the Courses of the Time. But I durst not redeem my Life with the loss of my Integrity, God knoweth, I durst not; and that since I was Prisoner he hath so holden me by the Hand, that he never suffered me to bring it in Debate in my inward Thoughts, much less to propone or hearken to any Overture of that Kind. I did judge it better to suffer than to sin; and therefore I am come hither to lay down my Life this Day, and I bless God I die not as a Fool; not that I have any Thing wherein to glory in my self: I acknowledge that I am a Sinner, yea, one of the greatest and vilest that has owned a Profession of Religion, and one of the most unworthy that has preached the Gospel. My Corruptions have been strong and many, and have made me a Sinner in all Things, yea, even in following my Duty; and therefore Righteousness have I none of mine own, all is vile. But I do believe that *Jesus Christ came into the World to save Sinners, whereof I am chief*: Through Faith in his Righteousness and Blood have I obtained Mercy; and through him, and him alone, have I the Hope of a blessed Conquest and Victory over Sin and Satan, and Hell and Death, and that I shall attain unto the Resurrection of the Just, and be made Partaker of eternal Life. *I know in whom I have believed, and that he is able to keep that which I have committed unto him against that Day.* I have preached Salvation through his Name, and as I have preached so do I believe, and do commend the Riches of his free Grace and Faith in his Name unto you all, as the only Way whereby ye can be saved.

And as I bless the Lord that I die not as a Fool, so also that I die not for *Evil-doing*. Not a few of you may haply judge, that I suffer as a Thief, or as a Murderer, or as an Evil-doer, or as a Busy-body in other Mens Matters. It was the Lot of the Lord *Jesus Christ* himself, and hath been of many of his precious Servants and People, to suffer by the World as Evil-doers; and as my Soul scareth not at it, but desireth to rejoyce in being brought into Conformity with my blessed Head, and so blessed a Company, in this Thing; and so I desire and pray that I may be to none of you to Day upon this account a Stone of Stumbling, and a Rock of Offence. Blessed is he that shall not be offended at *Jesus Christ*, and his poor Servants and Members, because of their being condemned as Evil-doers by the World. God is my Record, that in these Things for which Sentence of Death hath passed against me, I have a good Conscience. I bless God they are not Matters of Compliance with Sectaries, or Designs, or Practices against his Majesty's Person or Government, or the Person or Government of his Royal Father: My Heart (I bless God) is conscious unto no Disloyalty; nay, loyal I have been, and I commend it unto you to be loyal and obedient in the Lord. True Piety is the Foundation of true Loyalty: A wicked Man may be a Flatterer and a Time-server, but he will never be a loyal Subject. But to return to my Purpose; The Matters for which I am condemned are Matters belonging to my Calling and Function, as a Minister of the Gospel, such as the Discovery and reproof of Sin, the pressing and the holding fast of the Oath of God in the Covenant, and preserving and carrying on the Work of Religion and Reformation according thereto, and denying to acknowledge the civil Magistrate, as the proper competent immediate Judge in Causes Ecclesiastical: That in all these Things (which a God so ordering by his gracious Providence) are the Grounds of my Indictment and Death, I have a good Conscience, as having walked therein according to the Light and Rule of God's Word, and as did become a Minister of the Gospel.

I do also bless the Lord, that I do not die as *one not desired*. I know that by not a few, I neither have been nor am desired. It hath been my Lot to have been a Man of Contention and Sorrow; but it is my Comfort, that for my own Things I have not contended, but for the Things of *Jesus Christ*, for what relateth to his Interest and Work, and the well-being of his People. In Order to the preserving and promoting of these, I did protest against, and stood in Opposition unto these late Assemblies at St. Andrews, Dundee, and Edinburgh, and the publick Resolutions, for bringing the Malignant Party into the Judicatories and Armies of this Kingdom, conceiving the same contrary to the Word of God, and to our solemn Covenants and Engagements; and to be an Inlet to the Defection, and to the Ruin and Destruction of the Work of God. And it is now manifest to many Consciences, that I have not been therein mistaken, nor was not fighting against a Man of Straw: I was also desirous, and did use some poor Endeavours, to have the Church of God purged of insufficient and scandalous and corrupt Ministers and Elders; for these Things I have been mistaken by some, and hated by others: But I bless the Lord, as I had the Testimony of my own Conscience, so I was and am therein approven in the Consciences of many of the Lord's precious Servants and People; and however so little I may die desired by some, yet by these I know I do die desired, and their Approbation and Prayers, and Affection is of more Value with

me, than the Contradiction or Reproach, or Hatred of many others; the Love of the one I cannot recompense, and the Mistake or Hatred or Reproach of the other I do with all my Heart forgive; and wherein I have offended any of them, do beg their Mercy and Forgiveness. I do from my Soul wish that my Death may be profitable unto both, that the one may be confirmed and established in the straight Ways of the Lord; and that the other, if the Lord so will, may be convinced, and cease from these Things that are not good, and do not edify, but destroy.

One Thing I would warn you all of, that God is wroth, yea, very wroth with *Scotland*, and threatneth to depart and remove his Candlestick. The Causes of his Wrath are many, and would to God it were not one great Cause, that Causes of Wrath are despised and rejected of Men: Consider the Cause that is recorded, *Jer. 36.* and the Consequence of it, and tremble and fear. I cannot but also say, that there is a great Addition and Increase of Wrath, 1st. By that Deluge of Profanity that overfloweth all the Land, and hath Reins loosened unto it every where, in so far that many have lost, not only all Use and Exercise of Religion, but even of Morality, and that common Civility that is to be found amongst the Heathen. 2^d. By that horrible Treachery and Perjury that is in the Matter of the Covenant, and Cause of God, and Work of Reformation: *Be astonished, O ye Heavens, at this, and be ye horribly afraid, and be ye very desolate, saith the Lord; for my People have committed two great Evils, they have forsaken me the Fountain of Waters, and hewed them out Cisterns, broken Cisterns, that can hold no Water: Shall he break the Covenant and prosper? shall the Throne of Iniquity have Fellowship with God, which frameth Mischief by a Law?* I fear the Lord be about to bring a Sword on these Lands, which shall avenge the Quarrel of his Covenant. 3^d. Horrible Ingratitude; the Lord, after Ten Years Oppression and Bondage, hath broken the Yoke of Strangers from off our Necks: But what do we render unto him for this Goodness? Most of the Fruit of our Delivery is, to work Wickedness, and to strengthen our selves to do Evil. 4th. A most dreadful Idolatry and sacrificing to the Creature; we have changed the Glory of the incorruptible God, into the Image of a corruptible Man, in whom many have placed almost all their Salvation and Desire, and have turned that which might have been a Blessing unto us (being kept in a due Line of Subordination under God) into an Idol of Jealousie, by preferring it before him. God is also wroth with a Generation of carnal, corrupt, Time-serving Ministers; I know and bear Testimony, that in the Church of *Scotland* there is a true and faithful Ministry: Blessed be God, we have yet many who study their Duty, and desire to be found faithful to their Lord and Master; and I pray you to honour, and reverence, and esteem much of these for their Work's sake; and I pray them to be encouraged in their Lord and Master, who is with them, to make them as iron Pillars and brazen Walls, and as a strong fenced City in the faithful following of their Duty: But oh! that there were not too many who mind earthly Things, and are Enemies to the Cross of *Jesus Christ*, who push with the Side and Shoulder, who strengthen the Hands of Evil-doers, who make themselves Transgressors, by studying to build again what they did formerly, warrantably destroy; I mean *Prelacy*, and the *Ceremonies*, and the *Service-book*, a Mystery of Iniquity that works amongst us, whose Steps lead unto the House of the great Whore *Babylon*, the Mother of Fornication; or whosoever else he be that buildeth this *Jericho* again, let him take heed of the Curse of *Hiel the Bethelite*, and of that flying Roll threatned, *Zech. 5.* And let all Ministers take heed that they watch, and be stedfast in the Faith, and quit themselves like Men, and be strong; and give faithful and seasonable Warning, concerning Sin and Duty. Many of the Lord's People do sadly complain of the Fainting and Silence of many Watchmen, and it concerneth them to consider what God calleth for at their Hands in such a Day: Silence now in a Watchman, when he is so much called to speak, and give his Testimony upon the Peril of his Life, is doubtless a great Sin. The Lord open the Mouths of his Servants, to speak his Word with all Boldness, that Covenant-breaking may be discovered and reprov'd, and that the Kingdom of *Jesus Christ* may not be supplanted, nor the Souls of his People be destroyed without a Witness. I have but a few Words more to add: All that are profane amongst you, I exhort them to Repentance, for the Day of the Lord's Vengeance hathneth, and is near; but there is yet a Door of Mercy open for you, if ye will not despise the Day of Salvation. All that are Maligners, and Reproachers, and Persecutors of Godliness, and of such as live godly, take heed what ye do; it will be hard for you to kick against the Pricks; you make your selves the But of the Lord's Fury, and his flaming Indignation, if you do not cease from, and repent of all your hard-Speeches and ungodly Deeds. All that are natural, and indifferent, and lukewarm Professors, be zealous and repent, lest the Lord spue you out of his Mouth. You that lament after the Lord, and mourn for all the Abominations that are done in this City and in the Land, and take Pleasure in the Stones and Dust of *Sion*, cast not away your Confidence, but be comforted and encouraged in the Lord; he will yet appear to your Joy: God hath not cast away his People nor Work in *Britain* and *Ireland*, I hope it shall once more revive by the Power of his Spirit, and take Root downward, and bear Fruit upward, and of this I am now confident. There is yet a holy Seed and precious Remnant, whom God will preserve and bring forth: But how long or dark our Night may be, I do not know, the Lord shorten it for the Sake of his Chosen. In the mean while be ye patient and stedfast, immoveable, always abounding in the Work of the Lord, and in Love one to another; beware of Snares which are strawed thick; cleave to the Covenant and Work of Reformation; do not decline the Cross of *Jesus Christ*, choose rather to suffer Affliction with the People of God, than to enjoy the Pleasures of Sin for a Season, and account the Reproach of *Christ* greater Riches, than all the Treasure of the World. Let my Death grieve none of you, it will be more profitable and advantageous, both for me and for you, and for the Church of God, and for *Christ's* Interest and Honour, than my Life could have been. I forgive all Men the Guilt of it, and I desire you to do so also: Pray for them that persecute you, and bless them that curse you, bless, I say, and curse not. I die in the Faith of the Apostles and primitive Christians, and Protestant Reformed Churches, particularly of the Church of *Scotland*, whereof I am a Member and Minister. I do bear my Witness and Testimony to the Doctrine, Worship, Discipline, and Government of the Church of *Scotland*, by Kirk-sessions, Presbyteries, Synods, and General Assemblies; Popery and Prelacy, and all the Trumpery of Service and Ceremonies, that wait upon them, I do abhor. I do bear my Witness unto the National Covenant of *Scotland*, and solemn League and Covenant betwixt the Three Kingdoms of *Scotland*, *England* and *Ireland*: These sacred, solemn, publick Oaths of God, I believe can be loos'd nor dispensed with, by no Person or Party or Power upon Earth; but are still binding upon these Kingdoms, and will be for ever hereafter; and are ratified and sealed by the Conversion of many Thousand Souls, since our entering thereinto. I bear my Witness to the Protestation against the controverted Assemblies, and the publick Resolutions, to the Testimonies given against the Sectaries, against the Course of Backsliding and De-

fection that is now on foot in the Land, and all the Branches and Parts thereof, under whatsoever Name or Notion, or acted by whatsoever Party or Person. And in the last place, I bear my Witness to the Cross of *Jesus Christ*, and that I never had Cause, nor have Cause this Day to repent, because of any Thing I have suffered, or can now suffer for his Name: I take God to record upon my Soul, I would not exchange this Scaffold with the Palace or Mitre of the greatest Prelate in *Britain*. Blessed be God who hath shewed Mercy to such a Wretch, and hath revealed his Son in me, and made me a Minister of the everlasting Gospel, and that he hath deigned, in the Midst of much Contradiction from *Satan* and the World, to seal my Ministry upon the Hearts of not a few of his People, and especially in the Station wherein I was last, I mean the Congregation and Presbytery of *Stirling*; and I hope the Lord will visit that Congregation and Presbytery once more, with faithful Pastors. God forgive the poor empty Man that did there intrude upon my Labours, and hath made a Prey of many poor Souls, and exposed others to Reproach and Oppression, and a Famine of the Word of the Lord. God forgive the Misleaders of that Part of the poor People, who tempted them to reject their own Pastor, and to admit of Intruders; and the Father of Mercies pity that poor misled People, and the Lord visit the Congregation and Presbytery of *Stirling* once more with faithful Pastors, and grant that the Work and People of God, may be revived through all *Britain*, and over all the World. *Jesus Christ* is my Light and my Life, my Righteousness, my Strength, and my Salvation, and all my Desire: Him, O him I do with all the Strength of my Soul commend unto you: *Blessed are they that are not offended in him; blessed are they that trust in him. Bless him, O my Soul, from henceforth even for ever.* Rejoyce, rejoyce all ye that love him, be patient and rejoyce in Tribulation: Blessed are you, and blessed shall you be for ever and ever; everlasting Righteousness and eternal Salvation is yours; all are yours, and ye are *Christ's*, and *Christ* is God's. Remember me, O Lord, with the Favour thou bearest to thy People; O visit me with thy Salvation, that I may see the Good of thy Chosen, that I may rejoyce in the Gladness of thy Nation, that I may glory with thine Inheritance. Now let thy Servant depart in Peace, since mine Eyes have seen thy Salvation.

Captain Govan's Speech upon the Scaffold at his Death, June 1st, 1661. N^o. XXIII.

Gentlemen and Countrymen,

I Am here to suffer this Day; and that I may declare to you the Cause, It is for laying down my Arms at *Hamilton*, as did all the rest of the Company that was there. What was I, that King and Parliament should have taken Notice of me, being a private Boy thrust forth into the Fields, who was not worthy to be noticed by any? for as I was obscure in my self, so were my Actions not conspicuous: Yet it pleased the Lord to imploy me as a Mean and Instrument (unworthy as I was) for carrying on a Part of the late Reformation; which I did faithfully endeavour in my Station, not going beyond it; for which I am to suffer here this Day.

Licentious People have taken Occasion to calumniate me this Time past, in saying I was an Instrument of his late Majesty's Death, and that I should have said, I was on the Scaffold in the Time of his Execution; all which I do here deny in the Presence of almighty God, to whom I must shortly answer: And before you all, I do here protest, as I hope for Salvation, that I was not instrumental in that, either in Word or Deed; but, on the contrary, it was fore against my Heart, who was still a Wellwisher to his Majesty, and even wished he might be unto thir Lands as *David*, *Solomon* and *Josiah*: But what could a simple Protestation of one who is the least among Men do? I do indeed remember I was honoured to bring up *Montrose* his Standard through thir Streets, and deliver it to the Parliament, in which I glory, as Thousands more than I did at that Time, for I was but an Executioner, but now I am a Sufferer for those Things.

Let me now speak a Word to some Sorts of People. First of all, you that are profane, leave off your Profanity, forbear Sin and seek Mercy, otherwise you will undoubtedly repent it when too late; for ere long you must answer, as I am shortly to do, before a just God. Again, to you Civilians and indifferent Folks, who if your own private earthly Interest prosper, do not care how the Affairs of *Christ* and his Church go; know that that will not do your Turn, you must bear Testimony for God, be zealous for his Cause, and repent now of your Sins; so shall you avoid that Curse pronounced against the lukewarm *Laodiceans*, *I will spue you out of my Mouth.* As to the really godly, I would say this, Be not afraid nor astonished to bear Testimony, and suffer for his Truth.

As for my self, it pleased the Lord, in the Fourteenth Year of my Age, to manifest his Love to me, and now it is about Twenty four Years since, all which Time I professed the Truth, which I suffer for, and bear Testimony to at this Day; and am not afraid of the Cross upon that account: It is sweet, it is sweet, otherwise how durst I look upon the Corps of him who hangs there, with Courage, and smile upon those Sticks and that Gibbet, as the Gates of Heaven. I die confident in the Faith of the Prophets and Apostles, bearing my Testimony to the Gospel, as it is now preached by an honest Ministry in this City; tho' alas! there be a corrupt Generation among the Ministry.

I bear witness with my Blood to the persecuted Government of this Church, in General Assemblies, Synods and Presbyteries, and also to the Protestation against the publick Resolutions. I bear witness to the Covenants, *National* and *solemn League*, and now am to seal these with my Blood. I likewise testify against all Popery, Prelacy, Idolatry, Superstition and the Service-book, for I have not taken a little Pains in searching out those Things, and have found them to be but the Relicks of the *Romish* Superstition and Idolatry, left in King *Henry VIII.* his Time, who, tho' it pleased the Lord to make use of him for beginning the Work of Reformation, yet he was no good Man.

The King's Majesty's Proclamation concerning Church-affairs. June 10th 1661. N^o. XXIV.

CHARLES R.

CHARLES, by the Grace of God, King of Scotland, England, France and Ire'land, Defender of the Faith, To Our Lovits, Lyon King at Arms, and his Brethren Herald, Messengers, Our Sheriffs in that Part, conjunctly and severally, specially constitute, greeting. Assoon as it pleased almighty God, by his own outstretched Arm, wonderfully to bring Us back in Peace, to the Exercise of Our Royal Government, We did apply Our self to the restoring of Our Kingdoms to that Liberty and Happinefs which they enjoyed under the Government of Our Royal Ancestors; and in order thereunto, We called a Parliament in that Our ancient Kingdom of Scotland, as the most proper Mean to settle the same, after so many Years Troubles, and to restore its ancient Liberty, after those grievous Sufferings, and that heavy Bondage imposed of late by bloody Usurpers, because of their Loyalty expressed to Us. And whereas the Estates of Parliament of that Our ancient Kingdom, have so fully, freely, and unanimously vindicated their own Honour, in asserting Our Royal Power, Prerogative, the Privileges of Our Crown, and Our Supremacy over all Persons in all Causes, as absolutely as ever any of Our Royal Progenitors, Kings of Scotland, at any Time possessed, used and exercised the same, not only by taking away of these Invasions, brought on by the Iniquity of the Times, during the late Troubles; but also by their rescinding all those pretended Parliaments, wherein any Force might have appeared to have been put on Our Royal Father, since the Year 1633. reserving private Rights, and indemnifying Our Subjects, for what was done during that Time: And whereas Our Parliament, by their Act the Twenty ninth of March, hath declared, That it is Our full and firm Resolution, to maintain the true Protestant Religion, in its Purity of Doctrine and Worship, as it was established within that Our Kingdom, during the Reigns of Our Royal Father and Grandfather of blessed Memory, and that We will be careful to promote the Power of Godliness, to encourage the Exercises of Religion, both publick and private, and to suppress all Profaneness and disorderly Walking; and for that end, will give all due Countenance and Protection to the Ministers of the Gospel, they containing themselves within the Bounds and Limits of their Ministerial Calling, and behaving themselves with that Submission and Obedience to Our Authority and Commands, that is suitable to the Allegiance and Duty of good Subjects. And as to the Government of the Church, That We will make it Our Care to settle and secure the same in such a Frame as shall be most agreeable to the Word of God, most suitable to Monarchical Government, and most complying with the publick Peace and Quiet of the Kingdom: And in the mean Time, that We do allow the present Administration by Sessions, Presbyteries and Synods (they keeping within Bounds, and behaving themselves as said is) and that notwithstanding of the Act past that Day, rescissory of all pretended Parliaments since the Year 1633. Therefore We have thought fit, by this Our Proclamation, not only to declare Our gracious Acceptance of these ample Testimonies of the Duty and Affection of that Our Parliament, by which the World may take Notice, how unanimously loyal that Kingdom is, and how hearty in Our Service, of which We Our self was ever confident: But also to make known Our firm Resolution, to maintain and preserve that Our Kingdom in their just Liberties; and likewise to make good what Our Parliament have declared in Our Name, as to Matters of Religion. And considering how much Our Interest and the Quiet of that Kingdom is concerned, in the right Settlement and Peace of that Our Church, which through the Confusions of these latter Times, hath been much discomposed, We do purpose, after mature Deliberation, with such as We shall call, to imploy Our Royal Authority, for settling and securing the Government and the Administration thereof, in such a Way as may best conduce to the glory of God, to the Good of Religion, to Unity, Order, and to the publick Peace and Satisfaction of Our Kingdom: And in the mean Time, We will and command all Our loving Subjects, Ministers and others, as they will answer at their Peril, to abstain from meddling with what may concern the publick Government of that Our Church, either by Preaching, Remonstrances, Warnings, Declarations, Acts, or Petitions of Church-judicatories, or any other Way; and to compose themselves to that Quietness and inoffensive Deportment, which their Duty to Us, and the Peace of the Church doth require. Our Will is herefore, and We charge you straitly and command, That, incontinent these Our Letters seen, ye pass to the Market-crofs of Our Burgh of Edinburgh, and to the remanent Market-crofses of the Head-burghs of that Our Kingdom, and there, by open Proclamation, in Our Name and Authority, make Publication hereof to all Our Lieges and Subjects, wherethrough none pretend Ignorance of the same, as you will answer to Us. The which to do We commit to you conjunctly and severally, Our full Power by these Our Letters, delivering the same by you duly execute, and indorsed again to the Bearer. Given under Our Hand at Whitehall, the Tenth Day of June, 1661. and of Our Reign the thirteenth Year.

By His Majesty's Command,

LAWDERDALE

Act of Council at Edinburgh, the 6th Day of September, 1661. N^o. XXV.

THE Lords of his Majesty's Privy Council, having considered his Majesty's Letter, of the Date, at Whitehall the Fourteenth Day of August last, bearing, That whereas his Majesty, by his Letter to the Presbytery of Edinburgh, in the Month of August, One thousand six hundred and sixty Years, declared his Royal Purpose, to maintain the Government of the Church of Scotland settled by Law. And the Estates of Parliament of this Kingdom, having since that Time, not only rescinded all the Acts since the Troubles began, relating to that Government, but also declared all those Parliaments null and void, leaving to his Majesty the settling of Church-government: Therefore, in Compliance with that Act rescissory, and in pursuance of his Majesty's Proclamation of the Tenth of June last, and in Contemplation of the Inconveniencies that

that accompanied and issued from the Church-government, as it hath been exercised these Twenty three Years past, and of the Unsuitableness thereof to his Majesty's monarchical Estate, and of the sadly experienced Confusions, which, during these late Troubles, have been caused by the Violences done to his Majesty's Royal Prerogative, and to the Government Civil and Ecclesiastical, established by unquestionable Authority: His Majesty, having Respect to the Glory of God, and the good and Interest of the Protestant Religion, and being zealous of the Order, Unity, Peace and Stability of the Church within this Kingdom, and of its better Harmony with the Government of the Churches of *England* and *Ireland*, hath been pleased, after mature Deliberation, to declare unto his Council, his firm Resolution to intetpose his Royal Authority, for restoring of this Church to its right Government by Bishops, as it was by Law before the late Troubles, during the Reigns of his Majesty's Royal Father and Grandfather of blessed Memory, and as it now stands settled by Law, and that the Rents belonging to the several Bishopricks and Deanries, be restored and made useful to the Church, according to Justice and the standing Law; have therefore, in obedience of, and conform to his Majesty's Royal Pleasure aforesaid, ordained, and by these presents Ordain the *Lyon* King at Arms, and his Brethren, Heralds, Pursevants and Messengers of Arms, to pass to the Market-crofs of *Edinburgh* and other Royal Burrows of the Kingdom, and there by open Proclamation, to make Publication of this his Majesty's Royal Pleasure, for restoring the Church of this Kingdom to its right Government by Bishops; and in his Majesty's Name, to require all his good Subjects, to compose themselves to a cheerful Acquiescence and Obedience to the same, and to his Majesty's sovereign Authority now exercised within this Kingdom. And that none of them presume, upon any Pretence whatsoever, by discourging, preaching, reviling, or any irregular and unlawful Way, the endeavouring to alienate the Affections of his Majesty's good Subjects, or dispose them to an evil Opinion of his Majesty or his Government, or to the Disturbance of the Peace of the Kingdom, and to inhibit and discharge the assembling of Ministers in their several Synodical Meetings, until his Majesty's further Pleasure therein be known: Commanding hereby, all Sheriffs, Bailies of Bailiaries, Stewards of Stewartries and their Deputes, all Justices of Peace, and Magistrates and Council of Burrows, and all other publick Ministers, to be careful within their several Bounds and Jurisdictions, to see this Act punctually obeyed: And if they shall find any Person or Persons, upon any Pretexs whatsoever, by discourging, preaching, reviling, or otherwise, as aforesaid, failing in their due Obedience hereunto, or doing any Thing in the contrary thereof, that they forthwith commit them to Prison, till his Majesty's Privy Council, after Information of the Offence, give further Order therein. And hercof the Sheriffs, and others aforementioned, are to have a special Care, as they will answer upon their Duty and Allegiance to his Majesty. And further, the Lords of his Majesty's Privy Council do hereby inhibit and discharge all Persons liable in Payment of any of the Rents formerly belonging to the Bishopricks and Deanries, from paying of the Rents of this present Year, One thousand six hundred and sixty one Years, or in Time coming, or any Part thereof, to any Person whatsoever, until they receive new Order thereanent from his Majesty or his Council: And ordain these Presents to be printed and published, as said is, that none may pretend Ignorance of the same.

Extrañ. per me

PET. WEDDERBURN, Cl. Sec. Concilii.

God save the King.

At *Edinburgh*, 9th of *January*, 1662. N^o. XXVI. A.

THE Lords of his Majesty's Privy Council, having considered his Majesty's Letter, of the Date, at *Whitehall* the 28th of *December* last, 1661. bearing, That whereas by the Advice and Consent of the Parliament, his Majesty did allow the Administration of the Church-government of this Kingdom, by Sessions, Presbyteries and Synods, notwithstanding of the Act Rescissory, until his Majesty should take care for the better settling of the Government thereof: And that having, by a late Proclamation, of the Date the 6th of *September* 1661. declared his Royal Pleasure for restoring the ancient and legal Government of the Church, by Archbishops and Bishops, as it was exercised in the Year 1637. and that in pursuance of that Resolution, his Majesty hath nominated and presented Persons to the several Bishopricks of this Kingdom, of whom some have been lately consecrated, and invested with the same Dignities, Church-power and Authority, which was formerly competent to the Archbishops and Bishops of this Church, in the Reigns of his Royal Grandfather and Father, of blessed Memory; and that the Allowance of the Administration of this Church, in the way it hath been, since the violent Interruption of Episcopal Government, being inconsistent with the same now established, is now of it self void and expired, as being only for a Time, till his Majesty should settle and secure Church-government in a Frame most suitable to Monarchy, and complying with the Peace of the Kingdom; and so the said Allowance should be of no further Force and Continuance, but the Jurisdiction and Exercise of Church-government should be ordered in the respective Synods, Presbyteries and Sessions of this Church, by the Appointment and Authority of the Archbishops and Bishops thereof, according to the standing Laws, and their known Privilege, and Practice conform thereto: And that special Care be taken that all due Reverence and Respect be given by all the Subjects, to the Archbishops and Bishops of the Church, and that they have all Countenance, Assistance and Encouragement, from the Nobility, Gentry and others, in the Discharge of their Office and Service to his Majesty in the Church: And that strict Notice be taken of all and every one who shall presume to reflect or expresse any Disrespect to their Persons, Function or Authority, with which they are invested; which his Majesty requires to be intimate to the whole *Lieges* by Proclamation, discharging all Ecclesiastical Meetings in Synods, Presbyteries or Sessions, until they be authorized and ordered by the Archbishops and Bishops, upon their Entry unto the Government of their respective Sees, which is to be done speedily: Therefore, in obedience of, and conform to his Majesty's Royal Pleasure and Command, have ordained, and by these Presents ordain the *Lyon* King at Armes, and his Brethren Heralds, Pursevants, and Messengers at Arms, to pass to the Market-crofs of *Edinburgh*, and there, by open Pro-

clamation, to make Publication of his Majesty's Royal Pleasure foresaid; discharging all Ecclesiastical Meetings in Synods, Presbyteries and Sessions, until they be authorized and ordered by the Archbishops and Bishops, upon their entering unto the Government of their respective Sees, as said is; and to require all his Majesty's Subjects of whatsoever Rank, Quality or Degree they be, to give all due Reverence and Respect unto the Archbishops and Bishops; and that all the Nobility, Gentry and Burroughs, Sheriffs of Shires, Stewards of Stewartries, Bailies of Regalities, Magistrates of Burghs, Justices of Peace, and other publick Ministers, within their respective Bounds and Jurisdictions, at all Times, give all Countenance, Assistance and Encouragement to them, in the Discharge of their Office and Service to his Majesty in the Church: With Certification, that if any shall presume to reflect, or express any Disrespect to their Persons, Function, or Authority with which they are invested, they shall be severely and exemplarily punished, according to the Nature and Quality of their Offence. And ordain these Presents to be printed, and published at the Market-cross of *Edinburgh*, as said is, and other Places needful, that none may pretend Ignorance.

PET. WEDDERBURN, Cl. Sec. Concilii.

God save the King.

Address to Parliament from the Presbytery of Kirkcudbright. N^o. XXVI. B.

‘ **A**lthough we have no Desire to appear in publick View, but incline rather to weep in secret, and pour out our Complaints and Supplications in *Zion's* behalf, before the Lord, who sees the Afflictions of his People, and hears their Cry; yet having this happy Opportunity of your Honours being assembled in this present Parliament, under his most excellent Majesty our dear and dread Sovereign, (the Fruits of whose fatherly Care and gracious Inclination to relieve the oppressed, and refresh the wearied, conveyed to us by your Honours Endeavours, we hopefully expect to taste of) we should be unfaithful to God and his Cause, undutiful to our Sovereign, cruel to our selves, and to the present and following Generations, if we should let the present Occasion slip by in deep Silence, not making so much as a Mint to grope out our Grievances before your Honours, who in the Lord's Providence seem to be brought together for such a Time as this, that Enlargement may arise by you, as noble and worthy Instruments, unto the People and Work of God.

‘ We shall forbear to mention the Height that the glorious *Work of Reformation* had attained to in this Kirk, both in our Forefathers Time, and especially in our own, in this Land. All Monuments of Idolatry, all Superfluity of pompous Ceremony, all Superiority of lordly Prelacy, Root and Branch, being cut off and removed; the pure Worship of God in Word and Sacraments, the pure Government of his House was restored, according to the Pattern shewed in the Mount, and solemnly engaged unto: Then were we a *Crown of Glory in the Hand of the Lord, and a royal Diadem in the Hand of our God*; then the Lord accompanied his Word in the Mouth of his faithful Servants, with such Power and Life in converting, comforting, and confirming Souls, that it was indeed the Power of God unto Salvation, and backed it with such Power and Authority against Sin, that by it the Works of the Devil were destroyed, and *Satan* fell like Lightning, Profanity was dashed, and *Atheists* changed either in Heart, or at least in Countenance; Popery, with all Error and Heresie, so curbed, that it durst not set up its Head. Those are so notour that to insist upon them were to trouble your Honours by a Recital of Things, which are so manifestly known that our Adversaries themselves cannot deny them; or if they should, many of your Honours, being eminently instrumental in the late glorious Reformation, and Eye-witnesses of the blessed Effects thereof, which increased daily until obstructed by the unlawful Invasion of the perfidious Usurper, whose Feet the Lord made to slide in due Time, could put them to Shame and Silence.

‘ And tho' we did give real Demonstrations of our loyal Affections to his Majesty, during that unjust and rebellious Usurpation, and may, as to this, without Vanity compare and reckon in the Gate with several, who now, pretending much to Loyalty, do restlessly endeavour to fetch, and keep us, with many others of his Majesty's faithful Subjects, under the Lash of the Law, and Discountenance of sacred Authority, as if we were the most disloyal Persons on the Face of the Earth, which the Lord knows, is far from our Thoughts; neither can any justly or rationally gather any such Charge against us from our Actions, we having obtained Mercy, to carry so under the greatest Difficulties, and darkest of Times, as our Heart doth not reproach us, and, we hope, are approved of God who is greater than our Heart; so we are able sufficiently to stop the Mouth of Calumny it self in speaking against us in this Matter. But the Vindication of our selves, however necessary in its own Place, not being our main Intendment, we can easily command our selves Silence, as willing to be repute any Thing, or nothing, for God. We spare to speak upon this Subject; if it were our Things we were to speak for, we should choose to put our Mouths in the Dust, and be altogether silent rather than move a Lip: But considering the Cause we plead for, is the Lord *Jesus Christ's*, which nearly concerns the Souls of his People, and knowing that sinful Silence of the Mouth in such Matters, will make the Conscience within to cry, we crave your Honours Leave and Pardon to pour out our Complaints and humble Desires before you.

‘ After our patient enduring of Trouble, and our faithful and loyal Deportment in relation to his Majesty and his Interest, during the Time of the Usurper's prevailing, and of his Majesty's sad Suffering, we expected, upon his Majesty's Restoration, not only a reviving from our Bondage, but also the promoting and supporting of the *Covenanted Work of Reformation*; and now that it is fallen out otherwise, is the Matter of our Grief, and has been the Occasion of sad Sufferings to many of his Majesty's most faithful and loyal Subjects, in their Consciences, Persons, Names and Estates, while they refused to give active Compliance in such Things as they cannot obtain of their Consciences to come up to: Instead of promoting the Reformation, we have lost all that we formerly attained unto; and the Glory of our Kirk, once beautiful in the Eyes of the Nations, is now turned into Shame, and we are become a Reproach unto our Neighbours round about: The Word was purely and powerfully preached, and followed with a Blessing from the Lord, Discipline was impartially exercised, then the Government of his House did run in the right Channel, and was execute by those to whom God had given that Charge, in Opposition both to *Episcopacy*, *Independency* and *Erasianism*, and the Lord thus feeding his Flock, both with the Staves of *Beauty* and *Bands*, by

by his sent and sealed Servants, the Staves being in tight Hands, the Church of *Christ* in the Land was edified, Holiness was countenanced, Profanity decied, and the Lord rested in his Love among us.

But now the Poor of the Flock that wait upon the Lord, cry out of Soul-starving, and that they are destroyed for Lack of Knowledge. Now Profanity and Dissoluteness lift up the Head, without Shame, without Reproof, and keep the Crown of the Causey. Now Popery spreads in all the Corners of the Land, and Papists not only avow themselves, but talk insolently. Now irrational *Quakers* traffick from Place to Place, and make their Profelytes among the simple and unstable. Now the Wicked are hardened and emboldned in their Sins, and the tender Godly, who will not run with them into the same excess of Riot, reproached, discountenanced and persecuted. Now *Atheism* abounds, and the Generality are become so ignorant of, and indifferent about the Matters of God, and their Soul-concernments, that they are apt to receive the Impress of any Religion, how corrupt soever. And all these Wrath-provoking Evils do flow, as may be evident to all who do not shut their Eyes, from reintroduced Prelacy; for the Prelates having abandoned Discipline, and thrust in and kept in useles, insufficient and scandalous Persons upon the Lord's People, several of whom are not worthy to be Members of a civil Commonwealth, much less to officiate in the House of God; from hence it is that Profanity, as from a foul Puddle, does flow through the whole Land.

For those Things our Souls mourn, and for Remedy thereof we make this Application to your Honours, humbly beseeching your Lordships, that as you respect the Glory of God, the Flourishing of *Christ's* Kingdom in the Land, the Safety of immortal Souls, the adorning of his Majesty's Crown, the Quiet of the Persons of his Majesty's loving and loyal Subjects, your own endless Praise, and flourishing of your honourable Families, the Comfort of many oppressed Ministers and groining Congregations within the Kingdom; and that as you respect your own Comfort and Peace in the great Day of your Accounts, you would grant a favourable Answer to our most just, reasonable, and in order to the remedying of the forementioned Evils, necessary Desires.

And 1st. We humbly beg, That by your Honours timeous Intercession at his Majesty's Hands (and the Lord grant you Favour in the Presence of the King) and by your own Authority and Power, this poor Kirk and Kingdom lying in her Tears, Grief, and Fear, may be delivered from the burdensom Yoke of Prelacy, a Yoke which neither we nor our Fathers were able to bear, a Plant which our heavenly Father hath not planted, and which never took, even from the Reformation hitherto, with this Kirk and Kingdom as its kindly Soil, but has still been the Occasion and Cause of many grievous Evils, as Experience of old, of late, and at this present, does abundantly witness. 2^{dly}. We humbly beg, that the pure Government of the Church, by Sessions, Presbyteries, Synods, and General Assemblies, may be restored, and suffered without all Encroachments to reside in right Hands, and all former Acts of Parliament in favours of the same be revived and ratified for its Establishment; that the Courts of *Christ*, thus countenanced by the Civil Authority, may be in case to purge this Church from scandalous Ministers and Members. 3^{dly}. That all Ministers removed from their Charges, be restored to their Places and Functions, to feed the Flock of *Christ*, purchased by his own Blood, that the Banished be called Home, and that his Gracious Majesty would lay aside his Displeasure conceived against others of his Majesty's faithful and loving Subjects. 4^{thly}. That your Lordships would take an effectual Way for removing the useles, insufficient, and scandalous Persons, that have been thrust in, and kept in upon the Lord's People, to their great Grief, and the starving of their Souls. 5^{thly}. That a sufficient Defence be provided by your Lordships, against all Novations in Doctrine, Sacraments, Worship and Discipline, and that no Act pass in prejudice of our Religion, as reformed in all these, or in Corroboration of new Opinions against the same, whether Episcopacy, Ceremonies, or any Thing else which should be rejected and not ratified. 6^{thly}. That all former Acts of Parliament, against Cursing, Swearing, and fearful Blasphemy of God's Name, profaning the Lord's Day, Drinking, Whoring, and other abominable Sins, universally abounding in the Land, and against Popery and Popish Emisaries, by whose means it so much spreadeth every where, be revived, and put in due and ready Execution.

Thus, earnestly praying God to bless your Honours, with the Spirit of righteous Judgment in the Fear of the Lord, and to direct and enable you to do that which may be right in his Sight, profitable and refreshing to this poor languishing Kirk, comfortable to your own Souls in the Day of your Appearance before the Judgment-seat of our Lord *Jesus Christ*, and to bless and preserve his Majesty's Royal Person, and to establish his Throne in Righteousness, to endure as long as Sun and Moon run in their Courses, and to bless your Honours with sincere Zeal for God, true Loyalty to his Majesty, and endless Glory with *Christ* for ever, we expect your Lordships favourable and refreshing Answer.

Act for the Restitution and Re-establishment of the ancient Government of the Church, by Archbishops and Bishops. N^o. XXVII.

FORasmuch as the Ordering and Disposal of the external Government and Policy of the Church, doth properly belong unto his Majesty, as an inherent Right of the Crown, by virtue of his Royal Prerogative and Supremacy in Causes Ecclesiastical; and in Discharge of this Trust, his Majesty, and his Estates of Parliament, taking to their serious Consideration, that in the Beginning of, and by the late Rebellion within this Kingdom, in the Year 1637. the ancient and sacred Order of Bishops was cast off, their Persons and Rights were injured and overturned, and a seeming Parity among the Clergy factiously and violently brought in, to the great Disturbance of the publick Peace, the Reproach of the Reformed Religion, and Violation of the excellent Laws of the Realm, for preserving an orderly Subordination in the Church: And therewithal considering, what Disorders and Exorbitances have been in the Church, what Encroachments upon the Prerogative and Rights of the Crown, what Usurpations upon the Authority of Parliaments, and what Prejudice the Liberty of the Subject hath suffered, by the Invasions made upon the Bishops and Episcopal Government, which they find to be the Church-government most agreeable to the Word of God, most convenient and

effectual for the Preservation of Truth, Order and Unity, and most suitable to Monarchy, and the Peace and Quiet of the State: Therefore his Majesty, with Advice and Consent of his Estates of Parliament, hath thought it necessary, and accordingly doth hereby redintegrate the State of Bishops to their ancient Places and undoubted Privileges in Parliament, and to all their other accustomed Dignities, Privileges and Jurisdictions, and doth hereby restore them to the Exercise of their Episcopal Function, Precedence in the Church, Power of Ordination, Inflicting of Censures, and all other Acts of Church-discipline, which they are to perform with Advice and Assistance of such of the Clergy as they shall find to be of known Loyalty and Prudence. And his Majesty, with Advice foresaid, doth revive, ratifie and renew all Acts of any former Parliaments, made for the Establishment, and in favours of this ancient Government, and doth ratifie and approve all Acts and Proclamations emitted by his Majesty or his privy Council, since the First Day of June last, in order to the Restitution of Bishops. And further, it is hereby declared, that whatever shall be determined by his Majesty, with Advice of the Archbishops and Bishops, and such of the Clergy as shall be nominated by his Majesty, in the external Government and Policy of the Church (the same consisting with the standing Laws of the Kingdom) shall be valid and effectual. And his Majesty, considering how necessary it is, that all Doubts or Scruples, which from former Acts or Practices may occur to any concerning this sacred Order, be cleared and removed, doth therefore, of certain Knowledge, and with Advice foresaid, rescind, cass and anul all Acts of Parliament, by which the sole and only Power and Jurisdiction within this Church, doth stand in the Church, and in the General, Provincial and Presbyterial Assemblies, and Kirk-sessions, and all Acts of Parliament or Council which may be interpreted to have given any Church-power, Jurisdiction or Government, to the Office-bearers of the Church, their respective Meetings, other than that which acknowledgeth a Dependence upon, and Subordination to the sovereign Power of the King, as Supreme, and which is to be regulated and authorized, in the Exercise thereof, by the Archbishops and Bishops who are to put Order to all Ecclesiastical Matters and Causes, and to be accountable to his Majesty for their Administrations. And particularly, his Majesty, with Advice foresaid, doth rescind and anul the First Act of the Twelfth Parliament of King James VI. holden in the Year 1592. and declares the same, and all the Heads, Clauses and Articles thereof, void and null, in all Time coming. And his Majesty considering, that the Jurisdiction of the Commissariots is a proper Part of the Rights and Privileges belonging to the Bishops, doth therefore, with Advice foresaid, restore the Archbishops and Bishops to their said Jurisdiction of Commissariots, according to the Sixth Act of the Parliament 1609. which is hereby ratified and renewed: And accordingly ordains, that in all Time coming the Quotes of Testaments be paid in to the Archbishops and Bishops, in their respective Dioceses, as formerly; and rescinds and anuls the Twenty eighth Act of the last Session of this present Parliament, anent the Quotes of Testaments, and declares the same void in all Time coming. It is always hereby declared, that this Act is without Prejudice of the present Commissaries, their Clerks and Fiscals, their enjoying their Places and Benefits thereof, conform to their Gifts and Laws of this Kingdom; unless, for their Insufficiency or Misdemeanours they be found incapable of the same. Further, his Majesty, with Advice and Consent foresaid, statutes and ordains, That no Act, Gift, Tack or Deed, passed by whatsoever Authority, since the Interruption of the Government by Archbishops and Bishops, in the Year 1637. to the Prejudice of their Rights, Patronages, Admiralties, Superiorities, Rents, Possessions and Jurisdictions pertaining to the several Bishopricks, stand valid or be in Force: But that the said Archbishops and Bishops may have their Claim, Right and Possession for the Year 1661. and all Years following, to whatsoever was posselt by, or by the Laws of the Kingdom was due to their Predecessors in anno 1637. and that notwithstanding of any Donation or Rights made to Colleges, Churches, Corporations, Ministers, or any other Persons, since the Year 1637. by whatsoever Order, Deed or Warrant, excepting as is afore said, in favours of Commissaries, Clerks and Fiscals. And whereas, divers Persons having Right to Lands, Annualrents, or some other Estate holden formerly of Bishops, or who had succeeded, or acquired Rights to the said Lands, and others of the Nature and Holding foresaid, have been forced, during the late Troubles, there being no other Way or Superior for the Time, to obtain themselves, in feft therein, holden of his Majesty or his Royal Father, or of their Donators having Right for the Time; and to that effect did take Precepts out of the Chancery, and to pass Infeftments under the Great Seal, and to obtain Precepts and Charters from the said other Persons who had Right to their Superiorities for the Time; and his Majesty being graciously pleased, that such Rights and Infeftments as, for the Time, were necessary and of course taken and past in Manner foresaid, should not be prejudged: Therefore it is statute and declared, That all Persons, who, since the Beginning of the Troubles in the Year 1638. are entred or in feft by his Majesty or his Royal Father, by the pretended Authority for the Time, or any other Person having Right from them in any Land or Estate holden immediately of the Bishops before the said Troubles, shall now hold the same of the respective Archbishops and Bishops, their lawful Superiors, in the same Manner as they, their Predecessors and Authors, held the same before the late Troubles. And it is declared, That neither this nor any other Act of the last or present Session of this Parliament, shall prejudice any Retours, Signatures, Charters, Precepts, Infeftments, Sasines of Lands, Annualrents, or any other Estate holden immediately of Bishops, whereby the same are retoured, or Infeftments of the same are taken, to be holden of the King or his Donators, since the Time foresaid, upon Retours, Resignations, Comprisings, Adjudications, or by way of Confirmation, or Precepts of *clare constat*, or otherways: Which Infeftments being orderly past, as they ought to have been for the Time, with the Retours, Signatures and other Warrants of the same, his Majesty, with Consent foresaid, doth ratifie and approve, and declares to be valid Rights, as if the same had been granted or renewed by the said Archbishops or Bishops. It is always declared, that the Declaration and Ratification foresaid, shall not be extended to any new Gift or Grant, or any other Clause or Right contained in the said Infeftments or Signatures, or other Warrants of the same, whereby any new Gift or original Right of the said Lands and others are given, or the Right of the same is granted or conveyed otherways than conform to the Rights and Infeftments thereof, before the Time afore said. Likeas it is declared, That the said Ratification and Declaration foresaid, shall not corroborate or import any Ratification to the said Vassals, their former Rights, which are to be in the same Case as they were in the Beginning of the said Troubles, in the Year foresaid; in regard it is his Majesty's Intention: Likeas it is declared by his Majesty, with Consent foresaid, That the Archbishops and Bishops shall be, as to their Patrimony and Rents, in the same Case and Condition as they were in the Year foresaid, notwithstanding of whatsoever Acts of the pretended Parliaments

since the Time foresaid, to the contrar: And notwithstanding of whatsoever Rights, Grants or Deeds flowing from, or depending upon, or done or granted by virtue of any Act or Acts of the said pretended Parliaments, which his Majesty, with Consent foresaid, doth declare, decern and determine to be void and null, except in so far as is reserved and ratified in Manner abovewritten. It is hereby declared, That this Act of Restitution shall give no Right to any of the said Archbishops or Bishops, or their Successors, nor to the Heirs or Executors of the deceased Bishops, of any Rents belonging to the Archbishopricks or Bishopricks, preceeding the Year 1661. after the said Year 1638. but that all the said Rents intromitted with by, and pertaining to such Persons as had Right thereto for the Time, and wherewith they have or might have intromitted, shall be secured to them. As also, all such Persons who, *bona fide*, have made Payment of their Feu-duties, Tiends and Tiend-duties, and others, Rents of their Bishopricks, are and shall be also secured for Bygones allenarly, free of any Action or Question, notwithstanding of this present Act, or any Thing therein contained.

Act 114. Parl. 12. James VI. 1592. Ratifying the Liberty of the True Kirk, &c. N^o. XXVIII.

Our Sovereign Lord, and Estates of this present Parliament, following the loveable and good Example of their Predecessors, has ratified and approved, and by the Tenor of this present Act ratifies and approves all Liberties, Privileges, and Immunities, and Freedoms whatsoever, given and granted by his Highness, his Regents in his Name, or any of his Predecessors, to the true and holy Kirk, presently established within this Realm, and declared in the first Act of his Highness's Parliament, the Twentieth Day of October, the Year of God 1579. and all and whatsoever Acts of Parliament, and Statutes made of before by his Highness and his Regents, anent the Liberty and Freedom of the said Kirk: And specially the first Act of the Parliament holden at Edinburgh the Twenty fourth Day of October, the Year of God 1581. with the haill particular Acts there mentioned: Which shall be as sufficient as if the same were here expressed, and all other Acts of Parliament made sensine in Favour of the true Kirk: And sikklike ratifies and approves the general Assemblies appointed by the said Kirk, and declares that it shall be lawful to the Kirk and Ministers, every Year at the least, and oftner *pro venata*, as Occasion and Necessity shall require, to hold and keep General Assemblies, providing that the King's Majesty, or his Commissioners with them to be appointed by his Highness, be present at ilk General Assembly before the dissolving thereof, nominate and appoint Time and Place when and where the next General Assembly shall be holden; and in case neither his Majesty nor his said Commissioners be present for the Time in that Town where the said General Assembly beis holden; then and in that Case it shall be leifom to the said General Assembly by themselves to nominate and appoint Time and Place where the next General Assembly of the Kirk shall be kept and holden, as they have been in Use to do thir Times past. And also ratifies and approves the Synodal and Provincial Assemblies to be holden by the said Kirk and Ministers twice ilk Year, as they have been and are presently in Use to do, within every Province in this Realm: And ratifies and approves the Presbyteries and particular Sessions appointed by the said Kirk, with the haill Jurisdiction and Discipline of the same Kirk, agreed upon by his Majesty, in Conference had by his Highness, with certain of the Ministers convened to that Effect: Of the which Articles the Tenor follows. Matters to be entreated in provincial Assemblies. Thir Assemblies are constitute for weighty Matters, necessary to be entreated by mutual Consent and Assistance of Brethren within the Province, as Need requires. This Assembly has Power to handle, order and redress all Things omitted or done amiss in the particular Assemblies: It has Power to depose the Office-bearers of that Province, for good and just Cause deserving Deprivation: And generally thir Assemblies have the haill Power of the particular Elderships whereof they are collected. Matters to be entreated in the Presbyteries. The Power of the Presbyteries is to give diligent Labours in the Bounds committed to their Charge: That the Kirks be kept in good Order; to enquire diligently of naughty ungodly Persons, and to travel to bring them in the Way again by Admonition, or Threatning of God's Judgments, or by Correction. It appertains to the Eldership, to take heed that the Word of God be purely preached within their Bounds; the Sacraments richly ministred, the Discipline entertained, and Ecclesiastical Goods uncorruptly distributed. It belongs to this Kind of Assemblies, to cause the Ordinances made by the Assemblies, Provincials, Nationals and Generals, to be kept and put in Execution; to make Constitutions which concern *τὸ πρῶτον* in the Kirk, for decent Order in the particular Kirk where they govern, providing that they alter no Rules made by the Provincial or General Assemblies; and that they make the Provincial Assemblies foresaid privy of the Rules that they shall make; and to abolish Constitutions tending to the Hurt of the same. It has Power to excommunicate the Obstinate, formal Procefs being led, and due Interval of Times observed. Anent particular Kirks, if they be lawfully ruled by sufficient Ministry and Session, they have Power and Jurisdiction in their own Congregation in Matters Ecclesiastical. And decerns and declares the said Assemblies, Presbyteries and Sessions, Jurisdiction and Discipline thereof foresaid, to be in all Times coming most just, good and godly in the self, notwithstanding of whatsoever Statutes, Acts, Canon, Civil, or Municipal Laws made in the contrar; to the which and every one of them thir Presents shall make exprefs Derogation. And because there are divers Acts of Parliament made in favour of the Papistical Kirk, tending to the Prejudice of the Liberty of the true Kirk of God, presently professed within this Realm, Jurisdiction and Discipline thereof, which stand yet in the Books of the Acts of Parliament not abrogated nor annulled, therefore his Highness, and Estates foresaid, has abrogated, called and annulled, and by the Tenor hereof abrogates, calls and annuls all Acts of Parliament made by any of his Highness's Predecessors for Maintenance of Superstition and Idolatry, with all and whatsoever Acts, Laws and Statutes made at any Time before the Day and Date hereof, against the Liberty of the true Kirk, Jurisdiction and Discipline thereof, as the same is used and exercised within this Realm.

And in special, that Part of the Act of Parliament holden at *Stirling* the Fourth Day of November, the Year of God 1443. commanding Obedience to be given to *Eugenius* the Pope for the Time; the Act made by King *James III.* in his Parliament holden at *Edinburgh* the 24th Day of February, the Year of God 1480. and all other Acts whereby the Pope's Authority is established: The Act of King *James III.* in his Parliament holden at *Edinburgh* the 20th Day of November, the Year of God 1469. anent the *Saturday* and other *Vigils* to be Holy-days, from Even-song to Even-song.

Item. That part of the Act, made by the Queen Regent, in the Parliament holden at *Edinburgh*, the first Day of February, the Year of God 1551. giving special Licence for holding the Pasch and Yule. *Item.* The King's Majesty and Estates foresaid declare, That the 129th Act of the Parliament, holden at *Edinburgh* the 22^d Day of May 1584. shall no ways be prejudicial, nor derogate any Thing to the Privilege that God has given to the spiritual Office-bearers in the Kirk, concerning Heads of Religion, Matters of Heresie, Excommunication, Collation, or Deprivation of Ministers, or any siklike essential Censures, specially grounded and having Warrant of the Word of God. *Item.* Our Sovereign Lord and Estates of Parliament foresaid, abrogate, cass and annul the Act of the same Parliament, holden at *Edinburgh* the said Year 1584. granting Commission to Bishops and other Judges, constitute in Ecclesiastical Causes, to receive his Highness's Presentations to Benefices; to give Collation thereupon, and to put Order in all Causes Ecclesiastical, which his Majesty and Estates foresaid declare to be expired in the self, and to be null in Time coming, and of none Avail, Force nor Effect: And therefore, ordain all Presentations to Benefices, to be direct to the particular Presbyteries in all Time coming, with full Power to give Collation thereupon; and to put Order to all Matters and Causes Ecclesiastical within their Bounds, according to the Discipline of the Kirk: Providing the foresaid Presbyteries be bound and affricted to receive and admit whatsoever qualified Minister, presented by his Majesty, or laick Patrons.

Act for Preservation of his Majesty's Person, Authority and Government. N^o. XXIX.

THE Estates of Parliament, taking into their Consideration the Miseries, Confusions, Bondage and Oppressions this Kingdom hath groined under, since the Year 1637. with the Causes and Occasions thereof, do with all humble Duty and Thankfulness acknowledge his Majesty's unparalleled Grace and Goodness, in passing by the many Milcarriages of his Subjects, and restoring the Church and State to their ancient Liberties, Freedom, Rights and Possessions; and the great Obligations thereby lying upon them to express all possible Care and Zeal in the Preservation of his Majesty's Person, (in whose Honour and Happiness consisteth the Good and Welfare of his People) and in the Security and Establishment of his Royal Authority and Government, against all such wicked Attempts and Practices for the Time to come. And since the Rise and Progress of the late Troubles, did, in a great Measure, proceed from some treasonable and seditious Positions infused into the People, That it was lawful to Subjects, for Reformation, to enter into Covenants and Leagues, or to take up Arms against the King, or those commissioned by him, and suchlike: And that many wild and rebellious Courses were taken and practised in pursuance thereof, by unlawful Meetings and Gatherings of the People by mutinous and tumultuary Petitions, by insolent and seditious Protestations against his Majesty's Royal and just Commands, by entering into unlawful Oaths and Covenants, by usurping the Name and Power of Council-tables and Church-judicatories, after they were by his Majesty discharged, by treasonable Declarations, that his Majesty was not to be admitted to the Exercise of his Royal Power, until he should grant their unjust Desires, and approve their wicked Practices, by rebellious Rising in Arms against his Majesty, and such as had Commission from him; and by the great Countenance, Allowance and Encouragement given to these pernicious Courses by the Multitude of seditious Sermons, Libels and Discourses, preached, printed, and published, in Defence thereof. And considering, that as the present Age is not fully freed of those Distempers, so Posterity may be apt to relapse therein, if timeous Remedy be not provided: Therefore the King's Majesty and Estates of Parliament do declare, that these Positions, That it is lawful to Subjects, upon Pretence of Reformation, or other Pretence whatsoever, to enter into Leagues and Covenants, or to take up Arms against the King; or that it is lawful to Subjects, pretending his Majesty's Authority, to take up Arms against his Person or those commissioned by him, or to suspend him from the Exercise of his Royal Government, or to put Limitations upon their due Obedience and Allegiance, are rebellious and treasonable; and that all these Gatherings, Convocations, Petitions, Protestations, and erecting, and keeping of Council-tables, that were used in the Beginning, and for carrying on of the late Troubles, were unlawful and seditious: And particularly, that these Oaths, whereof the one was commonly called, *The National Covenant*, (as it was sworn and explained in the Year 1638. and thereafter) and the other entituled, *A Solemn League and Covenant*, were and are in themselves unlawful Oaths, and were taken by, and imposed upon the Subjects of this Kingdom, against the fundamental Laws and Liberties of the same; and that there lieth no Obligation upon any of the Subjects from the said Oaths, or either of them, to endeavour any Change or Alteration of Government either in Church or State; and therefore anul all Acts and Constitutions, Ecclesiastical or Civil, approving the said pretended *National Covenant*, or *League and Covenant*, or making any Interpretations of the same or either of them. And also it is hereby declared by his Majesty and Estates of Parliament, That the pretended Assembly, kept at *Glasgow* in the Year 1638. was in it self (after the same was by his Majesty discharged, under the Pain of Treason) an unlawful and seditious Meeting; and that all Acts, Deeds, Sentences, Orders or Decrees past therein, or by virtue of any pretended Authority from the same, were in themselves from the Beginning, are now, and in all Time coming, to be reputed unlawful, void and null: And that all Ratifications or Confirmations of the same, past by whatsoever Authority, or in whatsoever Meetings, shall from henceforth be void and null. Likeas, his Majesty and Estates of Parliament, reflecting on the sad Consequences of these rebellious Courses, and being careful to prevent the like for the future, have therefore statute and ordained, and by these Presents statute and ordain, That if any Person or Persons shall hereafter plot, contrive or intend Death or Destruction to the King's Majesty, or any bodily Harm tending to Death or Destruction, or any Restraint upon his Royal Person, or to deprive, depose or suspend him from the Stile, Honour and Kingly Name of the Imperial Crown of this Realm, or any others his Majesty's Dominions, or to suspend

suspend him from the Exercise of his Royal Government, or to levy War or take up Arms against his Majesty or any commissioned by him, or shall entice any Strangers or others, to invade any of his Majesty's Dominions, and shall, by Writing, Printing, Preaching, or other malicious and advised Speaking, express or declare such their treasonable Intentions, every such Person or Persons, being upon sufficient Probation legally convicted thereof, shall be deemed, declared and adjudged Traitors, and shall suffer Forfeiture of Life, Honour, Lands and Goods, as in Cases of high Treason. And further, it is by his Majesty and Estates of Parliament declared, statute and enacted, That if any Person or Persons shall, by Writing, Printing, Praying, Preaching, Libelling, Remonstrating, or by any malicious and advised Speaking, express, publish or declare any Words or Sentences, to stir up the People to the Hatred or Dislike of his Majesty's Royal Prerogative and Supremacy in Causes Ecclesiastick, or of the Government of the Church by Archbishops and Bishops, as it is now settled by Law; or to justify any of the Deeds, Actings, Practices, or Things abovementioned, and declared against by this present Act, that every such Person or Persons so offending, and being, as said is, legally convicted thereof, are hereby declared incapable to enjoy or exercise any Place or Employment, Civil, Ecclesiastical, or Military, within this Church and Kingdom, and shall be liable to such further Pains as are due by the Law in such Cases: Provided always, that no Person be processed for any of the Offences aforesaid, contained in this Act, (other than these that are declared to be high Treason) unless it be by Order from his Majesty, or by Order of his Privy Council for the Time; neither shall they incur any of the Penalties abovementioned, unless they be pursued within Eight Months after the Offence committed, and sentenced thereupon within four Months after the intenting of the Process. And it is also declared, That if his Majesty grant his Pardon to any Person convicted for any of the Offences contained in this present Act, after such Pardon, the Party pardoned shall be restored to all Intents and Purposes, as if he had never been pursued nor convicted; any Thing in this Act to the contrary notwithstanding.

Act concerning such Benefices and Stipends as have been possessed without Presentations from the lawful Patrons. 1662. N^o. XXX.

THE King's most excellent Majesty being desirous, that all his good Subjects may be sensible of the happy Effects and Fruits of the Royal Government, by a free, peaceable and safe Enjoyment of their due Interests and Properties under his Protection; and that in his Restoration they may find themselves restored to these Rights which by Law were secured unto them, and by the Violence and Injustice of these late Troubles and Confusions have been wrested from them: And considering, that notwithstanding the Right of Patronages be duly settled and established by the ancient and fundamental Laws and Constitutions of this Kingdom; yet, divers Ministers in this Church have, and do possess Benefices and Stipends in their respective Cures, without any Right or Presentation to the same from the Patrons: And it being therefore most just, that the lawful and undoubted Patrons of Kirks, be restored to the Possession of the Rights of their respective Advocations, Donations and Patronages; therefore, his Majesty, with Advice and Consent of his Estates of Parliament, doth statute and ordain, that all these Ministers who entred to the Cure of any Parish in Burgh or Land within this Kingdom, in or since the Year 1649. (at and before which Time the Patrons were most injuriously dispossessed of their Patronages) have no Right unto, nor shall receive, uplift nor possess the Rents of any Benefice, modified Stipend, Manse or Glebe for this present Crop, 1662. nor any Year following, but their Places, Benefices and Kirks are, *ipso jure*, vacant. Yet, his Majesty, to evidence his Willingness to pass by and cover the Miscarriages of his People, doth, with Advice foresaid, declare, that this Act shall not be prejudicial to any of these Ministers in what they have possessed, or is due to them, since their Admission: And that every such Minister who shall obtain a Presentation from the lawful Patron, and have Collation from the Bishop of the Diocese where he liveth, betwixt and the 20th of September next to come, shall from thenceforth have Right to, and enjoy his Church, Benefice, Manse and Glebe, as fully and freely as if he had been lawfully presented and admitted thereto at his first Entry, or as any other Minister within the Kingdom doth or may do. And for that end, it is hereby ordained, That the respective Patrons shall give Presentations to all the present Incumbents, who in due Time shall make Application to them for the same. And in case any of these Churches shall not be thus duly provided before the said 20th of September, then the Patron shall have Freedom to present another betwixt and the 20th Day of March 1663. Which if he shall refuse or neglect, the Presentation shall then fall to the Bishop, *jure devoluto*, according to former Laws. And suchlike his Majesty, with Advice foresaid, doth statute and ordain the Archbishops and Bishops, to have the Power of new Admission and Collation, to all such Churches and Benefices as belong to their respective Sees, and which have vaiked since the Year 1637. and to be careful to plant and provide these their own Kirks conform to this Act.

Act concerning Masters of Universities, Ministers, &c. 1662. N^o. XXXI.

THE King's most excellent Majesty, according to the laudable Example of his Royal Progenitors in former Parliaments, doth, with Advice and Consent of his Estates convened in this present Parliament, ratify and approve all and whatsoever Acts and Statutes, heretofore made, concerning the Liberty and Freedom of the true Church of God, and the Religion now professed and established within this Kingdom: And considering how necessary it is for the Advancement of Religion and Learning, for the Good of the Church, and Peace of the Kingdom, that the Universities and Colleges be provided and served with Professors, Principal, Regents and Masters well affected to his Majesty, and the established Government in Church and State; his Majesty, with Advice foresaid, doth statute, ordain and enact, That from this Time forth, no

Masters, Principal, Regents, nor other Professors in Universities or Colleges within this Kingdom, be admitted, nor allowed to continue in the Exercise of any Function within the same, but such as are of a pious, loyal and peaceable Conversation, submitting to, and owning the Government of the Church by Archbishops and Bishops, now settled by Law; and who having given Satisfaction therein to the Bishops of the respective Dioceses, and Patrons, and having in their Presence, taken the Oath of Allegiance, shall procure their Attestation of the same; that is to say, the Professors and other Masters of the Universities of *St. Andrews, Glasgow and Aberdeen*, to have the Approbation and Attestation of the Archbishops and Bishops, who are the respective Chancellors of the said Universities; and the Professors and other Masters of the *New-town College in Aberdeen*, and College of *Edinburgh*, to have the Approbation of the respective Patrons, the Earl of *Marshall*, and Magistrates of *Edinburgh* and *Aberdeen*, and an Attestation and Certificate under the Hand of the Bishops of *Edinburgh* and *Aberdeen*, respectively, that they have taken the Oath of Allegiance, and that they are Persons who submit to, and own the Church-government as now settled by Law. Likeas, his Majesty, finding it necessary for the Peace and Quiet of the Church, that the Ministers be such as will acknowledge and comply with the present Government of the same, doth therefore, with Advice foresaid, statute and enact, That whatsoever Minister shall, without a lawful Excuse, to be admitted by his Ordinary, absent himself from the Visitations of the Diocese, which are to be performed by the Bishop, or some of the Ministers to be appointed by him, or from the diocesan Assembly; or who shall not, according to his Duty, concur therein, or who shall not give their Assistance in all the Acts of Church-discipline, as they shall be required thereunto by the Archbishop or Bishop of the Diocese, every such Minister so offending shall, for the first Fault, be suspended from his Office and Benefice till the next diocesan Meeting; and if he amend not, shall be deprived, and the Church and Benefice to be provided as the Law alloweth in other Cases of Vacancies. And his Majesty considering, that under the pretext of religious Exercises, divers unlawful Meetings and Conventicles (the Nurseries of Sedition) have been kept in private Families, hath thought fit, with Advice foresaid, hereby to declare, That as he doth and will give all due Encouragement to the Worship of God in Families, amongst the Persons of the Family, and others who shall be occasionally there for the Time, so he doth hereby discharge all private Meetings or Conventicles in Houses, which under the pretence of, or for religious Exercises, may tend to the Prejudice of the publick Worship of God in the Churches, or to the alienating of the People from their lawful Pastors, and that Duty and Obedience they owe to Church and State. And it is hereby ordained, That none be hereafter permitted to preach in publick, or in Families, within any Diocese, or teach any publick School, or to be Pedagogues to the Children of Persons of Quality, without the Licence of the Ordinary of the Diocese.

Act concerning the Declaration, to be signed by all Persons in publick Trust. N^o. XXXII.

Forasmuch as it hath pleased almighty God, in his Majesty's Restitution to his Royal Government, to restore this Kingdom to its ancient Liberties and Peace, and to deliver his Majesty's good Subjects from these Miseries and Bondage whereby they have been oppressed during these Troubles; and the Estates of Parliament, finding themselves obliged, in a due Resentment of this Mercy, and in discharge of that Duty they owe to God, to the King's Majesty, to the publick Peace of the Kingdom, and the Good of his Subjects, to use all Means for the due Preservation of that Peace and Happiness they now enjoy under his Royal Government; and to prevent and suppress every Thing that may tend to the renewing or favouring of these Courses, by which the late Rebellion hath been fomented and carried on; and conceiving that the employing of Persons of sound Principles and entire Loyalty, in all Offices of Trust, and Places of publick Administration, will conduce much to these Ends: Therefore, and for quieting the Spirits of his Majesty's good Subjects, and begetting a Confidence in them of their Security for the future, his Majesty hath thought fit, with Advice and Consent of his Estates of Parliament, to statute, ordain and enact; likeas his Majesty by these Presents, doth, with Advice foresaid, statute, ordain, and enact, That all such Persons as shall hereafter be called or admitted to any publick Trust or Office, under his Majesty's Government within this Kingdom; that is to say, to be Officers of State, Members of Parliament, Privy Counsellors, Lords of Session, Commissioners in Exchequer, Members of the College of Justice, Sheriffs, Stewards or Commissaries, their Deputies and Clerks, Magistrates and Council of Burroughs, Justices of Peace and their Clerks, or any other publick Charge, Office and Trust within this Kingdom; shall, at and before their Admission to the Exercise of such Places or Offices, publickly, in Face of the respective Courts they relate to, subscribe the Declaration underwritten: And that they shall have no Right to their said Offices or Benefits thereof, until they subscribe the same, as said is; but that every such Person who shall offer to enter and exercise any such Office, before he subscribe the Declaration, is to be reputed and punished as an Usurper of his Majesty's Authority, and the Place to be disposed to another. Likeas his Majesty doth, with Advice foresaid, remit to his Commissioner, to take such Course as he shall think fit, how these who are presently in Office may subscribe the said Declaration. And it is hereby declared, that this Act is without Prejudice of any former Acts, for taking the Oath of Allegiance, and asserting the Royal Prerogative.

I Do sincerely affirm and declare, that I judge it unlawful to Subjects, upon pretence of Reformation or other pretence whatsoever, to enter into Leagues and Covenants, or to take up Arms against the King, or those commissioned by him; and that all these Gatherings, Convocations, Petitions, Protestations, and erecting and keeping of Council-tables, that were used in the Beginning, and for carrying on of the late Troubles, were unlawful and seditious: And particularly, that these Oaths, whereof the one was commonly called, The National Covenant, (as it was sworn and explained in the Year 1638. and thereafter) and the other, entituled, A Solemn League and Covenant, were and are in themselves unlawful Oaths, and were taken by, and imposed upon the Subjects of this Kingdom, against the fundamental Laws and Liberties of the same. And that there lieth no Obligation upon me, or any of the Subjects, from the said Oaths, or either of them, to endeavour any Change or Alteration of the Government, either in Church or State, as it is now established by the Laws of the Kingdom.

List of Fines imposed by Middleton, in Parliament, 1662. N^o. XXXIII.

		L.	s.	d.
Edin- burgh Shire.	E arl of Lothian fined in	6000	-	-
	Lord Borthwick in	2400	-	-
	Lord Balmerinoch in	6000	-	-
	Mr. John Inglis of Craigmund in	6000	-	-
	Mr. James Scot of Bonnytown in	1200	-	-
	Mr. Laurence Scot of Paisly in	2400	-	-
	Thomas Craig of Rickartoun in	2400	-	-
	Sir John Scot of Scotstarbet in	6000	-	-
	Walter Young Merchant in Edinburgh in	1200	-	-
	Robert Hamilton elder Merchant there in	1000	-	-
	James Mason Merchant there in	800	-	-
	Alexander Brand Merchant there in	6000	-	-
	Mr. John Harper Advocate in	2400	-	-
	Henry Hope Merchant in Edinburgh in	3600	-	-
	Mr. James Ritchie there in	1200	-	-
	Hugh Wat in Leith in	1600	-	-
	James Dalgleish late Collector of vacant Stipends in	1200	-	-
	Mr. Robert Dalgleish of Lauristoun in	3600	-	-
	Robert Campbell Apothecary in	600	-	-
	William Blackwood Merchant in Edinburgh in	1200	-	-
	Sir James Stuart of Kirkfield in	6000	-	-
	George Graham Merchant in Edinburgh in	600	-	-
	Thomas Lawry Merchant there in	600	-	-
	James Melvil there in	1800	-	-
	William Melvil Merchant there in	3600	-	-
	Adam Musket there in	1200	-	-
	Mr. John Elies Advocate there in	2400	-	-
	Mr. William Hogg Advocate there in	1800	-	-
	John Macklary there in	360	-	-
	James Bruce Merchant there in	600	-	-
	James Melrofs there in	600	-	-
	George Blackwood there in	360	-	-
	William Hamilton Writer in Edinburgh in	1200	-	-
	James Graham Merchant in Edinburgh in	600	-	-
	William Rae Vintner there in	600	-	-
	John Lamb Merchant there in	720	-	-
	John Bonnar of Bonnaroun in	1200	-	-
	James Wilson Vintner in Edinburgh in	360	-	-
	Laird Dodds in	2400	-	-
	John Lawry in Loganhouse in	360	-	-
	Robert Selkirk Merchant in Edinburgh in	360	-	-
	William Anderson Merchant there in	600	-	-
	Robert Jack Merchant there in	360	-	-
	Robert Fowles Merchant there in	1200	-	-
	Robert Simpson Vintner there in	600	-	-
	Robert Lockhart Merchant there in	2400	-	-
	Patrick Crichton Merchant there in	1200	-	-
	John Crawford Merchant there in	600	-	-
	Alexander Henderson Merchant there in	500	-	-
	Joseph Brody Brother to the Lord Brody in	600	-	-
	Captain William Barnatyne in	600	-	-
Hadding- toun Shire.	Patrick Temple in Lintounbridges in	300	-	-
	Hepburn of Bennistoun in	1200	-	-
	Robert Auchison of Saintserf in	3000	-	-
	Mr. Robert Hodge of Glaidsmuir in	600	-	-
Peebles Shire.	The Laird of Palm in	600	-	-
	William Russel of Slipperfield in	600	-	-
	Douglas of Lintoun in	360	-	-
	Cranston of Glen in	800	-	-
	John Horseburgh Bailie of Peebles in	360	-	-
	Mr. Andrew Hay Brother to Mr. John Hay of Haystoun in	600	-	-
	Joseph Learmont in	1200	-	-
Berwick Shire.	Sir William Scot of Hardin in	18000	-	-
	John Home in the Law in	600	-	-

		L.	s.	d.
	John Ker of Westnisbet in	3000	-	-
	Walter Pringle of Greenknow in	3000	-	-
	John Erskine Portioner of Dryburgh in	600	-	-
	Thomas Haliburton of Newmains in	600	-	-
	Robert Brown of Blackburn in	600	-	-
	William Craw of Heughhead in	5000	-	-
	Mr. Mark Ker of Morningstoun in	600	-	-
	Andrew Gray Portioner of Swinewood in	600	-	-
	Patrick Wardlaw Portioner of Wester-easter in	1200	-	-
	John Hunter of Colingslie in	600	-	-
	Abraham Home of Kennet-sidehead in	360	-	-
	William Somerwel in Hiltoun in	600	-	-
	Robert Brownfield of Todrig in	360	-	-
	Patrick Gillespy in Stemprenzeze in	600	-	-
Selkirk Shire.	George Currier of Fondoun in	1800	-	-
	Pringle of Torwoodlie in	3000	-	-
	Laird of Whytebank Younger in	600	-	-
	Pringle of Newhal in	600	-	-
	James Eliot in Sutherlandhall in	600	-	-
	William Scot of Tushelaw in	600	-	-
	Robert Scot of Brownhall in	1800	-	-
	Andrew Scot of Broadmedows in	1800	-	-
	John Scot of Gilmensteugh in	1000	-	-
	Andrew Eliot of Phillip in	1200	-	-
	Thomas Scot of Todrig in	360	-	-
	Thomas Scot Bailie of Selkirk in	600	-	-
	Archibald Eliot of Middlesteed in	2400	-	-
Lanerk Shire.	James Scot of Gallowshiels in	2400	-	-
	Sir Daniel Carmichael in	1200	-	-
	Sir James Carmichael in	1200	-	-
	Hamilton of Halcraig in	600	-	-
	William Lawrie of Blackwood in	1200	-	-
	Moor of Arnistoun in	600	-	-
	William Hamilton of Netherfield in	360	-	-
	James Cuninghame of Bonnitoun in	360	-	-
	John Weir of Newtown in	600	-	-
	John Weir of Clowburn in	1200	-	-
	William Brown of Dolphinstoun in	360	-	-
	John Hamilton Chamberlain of Hamiltoun in	360	-	-
	George Weir of Harwood in	1000	-	-
	James Hamilton of Neisland in	1200	-	-
	Mr. John Spreul late Clerk of Glasgow in	1000	-	-
	John Graham late Provost of Glasgow in	360	-	-
	Mr. William Brown of Milridge in	600	-	-
	Andrew Hamilton of Overtoun in	360	-	-
	James Alexander in Overhil of Drips in	360	-	-
	Thomas Petticrew in the Barony of Glasgow in	9000	-	-
	Bailie of Walfstoun in	600	-	-
	Matthew Wilson Tanner in Glasgow in	360	-	-
	Thomas Paterson there in	600	-	-
	John Johnstoun there in	1800	-	-
	Laird of Auchterfardel in	600	-	-
	William Chiesly in Douglas in	600	-	-
	Andrew Brown Brother to the Laird of Dolphinstoun in	600	-	-
	Michael Somerwel Bailie of Lanerk in	360	-	-
	Ellon there in	360	-	-
	Alexander Tennent in Lanerk in	360	-	-
	Gabriel Hamilton in Lanerk in	1800	-	-
	Mr. Andrew Ker in	1000	-	-
	Gabriel Hamilton of Westburn in	360	-	-
	Alexander Wilson in Lanerk in	360	-	-
	John Nimmo in the Westfort of Glasgow in	360	-	-
	James Elphinstoun Glaswright there in	2400	-	-
	Sir John Chiesly in	360	-	-
	John Small in Kilbride in	600	-	-
	Mr. Cumming in Glasgow in	360	-	-
	William Cortes Merchant there in	600	-	-
	John Kirkland of Kardonar in	360	-	-
	Matthew Fleming in Kilbride in	600	-	-
	Captain Hutchison in Carstairs in	360	-	-
	John Powder in Stobberlie in	360	-	-
	James Gray Merchant in Glasgow in	360	-	-

	L.	s.	d.
Tesair of Harecleugh in	2400	-	-
David Gardner of Bonsmat in	480	-	-
David Somerwel of Grange in	600	-	-
John Menzies of Harperfield in	1000	-	-
Cleland of Honhoblia or Hinnoble in	600	-	-
James Bailie of Todboles in	360	-	-
John Pirry Chamberlain of Mansley in	360	-	-
Claud Hamilton of Barin in	1200	-	-
Richard Maitland in Park of Mansley in	300	-	-
Prentice of Thorn in	300	-	-
James Paterson in Inditshire in	300	-	-
Archibald Ing. in	240	-	-
James Haslie in Sandyford in	360	-	-
John Kid in Overtoun in	300	-	-
John Forest in Thriepwood in	300	-	-
John Skouler in Law of Mansley in	240	-	-
George Gilbertson in Broadwood in	240	-	-
Hugh Roxburgh in Muirhouse of Libbertoun in	240	-	-
Gladstones of Overshiels in	360	-	-
William Barram Portioner of Nisbat in	480	-	-
Walter Carmichael in Grangehall in	600	-	-
Patrick Nimmo Portioner of Quashiel in	480	-	-
Johnstoun of Newbigging in	240	-	-
James Brown in Carstairs in	240	-	-
James Logan in Strafrank in	240	-	-
James Murray in Hartiham in	240	-	-
John Whyte of Caldyske in	360	-	-
James Bailie in Thankertoun in	240	-	-
George Whyte Brother to the said John of Caldyske in	240	-	-
George Porterfield late Provost of Glasgow in	3000	-	-
Gideon Jack in Lanerk in	1000	-	-
Hamilton of Southfield in	360	-	-
Hamilton of Hiffon in	240	-	-
John Brown younger of Draphan in	360	-	-
Hamilton of Aikenhead in	600	-	-
Thomas Stevens in Lesmahago in	240	-	-
John Stevens there in	240	-	-
Thomas Macquary there in	360	-	-
David Hamilton younger in South-cumberland in	360	-	-
in Calderwater in	300	-	-
Hamilton in Bothwellbridge in	360	-	-
Archibald Hamilton in Causeyhead of Netbertoun in	240	-	-
John Hamilton in Stonehal in	360	-	-
David Somerwel in the Green of Balveth in	360	-	-
Thomas Carmichael in Newbigging in	240	-	-
Thomas Gibson in Cothquhan in	360	-	-
John Kello there in	240	-	-
John Braid in Kilhead of Covington in	600	-	-
Robert Logan in Hintsfield of Carnwath in	240	-	-
William Bruce of Skellietoun, elder and younger, betwixt them equally, in	600	-	-
James Bruce of Kilback of Lesmahago in	240	-	-
John Pillan in Lanerk in	240	-	-
James Gray in Ferviswood in	600	-	-
Simpson in Lanerk in	240	-	-
John Fisher in Lanerk in	240	-	-
Thomas Hutton in Hamilton in	1000	-	-
George Tain in the Parish of Monkland in	240	-	-
John Hamilton of Lesmahago in	240	-	-
John Hamilton of Priorhil in	300	-	-
Thomas Stiel in Skelliehil in	300	-	-
Lieutenant Lindsay in	600	-	-
Wardrop of Daldowie in	600	-	-
Mr. William Somerwel in Douglas in	1800	-	-
Robin in Sheeney in	400	-	-
Dumfries Shire.	1000	-	-
Mr. William Fergusson of Killoch in	300	-	-
William Wilson of Lard in	1000	-	-
John Douglas of Stonehouse in	300	-	-
John Wells of Colliestoun in	1200	-	-
John Scot younger in Katsbar in	240	-	-
John Macchurney Portioner of Leggat in	240	-	-
John Maitland Glover in	240	-	-
John Short Glover in Dumfries in	240	-	-
James Moffat Merchant there in	300	-	-

		L.	s.	d.
James Kalling Glover there in		300	-	-
Robert Wallace Merchant there in		600	-	-
James Muirhead Merchant there in		1000	-	-
John Williamson Merchant there in		240	-	-
Abraham Dickson Merchant there in		240	-	-
James Grierson of Dogmare in		360	-	-
John Kirkwel of Bogrie in		360	-	-
John Kirkwel of Sandewal in		600	-	-
James Hunter in Townhead in		1000	-	-
William Bell in Albey in		1000	-	-
George Bell in Gotsbridge in		600	-	-
James Clark of Tilloch in		480	-	-
John Clerk of Killymie in		240	-	-
John Craig in Dumfries in		1200	-	-
Andrew Johnston of Lockarbie in		600	-	-
Patrick Murray of Brockhulrig in		600	-	-
Taggit in Dumfries Shire in		240	-	-
William Macmarran in Kilbin in		360	-	-
John Euet in Dumfries in		360	-	-
John Gilchrist there in		360	-	-
John Copland there in		3600	-	-
John Lawrie of Maxwellstoun in		720	-	-
John Kennedy of Hellies in		600	-	-
John Oslencroch in		1200	-	-
William Eliot of Birks in		1200	-	-
Robert Eliot his Brother in		1800	-	-
Adam Eliot of Etgel in		1800	-	-
William Eliot called of Unthank in		600	-	-
Gavin Eliot of Waterside in		600	-	-
John Bell of Crowdiknow in		360	-	-
Murray of Murraystat in		1000	-	-
Thomas Glaidstones in		1200	-	-
Roxburgh Shire.		2000	-	-
The Sheriff Depute in		1200	-	-
John Turnbull of Know		1800	-	-
Robert Flemmit of Chetters in		1200	-	-
The Laird of Langhouse in		1200	-	-
Robert Pringle of Elieftoun in		1200	-	-
William Ker of Swinfield in		360	-	-
Mr. Gilbert Eliot of Craigen in		360	-	-
Andrew Bell of Mow in		360	-	-
Robert Handside Merchant in Kelfo in.		1200	-	-
Scot of Clashell in		1200	-	-
William Scot of Husleyhil in		6600	-	-
Sir Walter Riddel of that ilk in		600	-	-
William Ker of Newtown in		4800	-	-
Sir Gideon Scot of Heychester in		600	-	-
Scot of Gandilands in		300	-	-
Robert Scot of Broadhaugh in.		2400	-	-
Gideon Wauchop Brother to the Laird of in		600	-	-
Robert Ker of Midlemaswal in		360	-	-
John Ker of Chester in		360	-	-
Thomas Ker Portioner of Home in		6000	-	-
Sir Thomas Ker of Carvers in		3000	-	-
Patrick Scot of Thirlestone in		1200	-	-
Samuel Morison of Massendieu in		3600	-	-
Sir Archibald Douglas of Carvers in		600	-	-
Fife Shire.		13333	6	8
George Gairns in Burntisland in		1000	-	-
Lord Burleigh in		1800	-	-
Weems of Belfarge in		1200	-	-
Sir Thomas Nairn of Samsford in		1200	-	-
Thomas Oliphant of Kirkbarn in		600	-	-
John Moncrief of Crossel in		600	-	-
John Brown of Burntisland in		1200	-	-
Thomas Glover late Collector in Fife in		3000	-	-
Colonel Brymer in		2400	-	-
Macgill of Rankeilior in		1200	-	-
The Laird of Aytoun in Fife in		1200	-	-
Robert Bailie late Chamberlain in Falkland in		600	-	-
Robert Whyte in Kirkaldy in		1200	-	-
Weems of Fenzies in		1200	-	-
Hamilton of Grangemuir in				

		L.	s.	d.
	John Lindsay in Anstruther in	240	-	-
	Thomas Mitchel of Kcondan in	1200	-	-
	Laird of Leuchart in	1200	-	-
	William Hamilton of Anstruther in	360	-	-
	John Whyte in Burntisland in	1200	-	-
	Robert Andrew late Collector in Perth Shire in	2400	-	-
	Mr. Robert Pittulloch in	1800	-	-
	Mr. Robert Preston of Prestoun in	1200	-	-
	Robert Dempster in Ballbongie in	1800	-	-
Dumbar- ton Shire.	Colin Campbel of Ardenteny in	1200	-	-
	Patrick Ewing in Dumbarton in	600	-	-
	Brown of Bangleugh in	1200	-	-
Inverness Ross, and Cromarty.	Monro of Fowlis in	3600	-	-
	Ross of Innercharran in	1200	-	-
	John Forbes of Culloden in	1200	-	-
	Andrew M'culloch Burgefs of Tain in	1200	-	-
	Laird of Strue in	1200	-	-
	Belledrum in	600	-	-
	Donald Fowler of Allen in	2400	-	-
	Malcom Ross of Kindies in	600	-	-
	Gilbert Robstoun in Inverness in	2400	-	-
	Hugh Monro Collector there in	1200	-	-
	David Ross of Pitcanmay in	720	-	-
	Hector Douglas of Mildarg in	2400	-	-
	Monro of Culcairn in	360	-	-
	Malcom Tosh of Kylachie in	360	-	-
	Thomas Chevis of Muirtoun in	1800	-	-
	Alexander Dunbar Burgefs of Inverness in	3600	-	-
	James Fowler Burgefs there in	600	-	-
	George Lesty Clerk of Inverness in	600	-	-
	Mr. William Ross of Sandwick in	600	-	-
	Duncan Forbes Merchant there in	1200	-	-
	Walter Innes of Innerbrachy in	2400	-	-
	Macpherson Tutor of Clunie in	600	-	-
	Macpherson Tutor of Inverness in	600	-	-
	Cumming of Kinhardie in	360	-	-
	Macintosh of Cornage in	3600	-	-
	Mackenzie of Killcourie in	6000	-	-
	William Duff Collector of the Excise of Inverness in	1800	-	-
Elgin and Nairn.	Sir Lodowick Gordon of that Ilk in	3600	-	-
	Alexander Brodie of that Ilk in	4800	-	-
	Patrick Campbel of Buth in	600	-	-
	Brodie of Lethem in	6000	-	-
	Brodie of Lethem younger in	1200	-	-
	Hay Tutor of Knockudie in	360	-	-
	Hugh Hay Tutor of Park in	1200	-	-
	Francis Broddies elder and younger of Belmont in	3000	-	-
	Laird of Grant in	18000	-	-
	Campbel of Calder in	12000	-	-
	Colonel Innes of Bog in	1200	-	-
	Mr. John Campbel of Mey in	600	-	-
	Patrick Nairn of Alchrose in	1200	-	-
	Park Hay in the North in	2400	-	-
	John Innes of Culraick in	1000	-	-
	Robert Stuart of Letherin in	360	-	-
	Alexander Anderson of Garmoch in	1200	-	-
	John Tulloch in Nairn in	600	-	-
	John Falconar of Tulloch in	1200	-	-
	Alexander Dunbar Commissar of Murray in	1200	-	-
	David Brodie of Pitgairn in	1200	-	-
Sheriff- dom of Aber.	Mr. Robert Barclay Burgefs of Irwin in	1200	-	-
	Laird of Cuninghamehead in	4800	-	-
	Fullarton of Corsbie in	2000	-	-
	Sir Hugh Campbel of Cefnock in	8000	-	-
	The Laird of Rowallan in	4000	-	-
	The Laird of Crawfordlane in	1200	-	-
	Hunter of Hunterstoun in	600	-	-
	John Reid late Provost of Irwin in	600	-	-
	James Campbel of Newmills in	600	-	-
	John Schaw of Sornbeg in	1200	-	-

	L.	s.	d.
John Haldane of Entreckin in	1800	-	-
Alexander Crawford of Skeldoun in	1000	-	-
William Hamilton of Garriue in	360	-	-
John Ferguson Bailie of Air in	1200	-	-
The Laird of Pinkel elder in	4800	-	-
The Laird of Pinkel younger in	1200	-	-
Gruntishaw in	240	-	-
The Laird of Kirkmichael in	4000	-	-
Eccles of Kildonnan in	400	-	-
Kennedy of Dannare in	600	-	-
Gilbert Rickart of Barskimming in	1800	-	-
Robert Kelfo of Kelfoland in	800	-	-
Thomas Blair Merchant in Air in	800	-	-
Kennedy of Kirkbill in	360	-	-
Caldwel of that Ilk in	600	-	-
Mr. Cuthbert Cunningham in	1200	-	-
Patrick Crawford of Cumnock in	2000	-	-
Whitford of Balloch in	4000	-	-
Alan Dunlop Provost of Irwine in	360	-	-
Charles Hall in Newmills in	360	-	-
Crawford of Smiddieshaw in	600	-	-
Reid younger of Ballochmill in	600	-	-
Boyd of Pitoun in	1200	-	-
Campbel of Shaw in	600	-	-
Kennedy of Bellmuir in	360	-	-
William Pedin in Air in	600	-	-
James Wallace of Drummalloch in	600	-	-
George Crawford in Broch in	360	-	-
John Frow in Newmills in	360	-	-
Robert Nisbet in little Cefnock in	600	-	-
Reid of Dandilling in	600	-	-
Mitchel of Dalgen in	600	-	-
Nisbet of Greidholm in	360	-	-
John McCulloch in Rue in	360	-	-
John M-Hutchison there in	360	-	-
of Drochballan in	600	-	-
of Dalreoch in	360	-	-
Brown of Walwood in	480	-	-
Campbel of Harecleugh in	480	-	-
Campbel of Glasnock elder in	600	-	-
Campbel younger of Auchmannoch in	360	-	-
Aird of Milnoun in	600	-	-
Brown of Gordons in	360	-	-
Campbel of middle Walwood in	1200	-	-
Robert Wallace of Carnhil in	1000	-	-
Campbel of Shaw in	480	-	-
Kennedy of Bellmuir in	360	-	-
James Gordon Chamberlain to the Earl of Cassils in	600	-	-
Douglas of Carrallow in	360	-	-
Alexander Kennedy of Mynyhole in	600	-	-
Kennedy of Knockdoun in	300	-	-
John Kennedy his Brother in	1000	-	-
John Ferguson of Millander in	600	-	-
Thomas Ferguson of Finage in	600	-	-
Hugh Ferguson of Mains in	600	-	-
Andrew Ross of Travier in	600	-	-
James Hunter in Carbtoun in	600	-	-
Kennedy of Glenmuir	200	-	-
Adam Wright in Dalmellingtoun in	360	-	-
John Schaw in Belloch in	360	-	-
Robert Wallace in Holmstoun in	360	-	-
David Kennedy of Barchlanachan in	360	-	-
Thomas Kennedy of Grange in	600	-	-
John Schaw of Niminsboun in	600	-	-
John Macmirry in	360	-	-
Schaw of Keir in	1200	-	-
Mr. Robert Auld of Hill in	1200	-	-
of Knockdall in	1200	-	-
Earl of Lowdoun in			
Donald Macneil of Kilmore in	360	-	-
Neil Macneil of Kilmore in	360	-	-
Ninian Spence of Westerkemby in	1200	-	-
James Stuart of Kilquhandy in	360	-	-

		L.	s.	d.
Aberdeen Shire.	The Laird of Echt in	3600	-	-
	Master of Forbes in	3600	-	-
	William Forbes of Corsendey in	1200	-	-
	Forbes of Knockquharry in	300	-	-
	Arbuthnot of Cairngal in	1000	-	-
	Thomas Forbes of Auchortes in	600	-	-
	Arthur Forbes of Innernochty in	1000	-	-
	Gilbert Skene of Dyte in	2400	-	-
	Sir John Baird Advocate in	2400	-	-
	Walter Cochran in Aberdeen in	3600	-	-
	Alexander Harper there in	600	-	-
	Mr. Alexander Burnet fr. Craigniel in	2400	-	-
	Forbes of Culquharry in	600	-	-
	Robert Ker of Meny in	3600	-	-
	David Tyrie in Strathbogy in.	600	-	-
	John Innes of Culrain in	1200	-	-
	Henry Paton in	600	-	-
	Sangter in Aberdeen in	600	-	-
	Charles Din Litster there in	600	-	-
	Mr. Robert Burnet of Alberedge in	600	-	-
	Forbes of Bastayd in	1800	-	-
	Forbes of Gask in	1800	-	-
	David Rickart of Auchnacant in	3600	-	-
	George Cruikshank of Barribil in	1800	-	-
	Patrick Muir Bailie of Aberdeen in	1800	-	-
	Burnet of Adors in	1800	-	-
	William Allardyce in Aberdeen in	1000	-	-
	Thomas Cushny Glas-wright there in	1800	-	-
	Robert Cruikshank of Elrick in	1000	-	-
	Andrew Goodale in in	300	-	-
	Mr. Alexander Farquhar of Tonley in	1200	-	-
	John Ross Merchant in Aberdeen in	1200	-	-
	George Piper there in	600	-	-
	Tutor of Pittligo in	6000	-	-
	Alexander Jaffray of Kingswells in	2400	-	-
	Mr. William Moir late Principal of the Earl Marshal's College in Aberdeen in	2400	-	-
Kincardine Shire.	Mr. William Beaton in	1200	-	-
	of Halgreen elder in	2400	-	-
	Andrew Arbuthnot of Fiddes in	1800	-	-
Caithness Shire.	Robert Innes of Thurstoun in	600	-	-
	James Sinclair of Assery in	600	-	-
	William Bailie in	600	-	-
Sutherland Shire.	Robert Gray of Skibo in	1200	-	-
	Robert Murray of Pulrofs in	1000	-	-
	Patrick Dunbar of Siddery in	1000	-	-
	Robert Gray of Arbo in	4800	-	-
	Gray of Creigh in	2400	-	-
	John Sutherland in Clyne in	1000	-	-
Linlithgow Shire.	Sandilands Tutor of Calder in	1200	-	-
	Dundas of Duddistoun in	2000	-	-
	Major Whythead in	600	-	-
	John Gillen in	600	-	-
	John Clexam of Coulland in	1200	-	-
	Robert Cuthbertson in Linlithgow in	360	-	-
	Galloway of Todhaugh in	600	-	-
	Patrick Liston in	600	-	-
	John Mill in Queensferry in	300	-	-
	John Wardrop in Livingstoun in	300	-	-
	Gavin Marshal in Linlithgow in	600	-	-
	Muirhead of Lennox in	4000	-	-
	Patrick Young in Killiekanty in	1200	-	-
	George Drummond of Kartemy in	3600	-	-
	Walter Stuart in Linlithgow in	1200	-	-
	John Crawford Son to umquhile William Crawford in Kinneil in	2400	-	-
	Bailie of Bothkenner in	1200	-	-
	John Hill in Queensferry in	600	-	-
	John Robertson Merchant there in	600	-	-
	George Logie there in	600	-	-

		L.	s.	d.
Perth.	Lord Cowpar in	4800	-	-
	Lord Ruthven in	4800	-	-
	Major-general James Holburn in	9600	-	-
	Archibald Stirling of Coldoch in	600	-	-
	James Campbell of Cathwick in	1800	-	-
	William Hutton of Belhusk in	600	-	-
	Robert Stuart of Morloch in	6000	-	-
	Blair of Kinfawns in	2400	-	-
	Oliphant of Gask in	6000	-	-
	Sir David Carmichael of Kilnedie in	2400	-	-
	Major John Moncrief in	1200	-	-
	Hay Leys elder in	600	-	-
	John Campbell of Aberledin in	1000	-	-
	Patrick and John Campbels, equally betwixt them, in	1000	-	-
	Mr. Henry Stuart Brother to Sir Thomas Stuart of Grantully in	600	-	-
	Hugh Craig of Dumberny in	1000	-	-
	Alexander Robertson of Downie in	600	-	-
	Alexander Robertson of Easter Straloch in	1000	-	-
	Sir Thomas Stuart of Grantully in	18000	-	-
	Colonel Menzies in	1800	-	-
	James Campbell of Glenwhigh of Tollerie in	1200	-	-
	Campbel of Mackaster in	1200	-	-
	James Stirling in the Mill of Keir in	300	-	-
	Mackallan of Kilmadock in	300	-	-
	William Oliphant of Forgan in	1200	-	-
	The Baron Schell in	600	-	-
	Mr. William Blackburn in Middleton in	1200	-	-
	Henry Chrytie Chamberlain to the Laird of Glenorchie in	1200	-	-
	James Crichton in Cowpar-grange in	1200	-	-
	Andrew Sutor in Newtyle in	1200	-	-
	Mr. Robert Macgil of Fenzies in	1200	-	-
	John Macallom of Forther in	1800	-	-
	Mr. George Blair of in	2400	-	-
	William Main of Pollockmill in	1200	-	-
Forfar.	The Laird of Edzel in	3000	-	-
	of Balzordie in	600	-	-
	The Laird of Findowie elder and younger, equally betwixt them, in	2400	-	-
	Ogilvie of Balfour in	2400	-	-
	Guthrie of Pirforthie in	600	-	-
	Rait of Cuninglyth in	600	-	-
	James Mill in Mendose in	360	-	-
Bamff.	John Hunter in Glamis in	600	-	-
	James Hay in Mildavid in	1000	-	-
	William Innes of Killermenie in	360	-	-
	Park Gordon elder in	3600	-	-
	Park Gordon younger in	1200	-	-
	John Lyon of Muivesk in	3600	-	-
	John Innes of Knockorth in	300	-	-
Renfrew.	Sir George Maxwell of Nether Pollock in	4000	-	-
	Mr. James Montgomerie of Wexlands in	360	-	-
	of Walkinshaw younger in	360	-	-
	John Kelfo Bailie in Paisly in	600	-	-
	John Spreul Bailie in Paisly in	360	-	-
	John Park Bailie there in	480	-	-
	Mr. Hugh Forbes Sheriff-clerk of Renfrew in	1000	-	-
	Gabriel Thomson in Corsbill in	300	-	-
	Robert Pollock of Milburn in	300	-	-
	John Govan in Main in	300	-	-
	John Farons Portioner in Neilstounside in	360	-	-
	John Norris elder and younger, equally betwixt them, in	360	-	-
	John Temple of Balgreen in	300	-	-
	John Orr of Jaffraystock in	300	-	-
	John Adam in Bonnyfield in	300	-	-
	Barber of Rusbiefield in	300	-	-
	Robert Low of Bavan in	300	-	-
	Caldwel of Risk in	300	-	-
	Caldwel Portioner of Beltrees in	300	-	-
	Barber of Risk in	300	-	-
	John How in Dantoun in	300	-	-
	James Orr in Longyard in	300	-	-
	John Fulton of Spreulstoun in	600	-	-

*Stirling
and
Clack-
mannan
Shires.*

	L.	s.	d.
Thomas Scotland of Dallarbyge in	360	-	-
John Scotland there in	360	-	-
Alexander Fergusson there in	600	-	-
James Stirling of Badirnoch in	1200	-	-
James Boyd of Balmitchel in	600	-	-
Rollock of Bannockburn in	600	-	-
Monteith of Insholm younger in	360	-	-
David Bruce in Alva in	480	-	-
James Forest of Bankhead in	360	-	-
Thomas Buchanan of Boquhan in	360	-	-
Robert Forest of Queenshaugh in	600	-	-
Robert Forest of Rusbiehill in	1800	-	-
Mr. Robert Bruce of Kennet in	360	-	-
John Mitchel in Larber in	480	-	-
David Guidbet of Langlewin in	300	-	-
James Callendar in Falkirk in	300	-	-
David Campbel in	240	-	-
John Simpson in	200	-	-
John Edet in Dalwhastoun in	240	-	-
James Tennent in Dykehead in	240	-	-
John Auld there in	240	-	-
John Wauch there in	240	-	-
John Schaw in Greenhill in	240	-	-
James Eastoun in	240	-	-
John Mounghill in Lennox in	240	-	-
John Lightbody there in	240	-	-
James Pender in Limemill in	240	-	-
Peter Russel in Cowholm in	240	-	-
William Tennent in Burnhead in	240	-	-
Thomas Fleming in Rusbiehill in	240	-	-
George Neil there in	600	-	-
Thomas Russel in Middleridge in	300	-	-
John Russel in Balcastle in	300	-	-
Thomas Taylor in Newhouse in	300	-	-
Andrew Clerkistoun in	400	-	-
John Westoun in Craigend in	600	-	-
Alexander Crawford in Mannelling in	240	-	-
James Grantoun in Morwinside in	240	-	-
John Andrew there in			
Thomas Baird in Balinbreich, William Black, John, Robert and James Eastouns, } William Andrew, Patrick Baird, and William Baird, each of them 15 lib. }	1260	-	-
Sterling, inde is	1000	-	-
Alexander Mill of Skene in	600	-	-
William Row in Bawbeich in	6000	-	-
Lord Rollock in	600	-	-
Thomas Mitchel of Cowdon in	600	-	-
Colonel William Stuart in	600	-	-
Sir Andrew Agnew Sheriff of Galloway in	1800	-	-
Gordon of Grange in	1200	-	-
M'Culloch younger of Ardwall in	2000	-	-
John Catchcart of Gennock in	1000	-	-
Francis Hay of Hareholm in	1200	-	-
Patrick Agnew of Sewchan in	2000	-	-
Patrick Agnew of Whig in	1300	-	-
Gilbert Neilson of Catchcathie	360	-	-
Patrick M'Ghie of Largie in	3600	-	-
William M'Kieffock Collector of Wigtoun Shire in	600	-	-
George Campbel Captain-lieutenant to Sir Robert Adair in	480	-	-
Alexander Kennedy of Gillespie in	600	-	-
James Johnstoun in Strawrawnard in	360	-	-
John Bailie of Litledoneraclet in	360	-	-
Alexander Bailie of Meikletoun in	360	-	-
M'Donald of Crachen in	600	-	-
John M'Dougal of Creefein in	600	-	-
Alexander Agnew of Crach in	600	-	-
Martin M'Ghie of Peningham in	3600	-	-
William M'Kuffock in	360	-	-
Stuart Bailie of Wigtoun in	1200	-	-
Cantrair late Provost of Wigtoun in	360	-	-
William M'Ghie of Magdallen in	400	-	-
Ramsay of Boghouse in	400	-	-
John M'Culloch in Glen in	1000	-	-
Patrick Agnew of Caldnoth in	360	-	-
Thomas Boyd of Kirkland in			

	L.	s.	d.
Alexander Martin in Stramavart in	600	-	-
Patrick Kennedy there in	360	-	-
John Machans Tanner there in	600	-	-
Gilbert Adair there in	360	-	-
David Dunbar of Calden in	4800	-	-
John Gordon Merchant in Stramrawart in	240	-	-
John M'Dougal there in	240	-	-
William M'Culling there in	240	-	-
John Adair of Littlelennock in	600	-	-
Alexander Crawford Tutor of Herymen in	360	-	-
William Gordon of Barnfallie in	360	-	-
John Hanna in Granane in	480	-	-
William M'Dougal in Kilroe in	1000	-	-
Trissel Burgels of Wigtoun in	360	-	-
Adam M'Kie late Provost of Wigtoun in	1000	-	-
Stuart of Fintilloch in	1000	-	-
James Mackirrick in Kirkmaiden in	360	-	-
Michael Malrae in Stonykirk in	600	-	-
James Macnaught in Portpatrick in	360	-	-
Nevin Agnew in Clod-house in	240	-	-
Agnew in Kilconquhar in	240	-	-
John Macmaister in Kirkcum in	360	-	-
John Macguiestoun in the Inch in	360	-	-
Andrew Agnew of Park in	360	-	-
Patrick Hanna in Gask in	360	-	-
Mackinlenie in Darmenew in	300	-	-
Gilbert Macricker in Knockedbay in	360	-	-
John Macilwain in Milboch in	360	-	-
Mackinnen of Glenhill in	360	-	-
Mackinnen of Glenbitten in	360	-	-
Kennedy of Barthangan in	240	-	-
Edward Lawrie in Derward in	240	-	-
Mr. William Clelland in Sheland in	240	-	-
Thomas Macmoran in	360	-	-
John Paterson there in	360	-	-
Mackinnen in Polpindoir in	240	-	-
Major Maculloch of Balhorne in	800	-	-
Robert Kirk of Kildane in	360	-	-
Robert Huison Subcollector in	240	-	-
Alexander Gordon of Knockgray elder and younger in	120	-	-
William Whitehead of Mibhouse in	360	-	-
John Corcadi of Serwick in	1200	-	-
David Arnot in Barnkapel in	360	-	-
Mr William Gordon of Earlstoun in	3500	-	-
John Gordon of Rusco in	2400	-	-
John Turner in Adwell in	360	-	-
Gordon of Traquair in	2400	-	-
John Fullertoun of Carletoun in	1000	-	-
John Macart in Blakit in	600	-	-
John Gordon in Waterside in	600	-	-
Gordon of Ballechfoun in	300	-	-
James Logan of Hills in	1000	-	-
Logan of Bogrie in	480	-	-
Patrick Ewing of Anchescioch in	1000	-	-
John Maxwell of Miltoun in	800	-	-
of Dendeoch in	600	-	-
William Gordon of Midtoun in	240	-	-
Robert Stuart of Mungohill in	1000	-	-
Archibald Stuart of Kilhyreufe in	1000	-	-
John Thomson of Harriedholm in	240	-	-
John Brown of Muirheadstoun in	360	-	-
Brown of Lochill in	360	-	-
Alexander Gordon of Culwening in	600	-	-
John Lindsay of Fadpirth in	600	-	-
John Atkin of Auchinlaw in	360	-	-
William Gordon of Chirmers in	600	-	-
James Chalmers of Waterside in	600	-	-
Heron of Kerrochiltree in	360	-	-
William Gordon of Robertson in	240	-	-
William Corfan there in	240	-	-
John Logan in Edrick in	360	-	-
William Glendoning of Curroch in	600	-	-
William Maculloch of Ardnall in	600	-	-
Robert Maclellan of Bargaatan in	360	-	-

		L.	s.	d.
	Alexander Mackie Merchant in Kirkcudbright in	200	-	-
	Alexander Maclellan Merchant there in	200	-	-
	Alexander Maclellan Maltman there in	280	-	-
	William Telfer in Dunroo in	300	-	-
	Gibson of Brocklelo in	360	-	-
	John Stuart of Shambellie in	600	-	-
	David Gordon of Glenladie in	600	-	-
	Alexander Gordon of Auchincarn in	200	-	-
	Laird Mertine in	240	-	-
	William Gordon of Meniboe in	280	-	-
	John Wilson of Corsock in	600	-	-
	Robert Macculloch of Auchillarie in	240	-	-
	Cornet Alexander M'Ghie of Balgown in	480	-	-
	Edward Cairns of Tore in	240	-	-
	Corfan in Dundrenan in	200	-	-
	James Logan of Boge in	600	-	-
	John M'Michan of Airds in	360	-	-
	John M'Millan of Brackloch in	360	-	-
	John Cannor of Murdochwood in	360	-	-
	Robert Gordon of Grange in	2400	-	-
	John Grierson of in	600	-	-
	Robert Gibson in the Parish of Kells in	360	-	-
	Edward Gordon of Barmart in	480	-	-
	Alexander Cairns of Dullparish in	480	-	-
	James Glendonning of Mochrum in	480	-	-
	James Neilson of Ervie in	360	-	-
	Grierson Son of Bargatan in	600	-	-
	Martin in Dullard in	360	-	-
	William Glendonning of Logan in	360	-	-
	Robert Ga of in	360	-	-
	James Wilson in Creirbrane in	240	-	-
	Alexander Livingstone of Countinspie in	360	-	-
	Robert Corfan in Nether-verick in	360	-	-
	James of Parbereft in	240	-	-
	Patrick Corfan of Cudoe in	600	-	-
	John Harris of Logan in	360	-	-
	Telfer of Harecleugh in	1800	-	-
	James Thomson of Inglistoun in	1000	-	-
	Robert Maclellan of Balnagoun in	240	-	-
	Captain Robert Gordon of Barharro in	240	-	-
	Gordon of Gedgill in	300	-	-
	Bugbie in Comrie in	240	-	-
	Edward Clauchane in Casselzowere in	240	-	-
	John Macgill in Gall in	240	-	-
	John Caman in Guffartlatd in	240	-	-
	John Hamilton in the Muir of Kirkpatrick in	240	-	-
	Thomas Neilson of Knockwharwock in	240	-	-
	William Gordon of Mackartny in	240	-	-
	James Gordon of Killneharie in	240	-	-
	John Welsh of Skair in	240	-	-
	James Smith of Drumlaw in	240	-	-
	Robert Greill in Kinharvie in	240	-	-
	William Maxwell in Northerrait in	600	-	-
Argyle Shire.	George Campbell Tutor of Caddel in	5000	-	-
	Donald Campbell of Skamadell in	600	-	-
	Alexander Campbell of Auchinverum in	400	-	-
	Mr. Donald Campbell of Auchaird in	500	-	-
	Alexander Campbell of Glenverie in	200	-	-
	Malcom M'Compter of Letters in	500	-	-
	James Campbell in	1000	-	-
	Donald M'allaster alias Campbell in	3000	-	-
	John Campbell his Son in	1500	-	-
	John Campbell of Kirkcoun in	200	-	-
	Archibald Campbell Brother to Dunstafing in	200	-	-
	Donald Campbell his Brother in	400	-	-
	Campbell of Ardorane in	300	-	-
	John Campbell of Larg in	500	-	-
	Campbell of Bregburnmore in	300	-	-
	Campbell of Breghubeg in	200	-	-
	John Campbell of Auchinrach in	600	-	-
	Hector Maclean of Torloisk in	4000	-	-
	Neil oy M'Neil of Drumnamnickloch	1000	-	-
	Duncan Macarter of Drumack in	500	-	-

	L.	s.	d.
Duncan Mackarter of Inchstrenick in	1000	-	-
James Campbell Brother to the Tutor of Calder in	400	-	-
Colin Campbell Brother to Dunstaffage in	400	-	-
Donald Campbell of Sonnachan in	300	-	-
Alexander Campbell Captain of Craigneish in	4000	-	-
Donald Campbell of Barbraick in	2666	13	4
Laird of Duntroon in	2666	13	4
John Campbell of Kilmartin in	200	-	-
Neil Mackeller of Letter in	300	-	-
John Campbell of Strondour in	600	-	-
Malcom Mackeller of Deal in	400	-	-
The Captain of Skipnish in	1500	-	-
Archibald Campbell of Glencaridale in	2666	13	4
Duncan Campbell Bailie of Kiltyle in	800	-	-
John Macneil of Ross in	800	-	-
Neil Macneil Tutor of in	200	-	-
Lanchlan Macneil of Ferargoes in	280	-	-
Patrick Campbell of Kilmoir in	3000	-	-
Evan Mackivernock of Obb in	500	-	-
Donald Campbell of Obb in	1200	-	-
Alexander Campbell late Commissar of Argyle in	600	-	-
John Campbell of Dana in	600	-	-
Campbell of Knab in	2000	-	-
Colin Campbell of Glentibbart in	500	-	-
The Laird of Otter in	2000	-	-
Duncan Campbell of Enlane in	1200	-	-
Colin Campbell of Arteneish in	800	-	-
John Campbell Bailie of Glenderule in	300	-	-
John Ger-campbel of Glenderule in	240	-	-
John Mackermaise of Ispanzelaw in	400	-	-
Campbel of Gargathie in	500	-	-
Campbel of Lochzel in	3000	-	-
John Mackarter of Dulllosken in	400	-	-
Summa totalis	1017353	06	08

Act of Council anent Diocesan Meetings. N^o. XXXIV.

At Holyroodhouse, the 10th Day of September, 1662.

THE Lords of his Majesty's Privy Council, having, in pursuance of his Majesty's Royal Pleasure and Commands, by the Proclamation, dated at *Edinburgh* the 9th Day of *January* last bypast, discharged all Ecclesiastical Meetings in Synods, Presbyteries and Church-sessions, until they be authorized and ordered by the Archbishops and Bishops in their respective Sees. And considering, that the Lords Archbishops and Bishops, have, all this Session of Parliament, been engaged to attend the Service thereof, and now are to repair to their respective Sees, for exercising of the Government, and ordering the Affairs of the Church, according to that Authority and Jurisdiction which is settled and established upon them by the Law; and for that effect, have resolved to hold their Diocesan Assemblies in the Dioceses of *St. Andrews, Glasgow, Edinburgh, Dunkeld, Brechin and Dumblain*, upon the second *Tuesday of October* next, and to hold the Assemblies in the Dioceses of *Galloway, Aberdeen, Murray, Ross, Cathness, Isles, Argyle and Orkney*, upon the Third *Tuesday* of the said Month. Therefore, the Lord Commissioner his Grace, and the Lords of his Majesty's Privy Council, do think fit, by open Proclamation, to make Publication hereof to all Persons concerned, and to command and require, that all Persons, Vicars, Ministers in Burgh or Land, within these respective Dioceses, do repair to the said Diocesan Meetings, upon the foresaid Days, and in Time coming, as they shall be required to give their Concurrence in their Stations, for the Exercise of ministerial Duties, for the Order and Peace of the Church: With Certification, That whosoever shall presume not to give their Presence and dutiful Attendance upon these Diocesan Assemblies, and shall not concur in other Church-meetings, as they shall be appointed and authorized by the respective Archbishops and Bishops, shall be holden as Contemners of his Majesty's Authority, and incur the Censures provided in such Cases. And it is hereby always provided, that no Minister or Ministers, upon whatsoever Cause or Pretence, shall presume to keep any Ecclesiastick Meetings, who shall not submit to, and own the Ecclesiastick Government by Archbishops and Bishops; with Certification, that all such Meetings shall be holden henceforth as seditious. And ordain these Presents to be printed, and published at the Market-crosses of the head Burghs of the Shires, that none pretend Ignorance.

PET. WEDDERBURN Cl. Secr. Concilii.

Act of Council. N^o. XXXV.At Edinburgh, the 23^d Day of December 1662.

THe Lords of his Majesty's Privy Council, taking to Consideration the great Happiness this Kingdom doth now enjoy in his Majesty's Restitution, the Church being thereby restored to its ancient and right Government, the Laws to their due Course and Splendor, and the Subjects to the peaceable Possession of their Rights and Properties; and the Administration of all these, tempered with that Moderation, which should justly endear them to all honest and loyal Subjects, but especially to these of the Ministry, who have so largely shared in his Majesty's Grace and Pardon, both as to their publick Actings and their undue possessing of Benefices, many of them having, during these late Troubles, intruded themselves into Churches, Stipends and Benefices, without any Right from the lawful Patrons, and so being liable in Law for their Intromission; yet were, by his Majesty's Favour, indemnified for what they had possest, and the Patrons ordained to give to them new Presentations, and a competent Time allowed for obtaining the same with Collation from the Bishop of the Dioceses thereupon; which being done, they were from thenceforth to enjoy their Churches as freely as any other Ministers within the Kingdom. And albeit such favourable Dealing might have challenged a most cheerful Submission and Obedience from all concerned therein; yet, such was the froward Disposition of some, in slighting of his Majesty's Favour, by not accepting of Presentations, and in contemning his Majesty's Authority, by continuing in the Exercise of their Ministry, that the Council was necessitated by their Act at *Glasgow*, upon the first of *October* last, to discharge all such Ministers from exercising any part of their Ministry, and to charge them to remove themselves and their Families out of their Parishes; and though in order thereunto, the Carriage of divers hath not been suitable to their Duty, yet, the Council being desirous to exercise further Indulgence towards these Men, if possibly they may be reclaimed, have therefore thought fit (being also thereunto solicited by such of the Lords of the Clergy as were upon the Place) to allow a further Time until the first Day of *February* next 1663. betwixt and which they may yet obtain Presentations and Collations, as said is, provided, that such who since the first of *October* are already placed, or may be judged fit to be placed in these Places declared vacant, by Act aforesaid, shall enjoy their Churches and Benefices, any Thing in this Act to the contrary notwithstanding: Certifying always, such as shall fail in obtaining their Presentations and Collations, they are from thenceforth to be esteemed and holden as Persons disaffected to his Majesty's Government: And such of them as are within the Dioceses of *Glasgow*, *Argyle* and *Galloway*, are, conform to the former Act of Council, to remove themselves and their Families forth of the Bounds of their respective Presbyteries, but that they do not offer to stay nor reside within the Bounds either of the Dioceses of *St. Andrews* or *Edinburgh*; and wherever else they shall happen to reside, they are hereby discharged two of them to reside in one Parish: And such within the Dioceses of *St. Andrews* and *Edinburgh* as shall not obtain Presentation and Collation betwixt and the said first Day of *February* next to come, they are from thenceforth to retire themselves, and stay and reside benorth the River of *Tay*; and all of them who shall not give Satisfaction as aforesaid, are hereby discharged from exercising any part of their Ministry in publick or in private, and from keeping any Meetings in Families, upon Pretence of religious Exercises, except in and with their own Families; with Certification, to such as shall contravene any part of this Act, they are to be punished as seditious Persons. And forasmuch, as besides these Persons abovesigned, there be divers Ministers, who, in contempt of his Majesty's Authority and Command, did absent themselves from the Meetings of the Synods whereto they were called by his Majesty's Authority; and the Lords of his Majesty's Privy Council, being desirous to reclaim all of them, have therefore at this Time thought fit, only to confine them within their several Parishes, until the next Meeting of the Synod, discharging them hereby to transgress the Bounds of their Confinement, unless, upon Application to the Bishop of the Diocese, they obtain a Warrant under his Hand for the same. And since the disorderly Carriage of some Ministers hath occasioned, that divers of the People, with whom they have Interest, do withdraw from the Worship of God in their own Parish Churches, to the Dishonour of God, the Contempt of his Ordinances, and the Scandal of the Protestant Religion, for making way for Atheism, Schism and Separation in this Reformed Church, and for alienating of People from their Duty and Obedience to the Authority established therein: Therefore the Council do hereby appoint all his Majesty's Subjects, to frequent the ordinary Meetings of publick Worship in their own Parish Churches; and in case there be no Sermon there, that they go to the next Church where Sermon is, and that otherways they presume not, without lawful Excuse, to stay from their own Parish Church, or go out of their own Parishes on the Sabbath-day: Commanding hereby, all Magistrates within Burgh, and Justices of Peace, to take trial of the Contraveners, and to punish them as Sabbath-breakers, and to exact twenty Shillings *Scots* from each of them, *toties quoties*, to be applied for Relief of the Poor of the Parish. And whereas the Sacrament of the Lord's Supper (which was instituted as a special Mean and Bond of Love and Unity, Duty and Obedience amongst Christians) is, at the Administration thereof in some Places, abused and perverted, by the unlicentiate Confluence of some People, and extravagant Sermons of some Ministers of unquiet and factious Spirits, and made a special Engine to debauch People from their Duty, and lead them to Disobedience, Schism and Rebellion: Therefore, the Lords of his Majesty's Privy Council, in pursuance of the Trust reposed in them, and for preventing of Disorder and Disturbance, do prohibit and discharge every Minister of a Parish, to use or imploy the Assistance of any more Ministers, by Preaching or Administering the holy Communion, save one or two neighbouring Ministers, unless they be licentiate thereunto by the Bishop of the Diocese; and that no Person of another Parish be admitted to the said Person doth reside. And ordain these Presents to be forthwith printed, and published at the Market-crofts of *Edinburgh* and other Places needful, that none may pretend Ignorance.

P. T. WEDDERBURN Cl. Secr. Concilii.

Mr. John Livingstone's Letter to his Parish, 1663. N^o. XXXVI.

To the Flock of Jesus Christ in Ancrum, Light, Life and Love, and the Consolation of the holy Ghost be multiplied.

Wellbeloved in the Lord,

THAT which our Sins, even yours and mine, have been a long Time procuring, and which hath been often threatned, but never well believed, is now come, even a Separation. How long it may continue, it is in the Lord's Hand; but it will be our Part, to search out, and moun for these Sins that have drawn down such a Stroke. It is not needful to look much to Instruments; I have from my Heart forgiven them all, and would wish you to do the like, and pray for them, that it be not laid to their Charge; but let us look to him, without whose Doing there is no Evil in a City, for he hath torn, and he will heal us, he hath smitten, and he will bind us up. Let us neither despise his Chastning, nor faint when we are rebuked of him. It may be, we shall not suddenly find out every Controversy he hath against us, but if there be upright Dealing in such Things as are obvious, and an impartial Dealing, for Discovery of what is hid, he will reveal even that to us. Neither is there any greater Hindrance of Repentance, than a secure desperate Questioning, Whether he will accept of us or not? Christ hath been, and will be in all Ages, a Stone of Stumbling, and Rock of Offence to such as stumble at the Word, and refuse to receive his rich Offer; but to others a Foundation, and a Corner-stone, elect and precious, and he that believeth on him, shall not be confounded. We have reason to believe, that whatever he doth, is only best. *God saw all that he had made, and behold, it was very good.* That Word will hold through to the World's End: For my Part, I bless his Name, I have great Peace in the Matter of my Suffering. I need not repeat, you know my Testimony of the Things in Controversy. Jesus Christ is a King, and only hath Power to appoint the Officers and Government of his House. It is a fearful Thing to violate the Oath of God, and fall into the Hands of a living God. It could not well be expected, but there having been so fair and so general Professions through the Land, the Lord would put Men to it, and it is like it shall come to every Man's Door, that when every one, according to their Inclinations, have acted their Part, and he seems to stand by, he may come at last and act his Part, and vindicate his Glory and Truth: I have often shewed you, that it is the greatest Difficulty under Heaven, to believe that there is a God, and a Life after this, and have often told you, that for my Part, I could never make it a chief Part of my Work to insist upon the particular Debates of the Time, as being assured, that if a Man drink in the Knowledge, and the main Foundations of Christian Religion, and have the Work of God's Spirit in his Heart, to make him walk with God, and make Conscience of his Ways, such an one (except he be giddy with Self-conceit) shall not readily mistake Christ's Quarrel, to joyn either with a profane atheist Party, or any phanatick atheist Party; but the Secret of the Lord will be with them that fear him, and he will shew them his Covenant: And I have thought it not far from a sure Argument, that a Course is not approven of God, when generally all they that are godly, and all profane Men turning penitent scunner at it, and, it may be, cannot tell why, and generally all the profane, at the first Sight, and all that had a Profession of Piety, when they turn loose, embrace it, and, it may be, cannot tell why. There may be Diversity of Judgment, and sometime sharp Debates among them that are going to Heaven, but certainly a Spirit guides the Seed of the Woman, and another Spirit the Seed of the Serpent; and *blessed are they that know their Master's Will, and do it; blessed are they that endure to the End.* Both you and I have great Cause to bless the Lord, howbeit I be the unworthiest of all that ever spake in his Name, yet my Labour amongst you hath not been altogether in vain, but some hath given Evidence of a real Work of the Spirit of Grace upon their Heart and Life, of which Number some are already in Glory, and others wrestling through an evil World, and I trust some, that have not yet given great Evidence of a real Work of the Spirit of God upon their Heart, may have the Seed of God in them, that may in due Time bud forth, at least at their Death. But ah! what shall be said of them, in whom yet an evil Spirit of Drunkenness, of Greed and Falshood, of Malice, of Licentiousness, of wilful Ignorance and Neglect of Prayer, and all the Means of Salvation, is still reigning and raging, who possibly will now be glad that they get loose Reins to run to all Wickedness, yea, may be carried on to open Apostacy and Persecution. These and all of you, I request in the Bowels of our Lord Jesus Christ, yea, I obtest and charge you, in the Name and Authority of him that shall judge the Quick and the Dead, that you turn speedily to the Lord, and make Conscience of Prayer, Morning and Evening, and read, or cause read to you some of his Word, where you will find all Things necessary for Faith and Conversation. It is true, Snares and Temptations are many and strong from Satan, from the World, and from the Mind and Heart within, but Faith in God, and diligent Seeking of him shall overcome them all. Shall not the Care of your immortal Souls go beyond the Love of this Life, or any Thing in this World? Oh! that you would but taste and see the Goodness of the Lord, and take an Essay for a while of sincere Serving of him, and prove him, if he will not open the Windows of Heaven, and pour out a Blessing. Let me obtain this of you, as a Remembrance of all the Labour I have had amongst you, and as an allaying of all my Sufferings. I am put to compence of all the Labour I have had amongst you, and as an allaying of all my Sufferings. I am put to that, after you read this, you will set some Time apart each of you alone, or in your Families, as you have Convenience, to think on these Directions have been formerly given you from the Word of God, and deal earnestly with him, that you may remember and obey them, and engage your Hearts to him, that in his Strength you will walk in his Ways; and if any should stubbornly neglect such a wholesome Counsel, that comes from an earnest Desire of your Salvation, I will be forced to bear witness against you, yea, these Words you now hear read shall bear witness against you in the Day of the Lord, that Light was holden out to you, and you loved Darkness rather than Light; but I desire to hope better Things of you. If the Lord see it good, we may see the Day we may meet again, and bless his Name solemnly, that altho' he was angry, his Anger is turned away; but if not, the good Will of the Lord be done. I think I may say, I could have been well content, altho' it had been with many Discouragements and Straits, to have gone on and served you all, as I could, in the Gospel of Jesus Christ; but the Prerogative Royal of Jesus Christ, and the Peace of a Man's own Conscience, are not to be violated on any Consideration, neither hath there been a Blessing

Blessing on ought that is done against these. I was very desirous, and used Means, that I might have come and seen you, and at least, in a private Way, bidden you Farewell, ere I had gone, but wise Providence hath otherwise ordered it, yet howsoever, I carry your Names alongst with me in my Book, yea, shall carry them in my Heart whithersoever I go, and begs your mutual Prayers for me, that I may be kept faithful, and fruitful, and blameless even to the End, and that, if it be his Will, I may be restored to you. In the mean time, love and help one another. Have a Care to breed your Children to know the Lord, and to keep themselves from the Pollutions of an evil World. I recommend to you above all Books (except the blessed Word of God) the Confession of Faith and larger Catechism. Be grounding your selves and one another, against the Abominations of Popery, in case it should prove the Trial of the Time, as I apprehend it may. Let a Care be had of the Poor and Sick; there is left as much in an ordinary Way, as will suffice for Meat and Money, a Year and more. I cannot insist on the several Particulars, wherein possibly you would crave Advice: The Word is a Lamp, and the Spirit of Christ will guide into all Truth. The Light that comes of the unfeigned Humiliation, and Self-denial, and earnest Prayer, and Search of the Scriptures, is a sure Light. I know that my Word and Writ is of small Value; yet I could not forbear, but, in a few Words, salute you before I went. And now, dearly beloved and longed for, farewell. The Lord of all Grace, who hath called us unto his eternal Glory by Jesus Christ, after you have suffered a while, make you perfect, stablish, settle, strengthen you. To him be Glory and Dominion for ever and ever. Amen.

By your loving Servant and Pastor in the Lord,

JOHN LIVINGSTONE

Leith, April 3d, 1663.

A Roll of Ministers who were Nonconformists to Prelacy, and were banished, turned out from their Parishes, or confined; with some Account of those who conformed not to Prelacy.

Those marked with R. were alive at the Revolution. Those marked with G. were outed by the Act of Council at Glasgow, 1672. Those marked with C. were confined to their Parishes. Those marked with P. were outed by particular Sentences of Parliament or Council; and those marked with S. were outed by the diocesan Synod.

I. Synod of Lothian and Tweddale.

1. Presbytery of Edinburgh.

Mrs.

Robert Douglas of Edinburgh P.
Robert Trail of Edinburgh, banished.
John Smith of Edinburgh P.
Thomas Garvan of Edinburgh P.
James Hamilton of Edinburgh P.
George Hutchison of Edinburgh P.
John Stirling of Edinburgh P.
David Dickson Professor of Theology P.
David Williamson of West Kirk G. R.
Alexander Hutchison of Canongate,
John Hog of South Leith,
James Knox of North Leith,
William Dalgleish of Cramond,
Robert Hunter of Corstorphin,
John Charters of Curry,
Mr. William Tweedy,
Mr. William Thomson,
Mr. Thomas Crawford,
Mr. John Hume,
Conformists,
Mrs. Robert Leighton Principal of the College,
Robert Lawrie of Edinburgh,
James Nairn of Canongate.

2. Presbytery of Linlithgow.

Mrs.

William Weir of Linlithgow R.
Gilbert Hall of Kirkliston P.
Alexander Hamilton of Dalmenie R.
John Primrose of Queensberry,
Robert Sreedman of Carriden R.
William Crichton of Bathgate R.
Patrick Shiels of West Calder,
Hugh Kennedy of Mid-Calder R.
William Wishart of Kinnoul R.
Robert Row,
Robert Sempie.

Conformists,

Mrs. James Ramsay of Linlithgow,
Patrick Schaw,
John Wauch.

3. Presb. of Biggar.

Mrs.

Alexander Livingstone of Biggar P.
Anthony Murray of Coulter,
James Donaldson of Dolphington,
Patrick Anderson of Walslow R.
James Bruce,
Archibald Porteous,
Alexander Barton,
John Rae,
John Crawford,
William Dickson,
Mr. John Greg of Skirling,
Mr. Robert Brown.

4. Presb. of Peebles.

Mrs.

Robert Elliot of Lintoun R.
Richard Brown of Drumelzier R.
Patrick Fleming of Stobo.

In another List

Robert Brown of Lyne,
Hugh Craig of Kelly Conformist,
David Thomson of Dask,
Patrick Purdie of Newlands,
Mr. John Hay of Peebles.
But I am uncertain whether some of those conformed.

5. Presb. of Dalkeith.

Mrs.

George Johnston of Newbottle G. R.
James Cunningham of Lasswade G.
Robert Mowat of Temple G.
Thomas Paterson of Borthwick G.

James

James Kirkpatrick of Carringtoun G. R.
 Alexander Heriot of Cranstoun G.
 Mr. John Sinclair of Ormiston G.
 Conformists,
 Mrs. John Logan of Fallaw,
 William Calderwood of Herriot,
 Adam Penman of Cockpen,
 Oliver Colt of Mussleburgh and Inverask,
 Robert Carsan of Newtown,
 Gideon Penman of Creightoun,

Robert Alison of Glencorse,
 William Dalgarvock of Pennycook.

6 Presb. of Mrs.
 Haddington Robert Ker of Haddingtoun,
 John Macgibie of Dirltoun,
 Thomas Kirkaldy of Tranent.

7 Presb. of Mr. John Baird of Innerwick.
 Dumbar.

II. Synod of Merse and Teviotdale.

1. Presb. of Mrs. John Jamison,
 Duns. John Burn.

2. Presb. of Mrs.
 Churnside. William Johnstoun,
 Thomas Ramsay of Mordingtoun and Lamertoun, C. R.
 Edward Jamison of Swintoun,
 Daniel Douglas of Hiltoun, R.
 David Hume of Coldingham.

3. Presb. of Mrs.
 Kelso. Robert Boyd of Lintoun, G. R.
 John Somerwel of Ednam, S.
 Samuel Row of Sproustoun, S.
 Conformists,
 Mrs.

Richard Waddel of Kelso,
 Thomas Inglis put in Sproustoun,
 David Strik of Stitchel,
 William Turnbull of Mackerstoun,
 William Penman of Morbottle,
 John Halyburton of Roxburgh,
 John Clappertoun of Yetholm.

4. Presb. of Mrs.
 Jedburgh. James Ainsley of Minto, G. R.
 John Scot of Hawick, G. R.
 James Gillon of Cavers, G.
 Hugh Scot of Bedrule, G.
 Gavin Elliot of Kirktoun, G.
 James Ker of Abbotsrule, C.
 John Scot of Oxnam, C.
 John Langlands of Wiltoun, C.
 John Davidson of Southden, C.
 Robert Martin of Eckford, C.
 John Livingstone of Ancrum banished, and died in Holland.

Conformists,
 Mrs.

Peter Blair of Jedburgh,
 John Douglas of Crellon and Nisbet,
 Thomas Abernethy of Hownam,
 Andrew Pringle of Cassiltoun,
 James Douglas of Hopkirk.

5. Presb. of Mrs.
 Erskintoun. James Kirktoun of Mertoun, G. R.
 John Hardy of Gordon, G. R.
 James Fletcher of Newthorn G.
 William Calderwood of Legerwood G.
 Thomas Donaldson of Smelholm C.
 John Veitch of Westeruther R.
 Mr. John Clelland of Stow, C. but in some Lists he is blotted out.

Conformists,
 Mrs.

Henry Cockburn of Ginglekirk,
 James Doze of Erskintoun,
 David Forester of Lawder.

6. Presb. of Mrs.
 Selkirk or Melrofs. Robert Cunningham of Askirk G. R.
 Thomas Lowes of Gallashiels G. R.
 John Schaw of Selkirk C.
 William Elliot of Tarrow, C.
 Andrew Dunkison of Maxtoun C.
 William Wilkie of Liliastife C.
 Alexander Cunningham of Ettrick.
 Conformists,
 Mrs.

David Fletcher of Melrofs,
 John Colt of Robertoun,
 John Somerwel of St. Boswel,
 James Knox of Bowdoun.

III. Synod of Dumfries.

1. Presb. of Mrs.
 Middleby. William Bailie of Aman,
 Robert Law,
 James Pringle of Westerkirk,
 John Linlithgow of Ewes R.
 Hugh Scot of Middleby,
 Alexander Crawford.

Conformists,

Mrs.

James Craig of Hoddam,
 Thomas Allan,
 William Graham,
 David Laing,

at Graitney.

2. Presb. of Mrs.
 Lochmaben. John Brown of Wamsfry banished, died in Holland,
 James Willwood of Tindergirth,
 William Boyd of Daltoun,
 James Porter of Kirkpatrick-juxta,
 John Menzies of Johnstoun,
 Alexander McGowan of Mouswell C.
 Alexander Forester of Castlemilk C.
 Another List adds,
 Mrs.

Archibald Inglis of Moffat,
 John Lawrie,
 Thomas Thomson.

But another List puts them among the Conformists.

Conformists,

Mrs.

*Thomas Henderson of Lochmaben,
John Lawrie of Halkoun,
Thomas Thomson of Applegirth,
at Drysdale,
Gavin Young of Ruthwell.*

3. Presb. of
Dumfries.

Mrs.

*Hugh Henderson of Dumfries P.
George Campbell of Dumfries, G. R.
John Campbell of Thorthorald G.
William Schaw of Garrahan G.
William Hay of Holywood G.
Robert Archbald of Dunscore G. R.
John Wells of Irongray G.
Robert Paton of Terreagles G. R.
John Blaccader of Traquair G.
Anthony Murray of Kirkbean G.
William Mean of Lochrutton G. R.
Alexander Smith of Cowend G.
Gabriel Semple of Kirkpatrick Durham G. R.*

*William M'joir of Carlawerock C.
Francis Irvine of Kirkmahoe C. R.
George Gladstones of Orr C.
James Maxwell of Kirkunion C.
Some Lists make him Thomas Maxwell.
Some Lists add Mr. James Wallace.
Conformists,*

Mrs.

*John Brown of Tinward,
Ninian Paterson.*

4. Presb. of
Penpont.

Mrs.

*Samuel Austin of Penpont,
James Brotherstones of Glencairn,
Alexander Strang of Dorisdeer R.
John Liddersdale of Tindram,
Adam Sinclair of Mortoun,
Thomas Shiels of Kirkbride,
John Carmichael of Kirkconnald and Sanguhar.
One List puts the Two following among
the Nonconformists, and others among the
Conformists.*

*Mrs. John Wisheart of Keir,
William Black of Clisburn.*

IV. Synod of Galloway.

5. Presb. of
Kirkcud-
bright.

Mrs.

*Thomas Wylie of Kirkcudbright P.
Thomas Warner of Balmaclellan G. R.
Adam Rae of Borgue,
John Semple of Carsfairn,
John Macmichan of Dalry,
John Cant of Kells, R.
John Duncan of Kerick and Dundrenan,
John Wilkie of Twynam,
Adam Alison of Balmaghie,
John Mean of Anwoth,
James Fergusson of Kelsoun,
James Buglass of Corsmichael,
William Erskine of Girtoun, R.
Thomas Thomson of Partan,
Samuel Arnot of Tongland,
Robert Fergusson of Buttle.*

2. Presb. of
Wigtoun.

Mrs.

Archibald Hamilton of Wigtoun R!

*George Wauch of Kirkcudbright R.
Alexander Ross of Kirkcudbright,
William Maitland of Whithorn,
Alexander Fergusson of Mochrum,
William Maxwell of Mouygaiff,
Patrick Peacock of Kirkmabrick, R.*

One List adds,

Robert Ritchie of Sorbie.

3. Presb. of
Stranraer.

Mrs.

*James Lawrie of Stonykirk R.
John Park of Stranraer,
James Bell of Kirkcolm, R.
Thomas Kennedy of Kirkmaiden, R.
Another List makes this Listward.
John Macbroom of Portpatrick,
James Wilson of Inch,
Another List makes it Kirkmaiden.
Alexander Pedin of New Glenluce.
One List adds John Dick.*

V. Synod of Glasgow and Air.

1. Presb. of
Air.

Mrs.

*William Eccles of Air, G. R.
William Adair of Air C.
Anthony Schaw of Colmanel, G.
Gilbert Kennedy of Girvan, G.
John Osburn of Kirkoswal, G.
John Hutchison of Maybole, G. R.
Fergus M'Alexander of Kirkdoming or Bar, G. R.
John Ross of Cultoun, G.
Hugh Crawford of New-cumnock, G. R.
Hugh Campbell of Muirkirk, G. R.
Andrew Dalrymple of Auchinleck, G.
John Guthrie of Tarbolton, G.
David Brown of Craigie, G.
Hugh Campbell of Riccartoun, G. R.
James Inglis of Dallie C.*

*William Cockburn of Kirkmichael C.
William Fullarton of St. Quivox C.
Robert Maxwell of Monkton C.
John Gembil of Symington C. R.
Gabriel Maxwell of Dundonald C.
John Cunningham of Cumnock C.
Alexander Stevenson of Dalmellington C. R.
Alexander Blair of Galtoun P.
James Veitch of Mauchlin P. R.
John Campbell of Sorn,
Robert Miller of Ochiltree.
In Lists of this Presbytery I find named as
Nonconformists,
Mr. John Reid of Muirkirk,
Mr. John Blair of New Kirk of Mauchlin,
Mr. Hugh Black,*

Mr.

Mr Robert Ritchison,
Andrew Miller of Dallis.
Conformists.

Mrs. Robert Wallace of Barnwell,
David M^cQueen of Straitoun,
of Balentree.

Hugh Weir of Old Monkland,
Matthew Mackail of Bothwell C.
John Lawder of Dalziel R.
Hugh Archbald of Strathaven.
Conformed,
Mr. James Hamilton of Cambusnethan.

2. Presb. of Mrs.
Irwin.

John Nevoy of Newmills or Lowdown P.
Matthew Mowat of Kilmarnock P.
James Rowat of Kilmarnock P. R.
George Ramsay of Kilmawers G.
John Spaldy of Dregghorn G. R.
John Wallace of Largs G. R.
Andrew Hutchison of Stewartoun G.
William Castleslaw of Stewartoun C.
James Fergusson of Kilmwinning C.
Alexander Nisbet of Irwin C.
John Grant of Irwin G.
William Guthrie of Fenwick S.
Gabriel Cunningham of Dunlop R.
William Russell of Kilbirnie,
Robert Bell of Dalry,
John Bell elder of Stevenson,
John Bell younger of Ardrossan R.
William Cunningham of Kilbride,
Patrick Colvill of Beith,
Robert Aird of Comray.
In some Lists I find Mr. Thomas Boyd mention-
ed in this Presbytery.

3. Presb. of Mrs.
Paisly.

Alexander Dunlop of Paisly P. outed by a par-
ticular A&C.
John Drysdale of Paisly P. by a particular A&C.
James Stirling of Paisly G.
John Stirling of Kilbarchan,
Patrick Simpson of Renfrew G. R.
Hugh Smith of Eastwood G.
William Thomson of Mearns,
William Thomson of Houstoun G.
James Hutchison of Kilallan R.
James Alexander of Kilmacolin C. G.
Hugh Peebles of Lochgunnoch G. R.
James Wallace of Inchinnan C. R.
William Houstoun of Erskin G.
Hugh Walker of Neilstoun G.
John Hamilton of Innerkip,
I hear he conformed after.
Conformed,
Mr. James Taylor of Greenock.

4. Presb. of Mrs.
Hamilton.

James Nasmyth of Hamilton P.
John Inglis of Hamilton G. R.
James Hamilton of Blantyre,
Robert Fleming of Cambuslang R.
John Burnet of Kilbryde,
William Hamilton of Glasford C.
John Oliphant of Stonehouse R.
James Curry of Shotts,
Ludowick Somerwel of New Monkland,

5. Presb. of Mrs.
Lanerk.

William Jack of Carlouk G.
William Brown of Carnwath G.
William Somerwel of Puten G.
John Hamilton of Carmichael G.
Nicolas Blackie of Robertson G. R.
Peter Kid of Douglas G.
Gilbert Hamilton of Crawford or Crawford-muir G.
William Somerwel of Crawford-john C.
Robert Lockhart of Dunsyre C.
Robert Birnie of Lanerk,
John Lindsay of Carstairs,
William Mortoun of Wistoun,
Thomas Lawrie of Lesmahago.

6. Presbytery Mrs.
of Glasgow.

Patrick Gillespie Principal of the College of
Glasgow P.
Robert Mackwaired of Glasgow banished, and died
in Holland.
John Dickson of Rutherglen P. R.
John Carstairs of Glasgow P.
Donald Cargil of Baronie P.
Ralph Rogers of Glasgow G. R.
Alexander Jamison of Govan G.
James Blair of Cathcart G.
Andrew Mortoun of Carmonnock G. R.
James Hamilton of Eglisbam C.
Thomas Melvil of Calder G.
John Law of Campsie G. R.
Henry Forsyth of Kirkintilloch,
Thomas Stuart of Cumbernald or Easter Lenzie.
Conformed,
Mrs. Hugh Blair of Glasgow,
John Young of Glasgow,
Gabriel Cunningham of Kilsyth or Monie-
burgh.

7. Presb. of
Dumbarton.

Mrs.
James Walkinshaw of Badernock G.
Adam Gottie of Rosneath G.
Robert Mitchell of Luss G.
Robert Law of New or Easter Kilpatrick G.
Matthew Ramsay of Old or Wester Kilpatrick C.
David Elphinston of Dumbarton C.
Mr. James Glendonyng is added to this Pres-
bytery in some Lists.
Conformed,
Mrs. Alan Fergusson of Drimmen,
John Stuart,
James Craig of Killearn,
William Stirling of Baltrou,
Robert Watson of Cardross,
Thomas Mitchell.

VI. Synod of Argyle.

1. Presbytery Mrs.
of Dumoon.

John Cameron of Kilfynan,
Hugh Cameron,
Archibald Maclean of Killen R.
Other Lists add to this Presbytery,
Mr. Donald Morison,
Mr. Neil Cameron.

Conformed,
Mr. Colin M^cLauchlan.

2. Presb. of Mrs.
Kintyre or

Campbeltoun. Edward Keith of Lochend,
John Cunison of Kilbride in Arran R.
James Gardiner of Caddel P.

David Sim son of Southrud,
Dugal Darroch.

3. Presb. of Mrs.
Inverary. Alexander Gordon of Inverary P. R.
Archibald M^c allum,
Patrick Campbel of Inverary R.
John Duncan son R.
Dugal Campbel of Knapdale North,

Duncan Campbel of Knapdale South R.
Robert Duncan son of Dalawich R.
Andrew Maclean.
Conformed,
Mr. John Lindsay.

4. Presb. of All conformed, as far as I find.
Lorn or Ki-
limore.
5. Presb. All conformed.
of Sky.

VII. Synod of Perth and Stirling.

1. Presb. of Mrs.
Dunkeld. Robert Campbel,
Thomas Lundy,
Patrick Campbel of Kilinnie,
John Anderson of Auchtergavan,
James Strachan,
John Murray.
Another List adds,
Thomas Cassie of little Dunkeld.

2. Presb. of Mrs.
Perth. Alexander Pitcairn of Dron P. R.
David Orum or Orme,
Graham of Forgondemy,
George Halyburton younger of Duplin,

John Crookshanks of Rogertoun, slain at Pemland,
Robert Young.

3. Presb. of Mrs.
Dumblain. Andrew Rind,
John Forrest younger.

4. Presb. of Mrs.
Stirling. James Guthrie of Stirling, executed 1661.
Jobert Rule of Stirling R.
James Simpson of Airth P.
Thomas Hogg of Lorbert and Dunipace,
John Blair of Bothkenner,
Richard-Huison of Alva R.

5. Presb. of
Auchterer- Mr. George Murray.
dar.

VIII. Synod of Fife.

1. Presb. of Mrs.
Dumfer- William Oliphant of Dumfermling G.
mling. Andrew Donaldson of Dalgety C. R.
George Belfrage of Carnock C.
Robert Edmonstoun of Culross,
John Gray of Orwell R.
Matthew Fleming of Culross C.
Conformists,
Mrs. Robert Binnie of Aberdour,
Walter Bruce of Innerkeithing,
James Sibbald of Torriburn,
Robert Rae of Dumfermling,
John Anderson of Saline,
Henry Smith of Beath,
James Haxton of Cleish,
George Lowdon.

2. Presb. of Mrs.
Kirkaldy. Alexander Moncreif of Scoonie P. R.
Patrick Weems of Abbotshall G.
George Nairn of Burntisland G.
James Simpson of Kirkaldy C.
Thomas Melvil of Kingcassie C.
Thomas Black of Lesly C.
James Wilson,
Mr. Frederick Carmichael of Markinch is added
in one List,
John Chalmers added in one List.
Conformists,
Mrs. Kenneth Logie of Kirkaldy,
Robert Honnyman of Dysart,
Henry Wilkie of Weems,
Robert Menier of Kennorway,
George Ogilvie of Portmoak,
Andrew Walker of Auchtertule,

William Lindsay of Auchterderren,
Robert Bruce of Ballingrie,
John Ramsay of Scoonie.

3. Presb. of Mrs.
Cowpar. John Macgill of Cowpar G.
Thomas Arnot of Cowpar G.
James Wedderburn of Monzie G.
George Thomson of Kilmonie G.
Henry Pitcairn of Logie G.
William Tullidaff of Dunboig G. R.
John Alexander of Creich G.
George Disbington of Culps G.
Walter Greg of Balmerinloch C.
William Row of Ceres.
Conformists,
Mrs. William Livingstone of Falkland,
John Ramsay of Kettle,
David Orme of Monnymenal,
Alexander Balfour of Abdie,
Lawrence Oliphant of Newburgh,
John Ridge of Strathmiglo,
James Martin of Auchtermuchty,
David Rait of Darsie,
William Myles of Flisk,
John Littlejohn of Collesly.

4. Presb. of Mrs.
St. Andrews. Samuel Rutherford of St. Andrews,
Robert Blair of St. Andrews P.
James Wood of St. Andrews P. Provost of the
old College.
George Hamilton of Pittenweem G.
George Hamilton younger of Newburn G. R.
Robert Weems of Ely G.

Alexander

Alexander Wilson of *Cameron G. R.*
John Wardlaw of *Kemback G.*
William Violant of *Errygartoncrails G. R.*
David Forret of *Kilconquhar C.*
James Macgill of *Largo C. R.*
David Guthrie of *Anstruther Wester C.*
Colin Adamson of *Anstruther Easter C.*
Robert Bennet of *Kilrenny C.*
Henry Rymer of *Carnbee C. R.*
Alexander Wedderburn of *Forgon C.*

Robert Wilkie of *St. Monans C.*
 Another List adds in this Presbytery:
Mr. William Campbell,
Mr. James Bruce.
 Conformists,
Mrs. James Sharp Professor of Divinity P.
Andrew Honnyman of *St. Andrews,*
Walter Comry of *St. Leonards,*
Alexander Udwar of *Crail,*
Middleton of *Leuchars.*

IX. Synod of Angus and Mearns.

1. Presb. of *Mr. John Robertson.*
Meigle.
Mr. Alexander Robertson.
 2. Presb. of *Mrs.*
Forfar. *John Minniman* of *Abernyte,*
 3. Presb. of *John Semple,*
Dundee. *Andrew Wedderburn* of *Liste,*
John Campbell of *Tilen,*

Robert Campbell of *Mullen.*
 4. Presb. of *M. Andrew Spence.* In several Lists he is put
Aberbro- in *Brechin.*
thock. In one List *James Fithie* in *Brechin.*
 5. Presb. of *All conformed.*
Brechin.
 6. Presb. of *Mr. David Campbell* of *St. Creel*
Mearns or
Fordon.

X. Synod of Aberdeen.

1. Presb. of *Mrs.*
Aberdeen. *Andrew Cant* elder of *Aberdeen,*
John Mercer of *Kinneller,*
Mitchel in another List.
 2. Presb. of *Mrs.*
Kincardin. *Alexander Cant,*
William Alexander,
John Young.
 3. Presb. of *All conformed.*
Alford.
 4. Presb. of *Mr. George Telfer.*
Garioch.

5. Presb. of *All conformed:*
Ellon.
 6. Presb. of *Mrs.*
Deer. *Robert Keith,*
Nathanael Martin,
Duncan Forbes,
Alexander Irvine,
William Scot,
William Ramsay,
John Stuart.
 7. Presb. of *Mr. Arthur Mitchel.*
Turreff.
 8. Presb. of *All conformed.*
Fordice.

XI. Synod of Murray.

1. Presb. of *Mr. George Meldrum* of *Glasf R.*
Strathbogie
or Keith. *All conformed.*
 2. Presb. of
Abernethy.
 3. Presb. of *Mrs.*
Elgin. *James Park,*

Thomas Urquhart.
 4. Presb. of *Mr. James Urquhart* of *Kinlofs.*
Forres.
 5. Presb. of *Mr. Alexander Frazer* of *Daviot R.*
Inverness.

XII. Synod of Ross and Sutherland.

1. Presb. of *Mrs.*
Chanonrie. *Hugh Anderson* of *Cromarty R.*
John McCulloch of *Arderfier R.*
 2. Presb. of *Mrs.*
Dingwall. *Thomas Hog* of *Kiltearn,*

John Mackilligen of *Alves,*
Thomas Ross.
 3. Presb. of *Mr. Andrew Ross.*
Tully.

XIII. Synod of Cathness.

1. Presb. of *Mr. John McCulloch.*
Dornoch.
 2. Presb. of *Mrs.*
Kirkwall. *Alexander Lennox* of *Kirkwall.*

Arthur Murray.
 One List adds;
Hugh Sinclair.

A List of the nonconformed Ministers of the Synod of Bellimenoeh in Ireland.
N^o. XXXVIII.

Presbytery of *Newtown* in the *Clandiboyes*.

Mrs.

Andrew Stuart,
Gilbert Ramsay,
John Gray,
William Reid,
John Drysdale,
James Gordon,
Thomas Peebles,
Hugh Wilson,
Michael Bruce,
William Richardson,
John Fleming,
Alexander Hutchison,
Henry Livingstone,
Henry Hunter,
James Campbell,
Andrew M'Connick.

The conformed Ministers were

Mrs.

Mungo Bennet,
George Wallace,
Robert Rowan,
Andrew Rowan,
Donald M'Neil.

Presbytery of *Antrim*.

Mrs.

William Kays,
James Schaw,
Robert Cunningham,
Thomas Hall,
Patrick Adair,
James Fleming,
Gilbert Simpson,
Anthony Kennedy,
Thomas Crawford,
Robert Hamilton,
Robert Dewart,

John Schaw.

Presbytery of *Roue*.

Mrs.

David Bittel,
William Cumming,
John Douglas,
Robert Hogsherd,
Gabriel Cornwal,
Thomas Stulton,
John Crooks,
Thomas Boyd,
James Ker,
John Law.

Presbytery of *Dungenan*.

Mrs.

Robert Auld,
Archibald Hamilton,
Robert Keith,
Thomas Kennedy,
Thomas Govan,
John Abernethie,
Alexander Osburn,
James Johnston.

Presbytery of *Lagan*.

Mrs.

Robert Wilson,
William Moorcraft,
John Wooll,
William Semple,
John Hart,
John Adamson,
John Crookshank,
Thomas Drummond,
Robert Craighead,
Hugh Cunningham,
Hugh Peebles,
Adam White,
William Jack.

Act of Council, Edinburgh, August 13, 1663. N^o. XXXIX.

FOrasmuch as it doth appear, that divers Ministers, who, by the Law, have no Right to preach or remain in those Parishes which did belong to their Cure, do notwithstanding presume to assemble his Majesty's Subjects in Churches and elsewhere, to preach, administer the Sacraments, and to keep Conventicles and disorderly Meetings; and do go about to corrupt and dissuade the People from that Affection, Duty, Obedience and Gratitude they owe to his Majesty's Government, the Laws and Authority established, under which the Kingdom doth enjoy this great Tranquillity and the Blessings thereof: As likewise, that many Subjects do countenance and joyn in these unlawful Meetings, contrary to the Acts of Parliament prohibiting the same. Therefore, the Lords of his Majesty's Privy Council, in discharge of the Trust reposed in them, for preserving the publick Peace and the Laws in their Authority and Vigour, and that turbulent and disaffected Ministers may not have such Opportunity, as they have hitherto had, to continue their evil Practices in seducing too many People into Ways of Schism, Separation and Sedition, tending to the Disquieting and Overturning of the established Government of the State, as well as that of the Church; and in pursuance of what is recommended by his Majesty and the Estates of Parliament, in the late Act of the Tenth of July, intituled, *Act against Separation and Disobedience to Ecclesiastical Authority*, Do hereby command and charge all Ministers, who are or shall be found to preach seditiously against the Government of Church and State, who entered in or since the Year 1649. and have not since obtained Presentations from their lawful Patrons, and Collations and Admissions from their Ordinary, and have notwithstanding continued to preach or exercise any Duty, proper to the Function of the Ministers, either at these Parish Churches where they were Incumbents, or at any other Place, House or Family, to remove themselves, their Families and Goods belonging to them, within Twenty Days after Publication hereof, out of these respective Parishes where they were Incumbents, and not to reside within Twenty Miles of the same, nor within six Miles of Edinburgh or any Cathedral Church, or three Miles of any Burgh Royal within this Kingdom; with Cer-

tification

tification, that if they fail to remove themselves, as said is, and to give exact Obedience hereunto, (unless they have the Permission of the Lords of Privy Council, or of the Bishop of the Diocese) they are to incur the Penalties of the Laws against Movers of Sedition, and to be proceeded against with that Strictness that is due to so great Contempts of his Majesty's Authority over Church and State. And do hereby inhibit and discharge all Heritors and Housholders in Burgh or Land, to give any Presence or Countenance to any one or more of these Ministers, removed by this Act, to preach or exercise any Act of the Office of a Minister; with Certification, if they, after Publication hereof, shall presume so to do, they are to be proceeded against according to Law. And being likewise informed, that divers Ministers who were entred by lawful Presentations before the Year 1649. and do still continue in their Exercise of their Ministry, do yet forbear to attend Ecclesiastical Meetings appointed by Authority, and to exercise Discipline in their Parishes, without giving any Account of their Administrations, to the great Detriment of the Order and Peace of the Church: Therefore they command and charge all those Ministers to keep the diocesan Synods, and other Ecclesiastical Meetings appointed by Authority; with Certification, that if, after Publication hereof, they fail so to do, and disobey the Acts of Parliament and Council made thereanent, they are to be proceeded against as Contemnners of his Majesty's Authority. And ordain these Presents to be printed, and published at the Market-crofs of *Edinburgh*, and other Places needful, that none pretend Ignorance.

PET. WEDDERBURN *Cl. Secr. Concilii.*

Act against Separation and Disobedience to Ecclesiastical Authority. N^o. XL.

FOrasmuch as the King's Majesty, considering the Prejudices which did ensue to the Church and Protestant Religion, to the Prerogative of the Crown, to the Authority of Parliament, to the Liberties of the Subject, and to the publick Laws and Peace of the Kingdom, by the Invasions made upon Episcopal Government, during the late Troubles; and finding that Government, to be the Church-government, most agreeable to the Word of God, most convenient and effectual for Preservation of Truth, Order, and Unity, and most suitable to Monarchy, and to the Peace and Quiet of the State; hath therefore, with Advice and Consent of his Estates of Parliament, by several Acts past in the Second Session of this Parliament, restored the Church to its ancient and right Government, by Archbishops and Bishops, and hath reintegrated the Estate of Bishops to the Exercise of their Episcopal Function, and to all the Privileges, Dignities, Jurisdictions, and Possessions due, and formerly belonging thereunto. And in further order to the Settlement of the Church, and bringing the Ministers to a due Acknowledgment of, and Compliance with the Government thereof, thus established by Law, his Majesty, with Advice foresaid, hath also statute and ordained, That all these Ministers, who entred to the Cure of any Parish, without Right of Presentations from the lawful Patrons, in and since the Year One thousand six hundred and forty nine, and should not, betwixt and the Twentieth of *September* last, obtain Presentations from their several Patrons, and Collation from the Bishop of the Diocese where they lived, should have no Right to the uplifting the Rents of any Benefice or Stipend for the Year One thousand six hundred and sixty two, but that their Places, Benefices, and Kirks should be, *ipso jure*, vacant: And that whatever Ministers should, without a lawful Excuse to be admitted by their Ordinary, absent themselves from the diocesan Assembly, or who should not concur in all the Acts of the Church-discipline, as they should be thereunto required by the Archbishop or Bishop of the Diocese, should be for the first Fault suspended from their Office and Benefice till the next diocesan Meeting; and if they amend not, should be deprived, and the Church and Benefice to be provided as in other Cases of Vacancies. And the King's Majesty, having resolved to conserve and maintain the Church in the present State and Government thereof, by Archbishops and Bishops, and others bearing Office therein, and not to endure nor give way or Connivance to any Variation therein in the least, doth therefore, with Advice and Consent of his Estates convened in this third Session of his Parliament, ratify and approve the aforementioned Acts, and all other Acts and Laws made in the Two former Sessions of Parliament, in order to the settling of Episcopal Dignity, Jurisdiction and Authority within this Kingdom; and ordains them to stand in full Force as publick Laws of the Kingdom, and to be put to further Execution in all Points, conform to the Tenor thereof. And in pursuance of his Majesty's Royal Resolution herein, his Majesty, with Advice foresaid, doth recommend to the Lords of his Majesty's Privy Council, to take speedy and effectual Course, that these Acts receive ready and due Obedience from all his Majesty's Subjects; and for that end, that they call before them all such Ministers, who, having entred in or since the Year One thousand six hundred and forty nine, and have not as yet obtained Presentations and Collations, as aforesaid, yet dared to preach in Contempt of the Law, and to punish them as seditious Persons, and Contemnners of the Royal Authority. As also, that they be careful, that such Ministers, who keep not the diocesan Meetings, and concur not with the Bishops in the Acts of Church-discipline, being for the same suspended or deprived, as said is, be accordingly, after Deprivation, removed from their Benefices, Glebes and Manfes; and if any of them shall notwithstanding, offer to retain the Possession of their Benefices or Manfes, that they take present Course to see them dispossess; and if they shall thereafter presume to exercise their Ministry, that they be punished as seditious Persons, and such as contemn the Authority of Church and State.

And as his Majesty doth expect, from all his good and dutiful Subjects, a due Acknowledgment of, and hearty Compliance with his Majesty's Government, Ecclesiastical and Civil, as it is now established by Law within this Kingdom, and that in order thereunto, they will give their cheerful Concurrence, Countenance, and Assistance to such Ministers, as by publick Authority are or shall be admitted in their several Parishes, and attend all the ordinary Meetings for divine Worship in the same; so his Majesty doth declare, That he will, and doth account a withdrawing from, and not keeping and joyning in these Meetings, to be seditious, and of dangerous Example and Consequence. And therefore, and for preventing the same for the future, his Majesty, with Advice and Consent of his Estates in Parliament, doth hereby statute, ordain, and declare,

declare, That all and every such Person or Persons, who shall hereafter ordinarily and wilfully withdraw and absent themselves from the ordinary Meetings of divine Worship, in their own Parish-church, on the Lord's Day, (whether upon account of Popery, or other Disaffection to the present Government of the Church) shall thereby incur the Pains and Penalties underwritten, *viz.* Each Nobleman, Gentleman, and Heritor, the Loss of a fourth Part of ilk Year's Rent, in which they shall be accused and convicted; and every Yeoman, Tenant, or Farmer, the Loss of such a Proportion of their free Moveables, (after the Payment of their Rents due to their Master and Landlord) as his Majesty's Council shall think fit, not exceeding a fourth Part thereof; and every Burgefs to lose the Liberty of Merchandizing, Trading, and all other Privileges within Burgh, and fourth Part of their Moveables. And his Majesty, with Advice foresaid, doth hereby authorize and require the Lords of his Majesty's Privy Council, to be careful to see this Act put to due Execution; and for that end, to call before them all such Persons as, after Admonition of the Minister, in Presence of Two sufficient Witnesses, and by him so attested, shall be given up to the Council as Transgressors of this Act, in withdrawing from their Parish-churches, as aforesaid; and the same, after hearing of the Parties, being duly found, to decern and inflict the Censures and Penalties abovementioned, and such other corporal Punishment as they shall think fit; and direct all Execution necessary for making the same effectual, and to do every other thing they shall find necessary, for procuring Obedience to this Act, and putting the same to punctual Execution, conform to the Tenor and Intent thereof.

Act for the Establishment and Constitution of a National Synod. N^o. XLI.

FOrasmuch as the Ordering and Disposal of the external Government of the Church, and the Nomination of the Persons, by whose Advice Matters relating to the same are to be settled, doth belong to his Majesty, as an inherent Right of the Crown, by virtue of his Prerogative Royal, and supreme Authority in Causes Ecclesiastical: And in prosecution of this Trust, his Majesty, considering how fit and necessary it is, for the Honour and Service of almighty God, the Good and Quiet of the Church, and the better Government thereof in Unity and Order, that there be a National Synod and Assembly duly constitute within this Kingdom, hath therefore appointed and declared, and by these Presents appoints and declares, that there shall be a *National Synod of the Church of Scotland*; and that this Synod, for the lawful Members thereof, shall consist and be constitute of the Archbishops of *St. Andrews* and *Glasgow*, and the remanent Bishops of these Two Provinces, of all Deans of Cathedral Churches, Archdeacons, of all the Moderators of Meetings for Exercise, allowed by the Bishops of the respective Dioceses, and of one Presbyter or Minister of each Meeting, to be chosen and elected by the Moderator and Plurality of Presbyters of the same, and of one or Two from the University of *St. Andrews*, one from *Glasgow*, one from the King's College, one from *Marshall's College of Aberdeen*, and one from the College of *Edinburgh*; and this Synod, thus constitute, is to meet at such Times and Places, as his Majesty, by his Proclamation, shall appoint; and is to debate, treat, consider, consult, conclude, and determine upon such pious Matters, Causes, and Things, concerning the Doctrine, Worship, Discipline, and Government of this Church, as his Majesty shall from Time to Time, under his Royal Hand, deliver, or cause be delivered, to the Archbishop of *St. Andrews*, President of the said National Assembly, to be by him offered to their Consideration. The Estates of Parliament do humbly recognise and acknowledge his Majesty's Royal Power and Prerogative aforesaid, with the Piety, Justice, and Prudence of his Majesty's Resolution herein; likewise, his Majesty, with their Advice and Consent, doth hereby establish, ratify, and confirm this Constitution of a National Assembly, as the lawful Constitution of the National Synods and Assemblies of this Church, his Majesty, or his Commissioner, (without whose Presence no National Synod can be kept) being always present: And declares, That no Act, Canon, Order, or Ordinance, shall be owned as an Act of the National Synod of the Church of Scotland, so as to be of any Effect, Force, or Validity in Law, to be observed and kept by the Archbishops and Bishops, the inferior Clergy, and all other Persons within this Realm, (as far as lawfully, being Members of this National Church, it may concern them) but that which shall be considered, consulted, and agreed upon, by the President, and major Part of the Members abovespecified. It is always hereby provided, that nothing be enacted or put in Execution, by Authority of a National Synod within this Kingdom, which shall be contrary to his Majesty's Royal Prerogative, or the Laws of the Kingdom; and that no Act, Matter, or Cause, be debated, consulted, and concluded upon, but what shall be allowed, approved, and confirmed by his Majesty or his Commissioner, present at the said National Synod.

Lord Waristoun's Speech, July 22^d, 1663. with some Account of his Carriage.
N^o. XLII.

Right honourable, much honoured, and beloved Auditors and Spectators, that which I intended and prepared to have spoken at this Time, and in this Condition, immediately before my Death, (if it should be so ordered that this should be my Lot) is not at present in my Power, being taken from me when apprehended; but I hope the Lord shall preserve it to bear my Testimony more fully and clearly than now I can in this Condition, having my Memory much destroyed through much fore and long Sickness, Melancholy, and the excessive drawing of my Blood: Yet, I bless the Lord, (that notwithstanding all these forementioned Distempers) I am in any Capacity to leave this weak and short Testimony.

I. I desire, in the first Place, to confess my Sins, so far as is proper to this Place and Case, and to acknowledge God's Mercies, and to express my Repentance of the one, and my Faith of the other, through the Merits of our Lord Jesus Christ, our gracious Redeemer and Mediator. I confess that my natural Temper

Temper hath been hasty and passionate, and that in my Manner of going about and prosecuting the best Pieces of Work and Service to the Lord, and to my Generation, I have been subject to my Excess of Heat, and thereby to some Precipitations, which hath no doubt offended Standers by and Lookers on, and exposed both me and the Work to their Mistakes, whereby the Beauty of that Work hath been much obscured. Neither have I, in following the Lord's Work, his good Work, been altogether free of self-seeking, to the Grief of my own Conscience, which hath made me oftentimes cry out with the Apostle, *O wretched Man that I am, who shall deliver me from this Body of Death?* and to ly low in the Dust, mourning and lamenting over the same, deprecating God's Wrath, and begging his tender Mercies to pardon, and his powerful Grace to cure all these Evils. I must confess withal, that it doth not a little trouble me, ly heavy upon my Spirit, and will bring me down with Sorrow to the Grave, (though I was not alone in this Offence, but had the Body of the Nation going before me, and the Example of Persons of all Ranks to ensnare me) that I suffered my self, through the Power of Temptations, and too much Fear anent the Straits that my numerous Family might be brought into, to be carried into so great a Length of Compliance in *England* with the late Usurpers, which did much grieve the Hearts of the Godly, and made those that sought God ashamed, and confounded for my sake; and did give no small Occasion to the Adversary to reproach and blaspheme, and did withal not a little obscure and darken the Beauty of several former Actings about his *glorious and blessed Work of Reformation*, so happily begun, and far advanced in these Lands; wherein he was graciously pleased to imploy, and by imploying, to honour me to be an Instrument, (tho' the least and unworthiest of many) whereof I am not at all ashamed this Day, but account it my Glory, however that Work be now cried down, opposed, laid in the Dust, and trode upon; and my turning aside to comply with these Men, was the more aggravated in my Person, that I had so frequently and seriously made Profession of my Averseness from, and Abhorrency of that Way, and had shewed much Dissatisfaction with others that had not gone so great a Length: For which, as I seek God's Mercy in Christ Jesus, so I desire that all the Lord's People may, from my Example, be the more stirred up to watch and pray, that they enter not into Temptation.

II. I dare not deny, on the other Hand, but must testify, in the second Place, to the Glory of his free Grace, that the Lord my God hath often shewed, ensured into, and engraven upon my Conscience, the Testimony of his reconciled Mercy, through the Merits of Jesus Christ, pardoning all my Iniquities, and assuring me that he would deliver me also, by the Grace of his holy Spirit, from the Spite, Tyranny, and Dominion thereof, and hath often drawn forth my Spirit to the Exercise of Repentance and Faith, and hath often engraven upon my Heart, in legible Characters, the merciful Pardoning, and gracious begun Cure thereof, to be perfected thereafter to the Glory of his Name, Salvation of my own Soul, and Edification of his own Church.

III. I am pressed in Conscience to leave here at my Death, my true and honest Testimony, in the Sight of God and Man, unto and for the National Covenant, the solemn League and Covenant, the solemn Acknowledgment of our Sins, and Engagements to our Duties, and to all the Grounds and Causes of Fasts and Humiliations, and of the Lord's Displeasure and Contendings with the Land, and to the several Testimonies given for his Interests, by general Assemblies, Commissions of the Kirks, Synods, Presbyteries, and other faithful Ministers and Professors.

IV. I am also pressed to encourage his doing, suffering, witnessing People, and sympathizing Ones with those that suffer, that they would continue in their Duties of mourning, praying, believing, witnessing, and sympathizing with others; and humbly to assure them, in the Name of the Lord our God, the God of his own Word, and Work of his Covenant, Cause and People, that he will be seen, found and felt in his own gracious Way and Time, by his own Means and Instruments, for his own Honour and Glory, to return to his own Truths, Interests, and Servants, to revive his Name, his Covenant, his Word, his Work, his Sanctuary, and his Saints in this Nation, yea, even in these Three covenanted Nations, which were by solemn Bonds, Covenants, Subscriptions, and Oaths, given away and devoted to himself.

V. I exhort all these that have been or are Enemies, or unfriendly to the Lord's Name, Covenant, or Cause, Word, Work, or People in *Britain* and *Ireland*, to repent and amend before these sad Judgments that are posting fast, come upon them, for their sinning so highly against the Lord, because of any Temptations of the Time on the right Hand or on the left, by Baits or Straits whatsoever, and that after so many Engagements and Professions of not a few of themselves to the contrary.

VI. I dare not conceal from you who are friendly to all the Lord's precious Interests in *Britain* and *Ireland*, that the Lord (to the Commendation of his Grace be it humbly spoken) hath several Times, in the Exercise of my Repentance and Faith, (during my Troubles) and after Groans and Tears upon these Three notable Chapters, *viz.* the Ninth of *Ezra*, the Ninth of *Nehemiah*, and the Ninth of *Daniel*, together with other suitable Scriptures, even in the very Nick of humble and fervent Prayers and Supplications to him, for reviving again of his Name, Covenant, Cause, Word, and Work of Reformation, in these covenanted Nations, and particularly in poor *Scotland*, (yea, O dear *Scotland!*) which solemnly re-engaged unto him, to the good Example and Encouragement of his People in the other Two Nations, to covenant with him also; that the Lord, I say, hath several times given me good Grounds of Hope, and lively Expectations of his merciful, gracious, powerful, and wonderful renewing, reviving again of all his former great Interests in these covenanted Nations, and that in such a Way, by such Means and Instruments, with such Antecedents, Concurrents, Consequences, and Effects, as shall wonderfully rejoyce his mourning Friends, and astonish his contradicting and contra-acting Enemies.

VII. I do earnestly recommend my poor afflicted Wife and Children, and their Posterity, to the choicest Blessings of God, and unto the Prayers and Favours of all the Lord's Children and Servants, in their earnest Dealings with God and Man in their Behalf, that they may not be ruined for my sake, but that, for the Lord my God's sake, they may be favoured, assisted, supplied, and comforted, and may be also fitted of the Lord for his Fellowship and Service, whom God himself hath moved me often in their own Presence, and with their own Consents, to dedicate, devote, resign, alike, and as well as I devoted and resigned my own Soul unto him, for all Time and Eternity.

VIII. Now here, I beseech the Lord to open the Eyes of all the Instruments of my Trouble, who are not deadly irreconcilable Enemies to himself and his People, that they may see the Wrong done by them to his Interest and People, and to me and mine, and may repent thereof, return to the Lord, and more cordially maintain

maintain, own and adhere unto all his Interests in Time to come. The Lord give unto them Repentance, Remission and Amendment, which is the worst Wish I do, and the best Wish I can wish unto them; for I can wish no better to my self.

IX. I do most humbly and earnestly beg the fervent Prayers of all his praying Children, Servants, and Instruments, wheresoever they be, whether absent or present, to be put up in behalf of his Name, Cause, Covenant, Work, and People, and also in behalf of my Wife and Children, and their Posterity, and that the Lord would glorify himself, edify his Church, encourage his Saints further, and accomplish his good Work by all his Doings and Dealings, in Substance towards all his own.

X. Whereas I hear, that some of my own Friends have slandered and defamed my Name, as if I had been accessory to his late Majesty's Death, and to the making the Change of the Government thereupon; I am free, as I shall now answer before his Tribunal, from any Accession by Counsel or Contrivance, or any other Way, to his late Majesty's Death, or to their making that Change of the Government; and the Lord judge between me and mine Accusers: And I pray the Lord to preserve the present King his Majesty, and to pour his best Blessings upon him and his Royal Posterity; and the Lord give unto them good and faithful Counsellors, holy and wise Counsels, and prosperous Success, to God's Glory, and the Good of his Interest and People, and to their own Honour and Happiness.

XI. I do here submit and commit my Soul and Body, Wife and Children, and their Childrens Children, from Generation to Generation, for ever, with all others our Lord's Friends and Followers, and all his doing, suffering, witnessing, and sympathizing ones, in the present and subsequent Generations, unto the Lord's choicest Mercies, Graces, Favours, Services, Employments, Impowerments, Enjoyments, Improvements, and Inheritments in Earth, and in Heaven, in Time and Eternity; all which Suits, with all others which he hath at any Time, by his Spirit, moved and assisted me to make, and put up according to his Will, I leave before the Throne, and upon the Father's merciful Bowels, and the Son's mediating Merits, and the holy Spirit's compassionating Graces, for now and for evermore. Amen.

Short Narrative of his Carriage before and after his last Discourse above.

HIS Carriage all the Time from his coming from London, was most convincingly Christian, full of Tenderness of Spirit, and Meekness towards all, so that all who were in his Company, both in the Ship and at other Times, asserted, they were never in the Company of a more godly, sincere, fervent Seeker of God, and one that was most sensible of the least Tenderness exercised towards himself. Before he came out of the Ship he prayed for a Blessing upon his Majesty, and upon State and Kirk, and when landed at Leith he enquired for the Ministers of Edinburgh; to which it was answered, they are all silenced and put out of the Town. Well (said he) their Silence does preach, and truly Mr. Douglas, &c. might have preached either before State or Kirk.

During the whole Time of this Imprisonment the Lord kept him in a most spiritual tender Frame, even to the Conviction of some that hated him formerly. The great Thing he most desired, was gracious through-bearing, which he said was only to be had through the Supply of the Spirit, and Intercession of the Saints; and the Thing he most feared, was fainting in the Hour of Trial, and for that Cause did earnestly desire, that Prayer might fervently be put up to God for him, which was indeed done in all Parts of the Land, which had its good Success in God's own Way.

When he received his Sentence, he did receive it with exceeding great Meekness, to the Admiration of all, desiring the best Blessings of Heaven to be upon his Majesty, and upon State and Kirk, whatever befel himself, and that God would give his Majesty true and faithful Counsellors, &c.

The nearer he was to his Death he was the more quieted in his Mind, which had been discomposed by Poison, and the drawing of Threescore Ounces of Blood, the Physicians intending hereby to distract him, or make him an idiot Fool. The Night before his Death he slept very sweetly, and in the Morning was very full of Comfort, uttering many sweet Expressions as to his Assurance of being clothed with a long white Robe before Night, and of getting a new Song of the Lamb's Praise put in his Mouth. He dined very cheerfully, hoping to sup in Heaven, and to drink the next Cup fresh and new in his Father's Kingdom.

Thereafter he was alone till the Time of his being brought forth. When he was going to the Scaffold he said frequently to the People, *Your Prayers, your Prayers.* The Lord kept him very composed under some Disturbances in the Streets. When come up to the Scaffold, he said to the People, *I intreat you quiet your selves a little, till this dying Man deliver his last Words among you.* He likewise desired them not to be offended that he made some Use of his Paper to help his Memory, so much wasted by long Sickness and Malice of Physicians; then he delivered the above Discourse, and repeated it again on the other Side of the Scaffold.

After this he prayed with the greatest Fervour and Humility, beginning thus, *Abba, Abba, Father, Father, accept this thy poor sinful Servant, coming unto thee through the Merits of Jesus Christ, &c.* After he had taken his Leave of his Friends, he prayed again at the Foot of the Ladder, cheerfully resigning God's Interests and his own Soul into the Hands of his heavenly Father. There were no Ministers allowed to be with him, but a Person present observed, that there was no missing of Ministers there, and the Lord made good those blessed Words, *Philip. 4. 19. and 2 Cor. 1. 5.* The Executioner came to him desiring his Forgiveness, to whom he said, *The Lord forgive thee poor Man, which I also do,* and gave him some Money, and bade him do his Work right. He was helped up the Ladder by some of his Friends in deep Mourning: As he ascended, he said, *Your Prayers, your Prayers; I desire your Prayers in the Name of the Lord;* so great at all Times was his Esteem of Prayers. The other Circumstances of his Death have been already noticed in the History.

Roth's Patent to be Commissioner to the National Synod, October 14th, 1664.
No. XLIII.

CAROLUS DE I gratia, Scotiæ, Angliæ, Frænciæ, & Hiberniæ Rex, fideique defensor, omnibus probis hominibus suis ad quos præsentis literæ pervenerint, salutem. Sciatis quandoquidem ordinatio & dispositio externi regiminis ecclesiæ, & nominatio personarum quarum consilio res & negotia eo spectantes stabiliantur, nobis tanquam jus corona nostræ innatum, virtute regali nostræ prærogativæ, & supremæ authoritatis in causis ecclesiasticis, hærent & incumbunt; & quia nobis expediens & necessarium videtur, in honorem & servitium divini numinis, emolumentum & tranquillitatem ecclesiæ, & gubernationem ejusdem in ordine & unione, ut nationalis synodus in antiquo nostro regno Scotiæ, in omnibus ejus membris debite constituatur, secundum quantum actum tertie sessionis novissimi nostri parliamenti, cujus titulus est, Actum pro stabilitione & constitutione nationalis synodi. Quam quidem synodum sic constitutam, nos decrevimus Edinburgi convocatum iri, die Mercurii tertio mensis Maii proxime futuri, anno Domini 1665. inque hunc finem, regalem nostram proclamationem debito tempore expeditum iri; & quia nulla nationalis synodus teneri vel observari potest absque nostra præsentia, vel nostri delegati seu commissarii authoritate nostra in hunc finem muniti. Cumque nos gravissimis regni nostri Angliæ negotiis impediti, dictæ generali synodo & conventui in sacra nostra persona adesse nequeamus; ideoque commissionem nostram viro cuidam eximia virtutis & fidelitatis demandare decrevimus, qui regalem nostram personam sustineat & representet, cum ante convocationem prædictæ synodi, pro necessariis communicatione & præparatione, cum in ipsa synodo convocata, tum etiam interea temporis pro debita obedientia legum nostrarum ecclesiæ spectantium procuranda, ut enormiter & protuberanter viventes supprimantur; cumque multis testimoniis compertum habeamus, amorem, animi dotes, & fidelitatem prædicti & fidelissimi nostri consanguinei & consilarii nostri Joannis comitis de Roth's, Leslie & Bambreich, &c. nostri thesaurarii principalis, ejusque zelum & promptitudinem, tum in agendo tum in patientia pro nobis, ante felicem nostram instaurationem & restitutionem, speciatim vero egregium specimen ejus fidelitatis, prudentiæ & animi candoris, in exequenda excelsa provincia nostri commissarii, in ultima sessione novissimi nostri parliamenti, in qua quidem obeunda, præclarum & egregium servitium nobis in ecclesiæ & regni nostri emolumentum edidit: Igitur dedimus & concessimus, tenoreque præsentium damus & concedimus, plenam potestatem & commissionem memorato fidelissimo & dilectissimo nostro consanguineo & consilario, Joanni comiti de Roth's, &c. nostram sacram personam & authoritatem sustinendi, tum ante convocationem prædictæ synodi, tum in ipsa synodo sequente convocata, & in cunctis conventibus ejusdem, ac in omnibus aliis quæ ecclesiæ bonum, pacem, & gubernationem dicti antiqui regni nostri Scotiæ, tum in ecclesiæ tum in statu, (prout nunc legibus stabilitur) & nostri servitii propagationem, in universis & singulis administrationibus ejusdem, tanquam nostro commissario spectare poterint. Quin etiam tenore præsentium, præfatum comitem authoritate & potestate nostra regali munimus, ut sit noster commissarius, omniaque & singula peragat ad potestatem & provinciam nostri commissarii spectantia, non minore juris libertate & amplitudine, in omnibus respectibus, quam quicumque alius commissarius fecit, seu de jure facere potuit; firmum & ratum habemus & habituri sumus, eorum & quodcumque prædictus comes, in obeunda & exequenda dictæ commissione & ejusdem documentis, fecerit & præstiterit. Mandamus porro omnibus nostris officiariis status, consilariis, judicibus, & cunctis nostris subditis, & peculiariter officiariis copiarum nostrarum, in antedicto regno nostro, ut debita obedientia afficiant, agnoscant, & morem gerant dicto comiti, tanquam nostro commissario, regalem nostram personam & authoritatem representanti, ad effectus, & modo in eadem commissione specificato. Quam quidem commissionem ad finem usque & dimissionem synodi sequentis durare & vim habere volumus. In cujus rei testimonium, præsentibus magnum sigillum nostrum, una cum privato nostro sigillo, (quia ipse comes est magni nostri sigilli pro tempore custos) appendi præcipimus. Apud Whitehall, decimo quarto mensis Octobris, 1664. & regni nostri decimo sexto. Per signaturam S. D. N. Regis superscriptum.

A Proclamation for a publick general Fast, throughout the Realm of Scotland.
No. XLIV.

CHARLES, by the Grace of GOD, King of Scotland, England, France and Ireland, Defender of the Faith, &c. To all and sundry Our good Subjects, Greeting: Forasmuch as We, by the great Injuries and Provocations from the States of the United Provinces, have been forced, for the just Defence and Vindication of Our own and Our Subjects Rights, to prepare and set out Naval Forces, and to engage in a War, upon most important Reasons of Honour and Justice: And We, out of Our religious Disposition, being readily inclined to approve of an humble Motion made to Us, for commanding a general Fast to be kept throughout this Our whole Kingdom, for imploring the Blessing of almighty God, upon Our Councils and Forces employed in this Expedition; have thought fit, by this Our Proclamation, to indict a general and publick Fast, and Day of Humiliation, for the end foresaid. Our Will is therefore, and We straitly command and charge, that the said Fast be religiously and solemnly kept throughout this Our whole Kingdom, by all Our Subjects and People within the same, upon the First Wednesday of June, being the Seventh Day thereof: Requiring hereby the Reverend Archbishops and Bishops, to give Notice hereof to the Ministers in their respective Dioceses, that upon the Lord's Day immediately preceeding the said Seventh Day of June, they cause read this Our Proclamation from the Pulpit, in every Parish-church, and that they exhort all Our loving Subjects, to a sober and devout Performance of the said Fasting and Humiliation, as they tender the Favour of almighty God, the Duty they owe to Us, and the Peace and Preservation of their Country; certifying all those who shall contemn or neglect such a religious and necessary Work, they shall be proceeded against, and punished as Contemners of Our Authority, and Persons disaffected to the Honour and Safety of their Country. Given at Edinburgh, the Third Day of May, 1665. and of Our Reign the Seventeenth Year

G O D save the King.
X 2

Act of Council against Ministers, Edinburgh, December 7th, 1665. N^o. XLV.

THe Lords of his Majesty's Privy Council finding it now, after a long and tender Forbearance, necessary, that their Acts of the Third of *December*, One thousand six hundred and sixty two, and Thirteenth of *August*, One thousand six hundred and sixty three Years, against such Ministers as entred in, or since the Year One thousand six hundred and forty nine, and had not since obtained Presentations from their lawful Patrons, and Collations and Admissions from their Ordinaries, be, upon some weighty Grounds and Considerations therein mentioned, extended against all such other Ministers, who being entred before the Year Forty nine, have, since the Restitution of the Government of the Church by Archbishops and Bishops, relinquished their Ministry, or been deposed therefrom by their Ordinary; do therefore command and charge all such Ministers, within Forty Days after Publication hereof, and all such Ministers as shall hereafter relinquish their Ministry, or be deposed therefrom by their Ordinary, (within Forty Days after their relinquishing and Deposition) to remove themselves, their Families and Goods belonging to them, out of these respective Parishes where they were Incumbents, and not to reside within Twenty Miles of the same, or within Six Miles of *Edinburgh* or any Cathedral Church, or Three Miles of any Burgh Royal within this Kingdom, or to reside Two of them within one Parish: With Certification, if they fail to remove themselves as said is, and to give exact Obedience hereunto, (unless they have the Permission of the Lords of the Privy Council, Lords of his Majesty's Commission for Church-affairs, or of the Bishop of the Diocese) they are to incur the Penalties of the Laws made against Movers of Sedition, and to be proceeded against with that Strictness which is due to so great Contempt of his Majesty's Authority over Church and State. And do hereby inhibit and discharge all Heritors and Householders in Burgh or Land, to give any Presence or Countenance to any one or more of these Ministers, removed by this present Act, to preach or exercise any Act of the Office of a Minister: With Certification, if they, after Publication hereof, shall presume so to do, they are to be proceeded against according to Law: And commanding and requiring all Sheriffs, Stewarts, Magistrates of Burghs, and Justices of Peace, to make diligent Search and Inquiry within their respective Jurisdictions, if any such Ministers, as fall within the Compass of this or the other Two Acts of Council aforesaid, do reside within the Bounds therein prohibited, and to seize upon and imprison their Persons, ay and while they find sufficient Caution to compare before the Lords of his Majesty's Council or Commission, betwixt and such a short Day, as the said Sheriffs, Stewarts, Magistrates of Burghs, and Justices of Peace, shall, upon Consideration of the Distance of the Place, judge convenient: And in case of not meeting of the Council or Commission at the Day foresaid, to compare the next Meeting Day thereafter; certifying all Sheriffs, Magistrates of Burghs, and Justices of Peace, that his Majesty will account their Neglect and Remissness in this Affair, an high Contempt of his Authority and Commands, and punish the same accordingly. And ordain these Presents to be printed and published, that none pretend Ignorance.

PET. WEDDERBURN *Cl. Secr. Concilii.*

Proclamation against Conventicles, Edinburgh, December 7th, 1665. N^o. XLVI.

CHARLES, by the Grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, To Our Lovits, Heralds, Pursevants, Macers, and Messengers at Arms, Our Sheriffs in that Part conjunctly and severally, specially constitute, Greeting: Forasmuch as the assembling and convening Our Subjects, without Our Warrant and Authority, is a most dangerous and unlawful Practice, prohibited and discharged by several Laws and Acts of Parliament, under the Pains against such as unlawfully convocate Our Lieges; and notwithstanding thereof, and that it is the Duty of all Our good and faithful Subjects, to acknowledge and comply with Our Government Ecclesiastick and Civil, as it is now established by Law within this Kingdom, and in order thereto, to give their cheerful Concurrence, Countenance and Assistance to such Ministers, as by publick Authority are, or shall be admitted in their several Parishes, and to attend the ordinary Meetings for Divine Worship of the same. And by the first Act in the Third Session of Our late Parliament, it is declared, that the withdrawing from, and not joyning in the said publick and ordinary Meetings for Divine Worship, is to be accounted seditious: And likewise, by an expresse Clause of the First Act of the Third Session of Our said Parliament, all such Ministers as have not obtained Presentations and Collations, and all such as should be suspended or deprived, and yet should dare to presume to exercise their Ministry, are to be punished as seditious Persons. Nevertheless, divers Persons, disaffected to Our Authority and Government, do not only withdraw from the publick Meetings of Divine Worship in their own Parish-churches, but under the Pretence of Religion assemble themselves: Likeas, some of the foresaid pretended Ministers presume to preach, lecture, pray or perform other Acts belonging to the Ministerial Function, contrary to the foresaid Acts of Parliament, and to many other Acts of Parliament, made by Our Royal Ancestors, and revived by Our self, against such seditious Practices. And albeit it is Our Royal Resolution to give all due Encouragement to Piety and pious Persons, in the Worship and Service of God, in an orderly Way; yet, considering that Conventicles and unwarrantable Meetings and Conventions, under Pretence and Colour of Religion, and the Exercises thereof, have been the ordinary Seminaries of Separation and Rebellion, and are in themselves reproachful to Our Authority and Government Ecclesiastick and Civil, and tending to the alienating of Our Subjects Hearts and Affections from the same, and ministering Opportunities for infusing these pernicious and poisonous Principles, the Consequences whereof threaten no less than the Confusion and Ruin of Church and Kingdom. Our Will is herefore, and We charge you strictly and command, that, incontinent these Our Letters seen, you pass, and in Our Name and Authority, inhibit and discharge all Conventicles, Conventions, and other Meetings, of what Number soever, for, and under the Pretence of the Exercise of Religion

ligion, except such Meetings for Divine Worship, and other relating hereunto, as are allowed by Authority: Certifying all such Persons as shall be present at such unlawful Meetings, they shall be looked upon as seditious Persons, and shall be punished by fining, confining, and other corporal Punishments, as Our Privy Council, or such as have, or shall have Our Commission for that Effect, shall think fit; and also certifying all such Ministers as shall dare to perform any Acts of the Ministerial Function, contrary to the foresaid Acts, and all such as shall reset any of these disorderly Persons, known to be such, or who shall have any Hand in contriving of, or enticing others to keep the said Conventicles, or shall suffer the same to be kept within their Houses, where they are dwelling for the Time; that they shall, after due Conviction, be liable not only to the foresaid Pains, but also to the highest Pains which are due to, and may, by the Laws of this Kingdom, be inflicted upon seditious Persons. And for the better preventing of all such unlawful Meetings, We do hereby command and require all Sheriffs, Stewarts, Magistrates of Burghs, Bailies of Regalities, Justices of Peace, Constables, and other Our publick Ministers, to make exact Search from Time to Time in all Places, where any such Meetings have been, shall, or may be suspected, and to apprehend every such Person, who shall keep or frequent these Meetings, and to commit them to the next Prison, therein to remain till further Order be taken with them, by such as have, or shall have Our Authority for that Effect: And ordains you to make Publication hereof at the Market-crosses of Our Royal Burroughs, and at every Parish-church within the Kingdom on the Lord's Day, wherethrough none pretend Ignorance thereof, as ye will answer to Us thereupon. The which to do, We commit to you, conjunctly and severally, Our full Power by these Our Letters, delivering them by you duly execute and indorsed again to the Bearer. Given at *Edinburgh*, the Seventh Day of *December*, and of Our Reign the Seventh Year, 1665.

APPENDIX.

BOOK SECOND.

PROCLAMATION against the *Apologetical Narration*, February 8th, 1666. N^o. I.



THE Lords of his Majesty's Privy Council, considering that by divers ancient and laudable Laws and Acts of Parliament, and particularly the 10 *Act*, 10 *Parl.* the 134 *Act*, 8 *Parl.* of King *James VI.* of blessed Memory, and by several other Laws and Acts, the Authors, Printers, Venders, or Disposers of infamous and scandalous Libels, are punishable by Death, Confiscation of Moveables, and divers other high Pains and Punishments; and the said Lords being informed, that there has been a Pamphlet, of the Nature foresaid, imported, *An Apologetical Narration of the suffering Ministers of the Kirk of Scotland*, since August 1661. which is printed and dispersed into several Parts of this Kingdom; and, upon Examination and Perusal thereof, is found to be full of seditious, treasonable, and rebellious Principles, contrived of purpose to traduce the King's Authority and Government, the Proceedings of the late Parliament, and established by Law; and thereby to seduce the Lieges from their Allegiance and Obedience, and to strengthen the disaffected in their rebellious Principles, Tenets, and Practices. Therefore, and to vindicate the Honour of this Kingdom, and to witness and declare, that such Principles and Tenets, as are contained in the said Pamphlet, are detested and abhorred by them, as treasonable and seditious, and are contrary to the Laws of this Kingdom, and destructive to the King's Authority and Prerogative Royal, under which this Kingdom hath flourished for many Ages, and that they may show how much they abominate such Tenets and Principles, they ordain, That upon the 14th Day of *February* instant, the said Pamphlet be publicly burnt on the high Street of *Edinburgh*, near to the Market-cross, by the Hand of the Hangman; and that all Havers of any of the said Pamphlets, residing besouth the Water of *Tay*, shall bring in and deliver the same to the Sheriffs of the respective Shires, or their Deputies, to be transmitted to the Clerk of Privy Council by them, betwixt and the last Day of *February* instant; and benorth the said Water, betwixt and the 21st Day of *March* next: With Certification, that if thereafter any Person of whatsoever Degree, Quality or Sex they shall be of, shall have any of the said printed Copies in their Custody or Possession, that they shall be liable in Payment of the Sum of Two thousand Pounds Scots Money, to be exacted without any Favour or Defalcation. And further, if they or any other Person shall be found hereafter to be Contriv-
er, Abetter, or Assister to the making up, printing, publishing, or dispersing of the said seditious Pamphlets, that they shall be proceeded against as Authors, Printers, Importers, Venders, or Dispersers of seditious and infamous Libels, and all Pains and Penalties made against them, shall be inflicted without Mercy; and ordain the Magistrates of the Town of *Edinburgh*, to cause burn one of the Copies of the said Pamphlets,

lets, in Manner foresaid; and these Presents to be forthwith printed and published at the Market-cross of *Edinburgh*, and other Places needful, that none pretend Ignorance.

Letter from a Gentleman in Galloway. N^o. II.

Sir,

Your Desire to know the present Condition of this afflicted Country, hath offered me Occasion to procure you some Account of the grievous Sufferings of several Parishes, especially within the Stewartry of *Galloway*, upon the account of not submitting to the Government of Prelacy, and such Preachers as are thrust in upon them by it. Sir, Any thing I can say here, is but a Hint, in comparison of what might be found upon a more full Search; yet the little View that is given you here, I suppose, is well instructed from the Particulars of every Family and Person who suffered in these Parishes, though (for Shortness) I have sent you only the Sum of the whole in each Parish. Truly, Sir, though I be no Phanatick, nor Favourer of Phanaticism, yet I cannot but be deeply affected, not only as a Christian, but as a Man and Member within this Kingdom; for these Things that are fallen out here, seem to import, not only the breaking of some of that Party called Phanaticks, but the quite undoing of a considerable Part of this Kingdom, and putting them out of all Capacity to be serviceable in the necessary Defence of the rest, against the Invasions of a foreign Army, when we are so often threatned: For in these Bounds generally all Men (without Difference) are disobliged, and discouraged from doing any Service in that Sort, if there should be Occasion offered. I wish a due Impression upon you also, and every one who minds the general Good of the Land, and chiefly our Rulers, upon whom are the managing of Affairs under his Majesty, that Remedy might be found out for preventing the weakning and destroying our own selves, especially now when we are in Hazard from our Enemies Abroad: But it is a sad Matter, that no Man dare represent his Grievances, or complain of Wrongs done to him or his Interests, lest he be ill lookt on, and put himself in Hazard of greater Sufferings, as several here have found by sad Experience, for complaining to the Commanders. The First of these Sufferings was begun the Year 1663. about Mid-may, when the Forces came into *Dumfries* and *Kirkcudbright*. The Second was in the Year 1665. when the Party, Horse and Foot, came in under the Command of Sir *James Turner*. The Third was in this present Year 1666. about the Month of *March*, or Beginning of *April*, when the Party came in under the Command of the said Sir *James Turner*, who yet continues in the Country. At the first Two Times, the Stewartry of *Galloway* mainly suffered by them, but in this last Expedition, not only *Galloway*, but also the Sherifdom of *Nithsdale* hath suffered, (of both which I have sent you a short Account here inclosed.) First, as to their grievous Exactions from that People, who were but poor before this Time, in comparison of other Parts. Next, you will find some Instances of several of the Soldiers inhuman, and also atheistical Deportment, in these Bounds. I could have sent you likewise Account of many stumbling Blocks the People have from their present Preachers, whom they call Curates, both as to their abrupt Entry, and contrary their Consent; and as to the light and unseemly Carriage in Pulpit: But I forbear in this, lest I trouble you with Tedioufness, there are so many Instances of this Sort; and it is needless, seeing they are so notour to all Men in these Bounds: Only (to make you laugh) I must add one, before I proceed, which is certain. One of these called Curates, on a certain Sabbath, inveighing against his People that they did not keep the Kirk, he threatned them after this manner, *God nor I be hanged over the Balk of that Kirk*; and at another Time, *God nor I be hanged over this Pulpit, but I shall gar you all come in from the highest to the lowest*. By these Things, you may easily guess if these Men be fit to travel in the weighty Work of the Ministry, or that they can either gain Love or Authority among the People, for all the Business that is made to bring them to Subjection. Sir, I hope you will not question but I am a Lover of his Majesty's Interest, and the Country's Good, having given some Proof of this in former Times; but considering the Carriage of these Men, and of them who are employed at this Time to bring the People to Conformity, I am far mistaken if either the one or the other be fit Instruments for perswading others to their Duty either to God or Man; yea, I am apprehensive that the Way which is taken, shall prove a Means of strengthning that People in their former Principles, and rendring Episcopacy, Bishops, and such Preachers, more hateful to them than ever before, rather than bring them to a cheerful Submission; and others who shall hear of the very deplorable Case of this Country, cannot but be induced both to compassionate them, and also grow in more Dislike of the Course now carried on. And to speak the Truth, it seems, there could not have been a more expeditious Way found out for weakning that Cause of Conformity, and strengthning that Cause of those who now suffer; yea, I dare say, it hath done as much to this purpose, if not more, than all the preachings on the Hills and in Houses, by the casten out Ministers. This People are weakned in their Estates indeed, but confirmed in their Opinion. It is palpable that the intended Conformity cannot be gained by such extreme Dealing, but rather marred; and will not the Report of this rigid Dealing, (which cannot be hid) have Influence upon all those of their Judgment, to alienate them the more from the Course? I confess, this Consideration is like to have little Weight with some covetous Soldiers, (employed here) assuming to themselves an arbitrary Power to prey upon a desolate People for their own private Gain: But I expect that judicious and unbiaised Men, who tender the Good of the Country, and his Majesty's Interest therein, will lay this to Heart, and take their best Way to represent it to our Rulers, for Remedy in the Matter, and moving their Compassion toward a poor People, that have few to speak for them. Sir, I shall detain you no longer from reading this inclosed Relation, but tendring my Respects to your Wife, I rest,

Sir,

Your humble Servant.

Follows

Follows that brief Relation of this Country's Sufferings, which I promised you in my Letter, wherein this is inclosed, in which you have set down, 1. The enumerate Sums of Money. 2. Some general Aggravations. 3. Some particular Instances.

	L.	s.	d.
1. The Parish of <i>Carsphairn</i> , Forty nine Families, in that called Kirk-fines, has suffered the Loss of	4864	17	4
2. In the Parish of <i>Dalry</i> , Forty three Families,	9577	6	8
3. In <i>Balmaclellan</i> , Forty nine Families,	6430	10	4
4. In the Parish of <i>Balmaghie</i> , Nine Families,	425	11	8
5. In <i>Tungland</i> Parish, out of Two or Three poor Families,	166	12	8
6. In <i>Twynam</i> Parish, from some poor Persons,	81	4	0
7. In <i>Borg</i> Parish, out of Twenty Families,	2062	17	4
8. In <i>Girtoun</i> Parish, out of Nine poor Families,	525	10	4
9. In <i>Anwith</i> Parish, from some poor Families,	773	6	4
10. In <i>Kirkpatrick-durham</i> Parish, out of Thirty four inconsiderable Families,	2235	16	0
11. In <i>Kirkmabreck</i> Parish, some few Families,	563	6	0
12. In <i>Mohygaff</i> , Three Families,	600	00	0
13. In <i>Kirkcudbright</i> , Eighteen Families,	2580	00	0
14. In <i>Lochrutton</i> Parish, out of Thirty seven poor Families, notwithstanding they want a Minister,	2080	00	0
15. In <i>Traquair</i> Parish, Twelve poor Families,	756	10	0
16. In <i>Kells</i> Parish,	466	13	4
17. In <i>Corfmichael</i> Parish,	1666	13	4
18. In <i>Partoun</i> Parish, from Twenty four Families,	2838	9	4
19. In <i>Irongray</i> Parish, Forty two Families,	3362	18	8

In the Sheriffdom of Nithsdale, or Dumfries Shire.

1. In the Town and Parish of <i>Dumfries</i> , from Fifty one Families, was exacted the Sum of	4617	15	4
2. In the Parish of <i>Kirkmah0</i> , from Twenty poor Families,	1341	6	8
3. In <i>Dunscore</i> Parish, from Fourteen Families,	1411	13	4
4. In <i>Glencairn</i> Parish, from Families,	2146	14	8
The Total of these Sums extends to	51575	13	4

Besides all these abovenamed Sums, which are instructed in every particular Parish,

I. There are Six or Seven Parishes in the Stewartry of *Galloway*, and Fourteen in the Sheriffdom of *Nithsdale*, of whom I have received no particular Account as yet, but you may judge the Lion by his Paw.

II. Besides the Sums abovenamed, it is to be considered, that the great Expence of Quartering is not received in the most Part of the Parishes abovenamed, which would make a great Addition to the former Sums; but it cannot well be counted.

III. Besides that which they have gotten out already, there are several Persons that have not got their Fines, and others their Cefs-money, as yet paid; but is to be exacted.

IV. That several of the poor People (through Fear) have given out divers Times Buds and Bribes in Money and other Things, to some Officers and Soldiers, for keeping Cefs and Quarter off them, which notwithstanding profited little or nothing.

V. That all these forementioned Sums are, by and attour all the Fines, imposed by the State, which, within the Stewartry of *Galloway*, upon Ninety one Persons, extends to the Sum of

47860 00 00
29260 00 00

And in the Sheriffdom of *Nithsdale*, upon Forty one Persons, extends to

Which being laid together, the Parliament-fines within the Stewartry of *Galloway*, and Sheriffdom of *Nithsdale*, extend to

77120 00 00

And that, besides the Expences of Cefs and Quarter for the Fines themselves, for several Persons, was put to pay near as much more Cefs as their Fines came to, besides Quarter.

VI. That by and attour all the foresaid Losses, there are many Families (whose Sums are not here reckoned) in Probability totally ruined, and many others scattered already; for Instance, In *Lochrutton*, a little Parish, I find to be reckoned to be above Sixteen Families utterly broken. In *Irongray* Parish, the most Part of the Families put from House-keeping already, the Soldiers having violently taken away, both there and elsewhere, from several Families, the Thing they should have lived on, even to the leading away of their Hay-stacks. I forbear to set down the rest of the broken and ruined Families, until I can give you a more distinct Account: Only I can tell you in the general, that utter Ruin, to the most Part of the Families in this Country, is like to be the Consequence of these grievous and intolerable Impositions; and also, to my certain Knowledge, there are several Gentlemen who formerly were well to live, that are now put from House-keeping, and forced to wander; yea, oft-time to be beholden to others for a Night's Lodging, the Soldiers having possessed themselves in their Houses, Cattle, plenishing, Barns, &c.

VII. Ordinarily, wherever they come to quarter, they do not rest content with Sufficiency, but set themselves to waste needlessly; at some times lend for Sheep off the Hill, and cast whole Barks of them to their Hounds and Ratches: Also by treading and scattering Corn and Straw, they and their Pedies at their Pleasure, and usually saying, We came to destroy, and we shall destroy you.

VIII. They have this for an ordinary Use, that when they have eaten up the Master or Landlord, they fall next upon the poor Tenants to eat them up also; yea, though they were never so conformed to hearing, &c. whereof I could shew many Instances, which I cannot for Shortness. Also in other Places, when they have consumed the Tenant, they have fallen upon the Landlord; this they did in *Kirkmahoe* upon a Gentleman, who (for ought I know) conforms all the length they press him to as yet.

IX. It is observed every where in that Country, that these who have conformed, and are obedient to the Laws from the Beginning, and others who have conformed of late, do no less suffer than those who hold out to the last; yea, some in several Parishes, who have given Subjection to what is demanded, have suffered more than some who have given none, which has produced an universal Discontent and Outcry in this Country: And many Husbands here who yield Obedience to the full length, are punished by Fines, Cess, and Quarter, for their Wives not Obedience; and ye know, Sir, that is sad, for there are many Wives who will not be commanded by their Husbands in lesser Things than this; but I must tell you that this hath occasioned much Contention, Fire, and Strife in Families, and brought it to this Height, that some Wives are found to flee from their Husbands, and seek a Shelter elsewhere, and so the poor Good-man is doubly punished for all his Conformity.

X. It is specially to be considered, that besides all which this Country hath suffered hitherto, the Soldiers are sent forth through the Country again, and Fine, Cess, and Quarter is imposed of new upon the same Persons and Families who were fined before, yea, upon some it is doubled and trebled. I have lately heard that some Yeomen are fined in Five hundred Merks, besides, the Gentlemen in Six or Seven hundred Pounds. I cannot see what shall be the Fruit of these Things, except utter Ruin to their worldly Estates.

XI. That all the Papists that are in this Country, none of them are troubled, except it be very few, and these inconsiderable Persons, who are fined in some feckless Thing for the Fashion.

XII. Wherever the Soldiers come to quarter, they ordinarily hinder, or else interrupt the Worship of God in Families, by their Threatnings and blasphemous Expressions; yea, the poor People are so straitened that scarcely they have Liberty to call on God in secret Places, but they are punished by those Men, and cruelly mocked, to the constant Grief, Vexation, and Disquiet of those upon whom they are quartered.

XIII. Notwithstanding of all these Impositions upon that People, and Aggravations of their Sufferings abovementioned, yet the People are commanded to take a Bond, wherein (besides all the particular Obligations required in that Bond) is contained an Acknowledgment, that the Commander of that Party has dealt civilly and discreetly with them.

The particular Instances which follow in the Autograph are not inserted, because they are pretty much evinced with those already printed in *Nephthali*.

Proclamation for procuring Obedience to Ecclesiastical Authority, October 11th, 1666. N^o. III.

CHARLES, by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith, to
 Macers of Our Privy Council, and Messengers at Arms, Our Sheriffs in that Part, conjunctly and severally, specially constitute, Greeting: Forasmuch as by the First Act of the Third Session of Our late Parliament, entituled, *Act against Separation and Disobedience to Ecclesiastical Authority*, it is recommended to the Lords of Our Privy Council to take speedy and effectual Course that the said Act, enjoying Obedience to the Government of the Church, as it is now settled by Law, receive due and ready Obedience from all Subjects; with Power to them to decern and inflict such Censures, Penalties and corporal Punishments, as they shall think fit, upon the Contraveners, and direct all Execution necessary, for making the same effectual, and to do every other Thing needful for procuring Obedience to the said Act, and putting the same to punctual Execution, conform to the Tenor and Intent thereof. And by divers other Acts of Parliament and Council, made against Papists, Quakers, and other disaffected Persons, they are commanded, under great Pains and Penalties, to frequent the Ordinances, in hearing Sermon, and partaking of the Sacraments, and all other Acts of publick Worship, at their own Parish-churches, and not to keep any private Meetings or Conventicles: Nevertheless, the said Acts have not received that vigorous Execution and Obedience in some Parts of the Kingdom, which might have been given, if Masters of Families, Heritors, and Landlords in the Country, and Magistrates within Burghs Royal, had been careful and zealous in their Stations in procuring Obedience from their Servants, Tenants, and Inhabitants, over whom they have Power and Jurisdiction; so that it is more than high Time to prevent the Increase and spreading of these Disorders, which, by evil Example, might poison and infect these that are yet found in their Principles, and well affected to Our Government. **OUR WILL IS HEREFOR E**, and We charge you straitly, and command, that incontinent, these Our Letters seen, ye pass to the Market-crofs of *Edinburgh*, remanent head Burghs of the several Shires and other Places needful, and there, by open Proclamation, in Our Name and Authority, command and charge all Masters of Families that they cause their domestick Servants, Grieves, Chamberlains, and others entertained by them, to give Obedience to Our Laws foresaid, and Acts of Council; and particularly that they frequent the publick Worship and Ordinances at their own Parish-churches, and participate of the Sacraments, and abstain from all Conventicles and private Meetings, and that they retain none in their Service but such as they will be answerable for; and in case of their Disobedience, that they remove them out of their Service immediately after Intimation thereof by the Minister of the Parish: As also, that all Heritors, Landlords, and Life-renters, who have granted any Tacks or Rentals to their Tenants, which are yet standing unexpired, cause their Tenants and Rentallers give sufficient Bond and Surety for obeying the said Acts of Parliament and

and Council, and specially for frequenting publick Worship and Ordinances, as said is, and abstaining from private Meetings; and if Need be, that they raise Letters under the Signet of Our Privy Council, and charge them, for that Effect, upon Six Days, and in case of Disobedience, to denounce them to Our Horn, and registrate the same; for which End, Warrant is given to direct Letters in their Name against all and sundry their Tenants and Rentallors: And We do declare, that We will give and bestow the Escheats falling to Us by the said Hornings, upon the Landlords and Setters of these Tacks and Rentals, in so far as may be extended thereto; recommending hereby to Our Treasurer-principal, and Treasurer-depute, and others of Our Exchequer, to grant the same accordingly: And in case the Tenants be removeable, and refuse to give Obedience, that they warn and pursue them to remove, and obtain Decrets of Ejection against them; and that no Heritor, Landlord, or Liferenter, set their Lands hereafter to any Person, by Word or Writ, but to such as they will be answerable for, as said is; and that they take Surety from them by Provisions and Obligements to be insert in their Tacks, or otherwise by Bond apart, in case there be no Writ, that the said Tacksmen, Rentallors and all others their Hindes, Cottars, and Servants, who shall live under them upon the said Lands, shall give Obedience in manner foresaid; otherwise, that their Tacks, Rentals, and whole Interest, Right and Possession shall be void and expire, *ipso facto*, as if they had never been granted, and that without any Declarator or further Process, and then as now, and now as then, that they shall renounce all Right that they shall have thereto, and shall remove themselves without any Warning; and in case of Failure, the Landlords and others are to charge and denounce them in manner foresaid. As likewise, that all Magistrates of Royal Burrows take special Care and Notice, and be answerable, that their Burghesses and Inhabitants be obedient to the foresaid Acts of Parliament and Council, and that they cause charge such of them, as they shall think fit, and are suspected, to give Bond and Surety, as said is; and for the Magistrates own Relief, in case they contravene, and if they fail, to denounce them in manner foresaid: With Certification, that all Masters of Families, Landlords, and Magistrates of Burghs, who shall not give punctual Obedience in manner above written, that they shall be liable to the same Pains and Penalties due to the Contraveners, but prejudice always of proceeding against the Contraveners themselves, and inflicting the said Pains, and all other Pains contained in any Act of Parliament or Council heretofore made against Papists, Quakers, and Persons disobedient: Certifying also all concerned, that the Lords of Our Privy Council will not only take special Care to secure the publick Peace, but also to discover all secret Attempts and Designs to disturb the same, and to punish all Persons that shall be found guilty, according to the Quality of their Offence. And ordains these Presents to be printed and published, that none pretend Ignorance.

Council's Letter to the Commissioner, November 17th, 1666. N^o. IV.

May it please your Grace,

THe Lords of his Majesty's Privy Council, having received Information of some Risings, and Appearances of Disorders in *Kirkcudbright* and other Places adjacent, have thought it their Duty to give his Majesty timely Notice thereof, and that Orders are given for suppressing of the same, which they do hereby offer to your Grace to be presented to his Majesty.

Yesternight one of the Bailies of *Dumfries* came hither, and informed, that on *Thursday* last towards the Break of Day, about Fourscore of Horles in Arms, and also many Foot entred the Town of *Dumfries*, and having about one Hundred and Fifty Foot without the Town, did set Guards to the Magistrates Houses, and invaded the House where *Sir James Turner* was, seized upon his Person, carried him from his Bed to the Streets, and through the Town, and at last carried him away with them. The Bailie having seen this, came immediately hither to give us Notice: He says, there are no Persons of any Quality among them, but that they give out themselves that *Gillbert Ker* is there. This Morning we have received further Notice of the Gatherings of some People in these Places, which we are very hopeful will soon vanish, or speedily be suppressed. Yet we have thought it our Duty, in discharge of our Trust we have from his Majesty, to apply his Majesty's Authority for the speedy suppressing of the same, as the Beginning of a most desperate Rebellion; and thereupon have given Orders to the Lieutenant-general of his Majesty's Forces, for marching presently against them, as will more fully appear to your Grace by the Order itself, the Copy whereof is herein inclosed. Orders are also sent to Persons of greatest Interest in these Countries, to be assisting in this Affair; of which Orders there is a Copy also inclosed. This being all the Information we have yet gotten, we could do no more at present; for the Forces they are to march the Morrow Morning: But, according as we shall receive further Intelligence, we shall not be wanting in the Discharge of our Duty for the suppressing thir Rebels, and securing the Peace. And, upon this Occasion, the Council having had their Thoughts upon the fittest Means for securing the Peace, it is their unanimous Judgment, that it is most necessary for that end, that the Heritors of the several Countries, especially of the Southern and Western Shires, and such other as his Majesty's Council shall think fit, be presently required to sign the Declaration concerning the Covenant, and that such as shall delay or refuse, be secured and lockt upon as Enemies to his Majesty's Authority and Government: As this will be a ready Mean to discover who are well or ill affected to his Majesty, so without it, we conceive, neither the publick Peace nor his Majesty's Government can be well secured.

We rest your Grace's humble Servants,

*St. Andrews,
Montrose,
Eglintoun,
Dumfries,
Newburgh,
Smclair,
Halkertoun,
Ballenden,*

*John Gilmour,
A. Primrose,
Jo. Nisbet,
J. Lockhart,
Hume,
Ch. Maitland,
Wauchope,
Sir Rob. Murray.*

Proclamation against the Rebels in Arms, November 21. 1666. N^o. V.

CHARLES, &c. To all and sundry Our good Subjects, Greeting : Whereas by the clear and expresse Laws and Acts of Parliament of this Kingdom, it is declared to be high Treason for the Subjects of the same, or any Number of them, more or less, upon any Ground or Pretext whatsoever, to rise or continue in Arms, without Our special Authority and Approbation ; and nevertheless, a Party of disloyal Persons, disaffected to Our Government and Laws, who have formerly tasted of Our Royal Bounty and Clemency, whereunto they ow their Lives and Fortunes, having forfeited the same by their former rebellious practices, under the Cloke of Religion, the ordinary Colour and Pretext of Rebellion, have now again risen in Arms, within the Stewartry of *Kirkcudbright*, Shires of *Galloway* and *Air*, and other Western Shires ; and having in a hostile Way entred within the Town of *Dumfries*, has there, and in other Places of the Country, seized upon the Persons of divers of Our good Subjects, has plundered and robbed them, and others of their Horses, Arms, and other Goods, and has done and committed many Outrages and treasonable Deeds and Attempts against Our Authority, and against and upon Our Royal Subjects. And We, out of Our Royal Tenderneſs for the Peace and Quiet of this Our ancient Kingdom, being careful to repress the said Rebellion, and that simple People be not ensnared by the said Rebels and their Emissaries, and involved in their Rebellion ; and, to take off all Pretence of Ignorance or Excuse, do therefore, with Advice of the Lords of Our Privy Council, declare the said Insurrection to be an open, manifest, and horrid Rebellion, and high Treason ; and that the Authors and Actors in the same, and their Adherents, are and ought to be pursued as profest and declared Traitors to Us : And do hereby command and charge all Persons, who are in Arms against, or without Our Warrant and Authority, to desist from their Rebellion, and to lay down their Arms, and to render and present their Persons to the Lieutenant-general of Our Forces, or some others of Our Officers or Magistrates, within Twenty four Hours after Publication hereof : With Certification, that if they continue in their Rebellion after the said Time, they shall be holden and proceeded against as incorrigible and desperate Traitors, and that they shall be incapable of Mercy and Pardon. And We do discharge and command all Our Subjects, that no Person presume to aid, assist, harbour, reset, or any way supply the said Rebels, or any of them, under the Pain of Treason ; and that they do not keep Correspondence, or intercommune with them, without Warrant of Our said Lieutenant-general, under the Pain foresaid : And We do expect in this Juncture, and do require and command all Our Subjects, to be assisting to Our said Lieutenant-general, under the Pain foresaid, and being required by him, or others having Authority from him, to that effect, to rise in Arms with all their Power, and to joyn and concur with them for suppressing the said Rebels, under the Pain of Treason, if they refuse or disobey. And further, We do strictly enjoyn and command all Masters of Families, Heritors, and other Landlords, that they be careful and vigilant that their Children, Servants, and Domesticks, and their Tenants and others under their Power, do not break out and joyn with the said Rebels ; certifying them, if they be found negligent in their Duty, or otherwise culpable in that behalf, they shall be lookt upon, and severely punished, as disaffected Persons, and favouring and complying with Rebels. And hereby We give Warrant and Command to Our Lyon, King at Arms, and his Brethren, Heralds, Pursuivants, Macers, or Messengers at Arms, to pass to the Market-cross of *Edinburgh*, and other Places needful, and make Publication hereof, that none pretend Ignorance. Given under Our Signet, at *Edinburgh*, the Twenty one Day of *November*, and of Our Reign the Eighteenth Year.

Subscribed *ut federunt*.*Council's Act for Defence of the Country, November 21. 1666. N^o. VI.*

Forasmeikle as the Insurrection at *Dumfries* and the Western Shires, is grown into an open Rebellion, and that the Number of these desperate Rebels does increase so, that all his Majesty's loyal Subjects, in their several Shires, ought timeously to look to their own Security, and put themselves in a Posture to defend the King's Authority, and to oppose all Attempts of desperate and wicked Rebels ; therefore, the Lords of his Majesty's Privy Council, do hereby command and require all Heritors, who are fencible Persons, within the Shires of Middle, East, and West *Lothians*, *Fife*, *Perth* Shire, (except the Country of *Arthole*) *Stirling* Shire, *Dumbarton* Shire, *Merse* and *Teviotdale*, *Tweddale*, *Clackmannan*, the *Forest*, *Angus* and *Mearns*, to convene at such Places as the Commanders aftermentioned shall appoint, and to receive the Orders, and to be under the Command of the Persons underwritten, viz. *Midlothian* to meet upon the Twenty third of *November* instant, and to be under the Command of Lord *George Ramsay* ; *Eastlothian*, to meet on the Twenty sixth of the said Month, and to be under the Command of the Earl of *Wintoun*, and Viscount of *Kingstoun* ; *Westlothian*, to meet the Twenty third of this Instant, and to be under the Command of Sir *Walter Seton* of *Abercorn* ; *Stirling* Shire, to meet the Twenty sixth of *November*, to be under the Command of the Earl of *Callender*, and Lord *Almond* ; *Fife*, to meet the Twenty ninth Instant, to be under the Command of the Earl of *Weems* and Lord *Newark* ; *Perth* Shire, to meet the Twenty ninth Instant, and to be under the Command of the Earls of *Perth* and *Tullibardin*, excepting as said is ; *Dumbarton*, to meet upon the Twenty eighth Instant, and to be under the Command of the Earl of *Wigtoun* ; *Merse*, to meet the said Twenty eighth Instant, to be under the Command of the Earl of *Hume* ; *Teviotdale*, to meet the Twenty eighth Instant, and to be under the Command of Sir *William Murray* of *Stanhop*, and the Laird of *Blackbarony* younger ; *Clackmannan*, to meet the Twenty ninth Instant, to be under the Command of the Laird of *Clackmannan* ; *Forest*, to meet the Twenty eighth Instant, and to be under the Command of *Philippaugh* ; *Angus*, to meet the Twenty ninth Instant, to be under the Command of the Earl of *Panmure* and Lord *Carnegie* ; the Shire of *Mearns*, to meet the Twenty ninth Instant, to be under the Command of the Earl of *Marisbal*, and Lord *Arbuthnot* :

luthnot : With full Power to them, to seize upon all disaffected Persons within their respective Bounds, or such as shall be suspect to be going out of the Shire to the Rebels ; with Power likewise to the said Commanders, to appoint Officers under them, to command in the several Divisions of the Shires. And further, ordain the said respective Commanders, to make publick Proclamation and Intimation hereof, to the respective Shires under Command, immediately after the same shall come to their Hands, that the said Meetings may be punctually kept.

King's Letter to the Council, November 24th, 1666. N^o. VII.

Right Trusty, &c. We have seen your Letter of the 17th of this Month, with the Account of what then you knew of the rebellious Insolence at *Dumfries* : We have also seen the Orders you have given for the speedy March of Our Lieutenant-general, with such of Our Forces as he should think fit, and for the Concurrency of such Persons of Quality, as live near those Places where the Rebellion broke out. All which We do very well approve, and doubt not but, by God's Blessing upon Our Forces, and your Counsels, the Mischief of this Rebellion shall turn upon the Heads of the Rebels. And We specially recommend to you all Care and Diligence for preventing any joyning with the Rebels ; and that you take special Care of Our Castles, and of the Prisoners in them : You shall also send Us frequent Intelligence of what you hear, and that by express Paquets ; and give Order that Our Lieutenant-general keep Correspondence with Our Governor of *Carlisle* ; and that also he send Us a frequent Account of his Proceedings, and direct his Letters to *Carlisle*, to be transmitted to Us. We intend very speedily to dispatch Our Commissioner, who shall bring Our full Directions ; and, until he come, you shall suspend the putting in Execution your Order for the subscribing the Declaration ; and so We bid you heartily Farewel. Given at Our Court at *Whitehall*, the 24th Day of November, 1666. and of Our Reign the Eighteenth Year.

By His Majesty's Command,
LAWDERDALE.

Proclamation discharging the Receipt of the Rebels, December 4th, 1666. N^o. VIII.

CHARLES, by the Grace of GOD, King of Scotland, England, France, and Ireland, Defender of the Faith, To all and sundry Our Lieges and Subjects whom these Presents do or may concern, Greeting : Forasmuch as, upon the first Notice given to Our Privy Council, of the rising and gathering of these disloyal and seditious Persons in the West, who have of late appeared in Arms, in a desperate and avowed Rebellion against Us, Our Government and Laws, We declared them to be Traitors, and discharged all Our Subjects to assist, reset, supply, or correspond with any of them, under the Pain of Treason : And the said Rebels and Traitors being now, by the Blessing of God upon Our Forces, subdued, dissipated, and scattered, and such of them as were not either killed or taken in the Field, being lurking in the Country ; and We being unwilling that any of Our good Subjects should be ensnared or brought in Trouble by them, We have therefore, by the Advice of Our Privy Council, thought fit again hereby to discharge and inhibit all Our Subjects, that none of them offer or presume to harbour, reset, supply, or correspond, hide or conceal the Persons of Colonel James Wallace, Major Learmont, Maxwell of Monrief younger, Maclellan of Barscob, Gordon of Parbreck, Maclellan of Balmagachan, Cannon of Burnshalloch younger, Cannon of Barley younger, Cannon of Mordrogget younger, Welsh of Skar, Welsh of Cornley, Gordon of Gaverty in Kells, Robert Chalmers Brother to Gadgirth, Henry Grier in Balmacellan, David Scot in Irongray, John Gordon in Midtown of Dalry, William Gordon there, John Macnaught there, Robert and Gilbert Cannons there, Gordon of Bar elder in Kirkpatrick-durham, Patrick Macnaught in Cumnock, John Macnaught his Son, Gordon of Holm younger, Dempster of Carridow, of Dar-gomer, of Sundiwall, Ramsay in the Mains of Arncliffe, John Hutchison in Newbottle, Rew Chaplain to Scottsbarbet, Patrick Listoun in Calder, William Listoun his Son, James Wilkie in the Mains of Cliftounhall, the Laird of Caldwell, the Goodman of Caldwell, the Laird of Kerland, the Laird of Bedland-cunningham, Porterfield of Quarreltoun, Alexander Porterfield his Brother, Lockhart of Wicketshaw, Trail Son to Mr. Robert Trail, David Poe in Pokelly, Mr. Gabriel Semple, John Semple, Mr. John Guthrie, Mr. John Welsh, Mr. Samuel Arnot, Mr. James Smith, Mr. Alexander Pedden, Mr. Orr, Mr. William Veitch, Mr. Patton, Mr. Cruikshanks, Mr. Gabriel Maxwell, Mr. John Carstairs, Mr. James Mitchell, Mr. William Forsyth, or any others who concurred or joyned in the late Rebellion, or who, upon the account thereof, have appeared in Arms in any Part of that Our Kingdom ; but that they pursue them as the worst of Traitors, and present and deliver such of them as they shall have within their Power, to the Lords of Our Privy Council, the Sheriff of the County, or the Magistrates of the next adjacent Burgh Royal, to be by them made forthcoming to Law : Certifying all such as shall be found to fail in their Duty herein, they shall be esteemed and punished as Favourers of the said Rebellion, and as Persons accessory to, and guilty of the same. And to the end, all Our good Subjects may have timeous Notice hereof, We do ordain these Presents to be forthwith printed, and published at the Market-crosses of *Edinburgh, Air, Lanerk, Glasgow, Irwin, Wigtoun, Kirkcudbright, Dumfries*, and remanent Market-crosses of Our said Kingdom : And We do recommend to the Right Reverend Our Archbishops and Bishops, to give Orders that this Our Proclamation be with all possible Diligence read on the Lord's Day, in all the Churches within their several Dioceses. Given at *Edinburgh*, the Fourth Day of December, and of Our Reign the Eighteenth Year, One thousand six hundred sixty six.

Process against Captain Andrew Arnot, &c. December 4th, 1666. N^o. IX.

The Process and Indictment of these First Ten Martyrs of *Jesus Christ*, who (besides *Thomas Paterson* who died of his Wounds in the Tolbooth) suffered together at *Edinburgh* December 7th, 1666.

Curia Justiciaria S. D. N. Regis, tenta in prætorio burgi de Edinburgh, quarto die mensis Decembris 1666. per Dominum Joannem Hume de Rentoun, Justiciaria Clericum, & Gulielmum Murray Advocatum, Justiciarium deputatum.

Curia legitime affirmata.

INTRANT

Captain *Andrew Arnot*,
Major *John M'Culloch*,
Gavin Hamilton in *Mauldsie* in *Carluke* Parish,
John Gordon of *Knockbreck*,
Christopher Strang Tenant in *Kilbride*,

Robert Gordon Brother to *John Gordon* of *Knockbreck*,
John Parker Walker in *Kilbride* Parish,
John Ross in *Mauchlin*,
James Hamilton Tenant in *Killimuir*,
John Shiels in *Tirwood*.

YOU, and ilk one of you, are indicted and accused for that, albeit by the common Law, and the Law of Nations, and the Law and Practick of this Kingdom, and many clear and expresse Acts of Parliament, the rising of his Majesty's Subjects, or any Number of them, and the joyning and assembling together in Arms, without Command, Warrant, or Authority, and specially, when the same is not only without, but against, and in Opposition to his Majesty's Authority and Laws, are most horrid and hainous Crimes of Rebellion, Treason, and Lese-majesty, in the highest Degree, and all Persons committing, and guilty of the said Crimes, or any wise accessory thereto, or who doth abet, assist, reset, intercommune with, or keep Correspondence with such Rebels, or any wise doth supply them in any Manner of way; or being required by Proclamation, or other wise, doth not rise with and assist his Majesty's Lieutenant-general, and others having Power and Authority, for repressing these Rebels, ought to be proceeded against, and severely punished as Traitors, conform to the Laws and Acts of Parliament of this Kingdom: And in particular, it is shewed as Traitors, conform to the Laws and Acts of Parliament of this Kingdom: And in particular, it is statute and ordained, by the Third Act of King *James I.* his First Parliament, That no Man openly or notoriously rebel against the King, under the Pain of forfeiting Life, Lands, and Goods; and by the Twenty seventh Act of the said King *James* his Second Parliament, it is statute, That no Man wilfully reset, maintain, nor do Favour to open and manifest Rebels, against the King's Majesty, and common Law, under the Pain of Forfeiture; and by the Fourteenth Act of King *James II.* his Sixteenth Parliament, entituled, *That no Rebel against the King's Person or Authority*, it is statute, That whosoever doth rebel against the King's Person and Authority, or makes War against the King's Lieges, that they should be punished according and after the Quality of their Offence and Rebellion; and by the Twenty fifth Act of the said King *James II.* his Sixth Parliament, entituled, *Sundry Points of Treason*, it is statute, That if any Man commit or do Treason against the King his Person or Authority, or rise in feir of War against him, or resets any that has committed Treason, or supplies him in Help, Red or Counsel, shall be punished as Traitors; and the Hundred and forty fourth Act of King *James VI.* his Twelfth Parliament, it is statute, That wherever any declared Traitors or Rebels repair in any Place of this Realm, none of our Sovereign's Lieges shall presume to reset, supply, or intercommune with them, or to give them any Relief or Comtort; and that, immediately upon Knowledge of their repairing to the Bounds, all his Highness's obedient Subjects do their exact Diligence, in searching and apprehending the said Traitors and Rebels, and that with all Speed they certify his Majesty, or some of his secret Council, or some chief Persons of Authority and Credit within the Shire, that such Rebels are within the same, under the Pain that the said Traitors and Rebels ought to sustain, if they were apprehended, and convict by Justice: Likeas by the Fifth Act of his Majesty's late Parliament, and First Session thereof, it is declared, that it shall be high Treason to the Subjects of this Kingdom, or any Number of them more or less, upon any Ground or Pretext whatsoever, to rise or continue in Arms, to make Peace or War, or make any Treaties or Leagues with foreign Princes or Estates, or amongst themselves, without his Majesty's special Authority or Approbation first interponed thereto; and his Majesty's Subjects are discharged, upon any Pretext whatsoever, to attempt any of these Things under the said Pain of Treason: And by the Seventh Act of his Majesty's foresaid Parliament, and First Session thereof, all his Majesty's Subjects are discharged and inhibited, that none of them presume, upon any Pretext or Authority whatsoever, to require the renewing or swearing the League or Covenant, or of any other Covenant or publick Oaths, concerning the Government of the Church or Kingdom, without his Majesty's special Warrant and Approbation, and that none of his Majesty's Subjects offer to renew, or swear the same, without his Majesty's Warrant, as they will be answerable at their highest Peril: **N E V E R T H E L E S S**, ye, and your Complices, shaking off all Fear of God, and Conscience of Duty, Allegiance and Loyalty to his Sacred Majesty, your native and sovereign Prince, and natural Tendernefs to your Country, have most perfidiously and treasonably contravened the said Laws and Acts of parliament, and committed the said Crimes in manner after-specified: In so far as this his Majesty's ancient Kingdom, having for many Years suffered and endured all the Calamities, Miseries, tragical Effects and Consequences of a civil and intestine War, and foreign Usurpation; and now, after his Majesty's happy Restitution, beginning to recover, of so long and waiting a Consumption, through the Blessing of God, and his Majesty's incomparable Goodness and Clemency, having by an Act of Oblivion secured the Lives and Fortunes of you and others, who were conscious to themselves, and might have justly feared to be under the Lash and Compass of Law and Justice; and when his Majesty and his good People had just Reason to expect Security and Quiet at home, and Assistance against his Enemies abroad: yet ye and a Party of seditious Persons, retaining and persisting in your inveterate Disloyalty and Disaffection to his Majesty's Government and Laws, did take Advantage and Opportunity of the Time, when his Majesty was engaged in a chargeable and bloody War with divers his neighbour Princes and

and States, being jealous of and envying his Majesty's Greatness and Prosperity, and the Happiness of these Kingdoms under his Majesty's Government, and having contrived and projected a most horrid Insurrection and Rebellion, tending to involve again his Majesty's Kingdoms in Blood and Confusion, and to encourage and strengthen his Enemies, did rise, convene and assemble your selves together in Arms, and, upon the Day of November last, did march to, and enter within his Majesty's Town of *Dumfries*, in an hostile Manner, with your drawn Swords and other Arms, and did beset the House where Sir *James Turner*, one of the Officers of his Majesty's Forces, was lodged for the Time, and did violently seize upon the said Sir *James* his Person and Goods within his Lodging, and did detain and carry him about with you captive, and as a lawful Prisoner taken from an Enemy, and did search for and would have taken the Minister of the said Town, if he had not escaped; and while ye were in the said Town, ye and your Complices d'd many other Acts of Insolence and Rebellion, and having in manner foresaid, openly avowed and proclaimed your Rebellion, in so publick and insolent a Way, to the great Contempt and Atfront of Authority, ye and your Complices, in pursuance thereof, by your selves and others your Emissaries and Instruments, sent up and down through the Country, of purpose to be Trumpets of your Sedition, did convocate his Majesty's People and Subjects, and did endeavour to stir them up and perswade them to joyn in the foresaid Rebellion, and did seize upon the Persons, Horses, and Arms, and plunder and rifle the Goods and Houses of divers his Majesty's good Subjects, and in special of faithful and loyal Ministers, and by seditious Sermons, Insinuations, and other Practices, did so far prevail within the Stewartry of *Kirkcudbright*, and Shire of *Wigtoun*, and Shires of *Air*, *Lanerk*, and other western Shires, the many Persons flocking and resorting to you, ye had the Boldness to send a considerable Party to his Majesty's Town of *Air*, and did seize upon and take all the Arms were there, and not being content to proceed to the Height of Rebellion in manner foresaid, ye and your Complices did presume to regulate your monstrous and irregular Rebellion, in the Formality and Frame, and under the Name and Notion of an Army, and to form and model your selves in Troops, Companies, Regiments, and to name Captains of Foot, Commanders of Troops, and other Officers, under the Command of *James Wallace* of *Achens*, *Joseph Learmont*, and other Persons of known Disaffection to his Majesty and his Government; and though his Majesty's Lieutenant-general did march speedily for repressing the said Rebellion and Insurrection, and his Majesty's Privy Council did emit and issue a Proclamation, declaring the said Insurrection to be a manifest and horrid Rebellion, and high Treason, and commanding the said Rebels to desist and lay down Arms; with Certification, if they should continue in their Rebellion, they should be proceeded against as desperate and incorrigible Traitors, and discharging all his Majesty's Subjects to joyn, resist, supply or intercommune with them, and commanding them to rise and joyn with his Majesty's Lieutenant-general, and the Forces under him, under the Pain of Treason: Yet ye and your Complices did obstinately continue, and march in Arms through the Country with your modelled Army, as if you had been an Enemy, and in Capacity to encounter, and dispute by Arms with your sovereign Lord and his Forces, and did in a warlike and hostile Manner and Posture, enter within his Majesty's Town of *Lanerk*, and there, upon Munday the 26th of November last, to palliate your Rebellion with the Colour of Religion, did renew and take the Oath of the Covenant, and thence did march, quartering all alongst upon, and oppressing his Majesty's Subjects, until ye had the Boldness and Confidence to approach within Two Miles of his Majesty's City of *Edinburgh*, where his Majesty's Judicatories and Lords of his Majesty's Privy Council and Session were sitting for the Time; and having quartered all Night within the Parish of *Collingroun*, at so near a Distance from the said City, ye and your Complices, upon Wednesday the 8th of the said Month of November last, did dare and presume to encounter, engage, and fight his Majesty's Army and Forces, under the Command and Conduct of his Majesty's Lieutenant-general, and other Officers, at *Pentland Hills*, and did wound and kill in the said Fight and Conflict, divers of his Majesty's good Subjects, and did all ye could to destroy his Majesty's Army, until, by the Mercy of God, and Conduct and Valour of his Majesty's Lieutenant-general, and other Officers and Soldiers under him, ye were vanquished, routed and dissipated, in doing of which, and one or other of the said Deeds, ye have committed and incurred the Crime and Pain of Treason, and are guilty of being Authors, Actors, Abettors, and accessory to the said Rebellion, and are Art and Part of the same, and therefore you, and ilk one of you, ought to be exemplarily punished with the Loss and Forfeiture of Life, Land and Goods, as Traitors to his Majesty, to the Terror and Example of others to commit the like hereafter.

PURSUERS,

Sir *John Nisbet* of *Dirletoun* Knight,
his Majesty's Advocate.

Advocates,

PROCURATORS in Defence.

Sir *George Lockhart*,
Sir *George Mackenzie*,
Mr. *William Maxwell*,
Mr. *William Hamilton*,
Mr. *Robert Dickson*.

My Lord Advocate produced an Act, and Ordinance of his Majesty's secret Council, bearing that the Lords of his Majesty's Privy Council, ordained Sir *John Nisbet* his Majesty's Advocate, to pursue with all Diligence a Process of Forfeiture, before the Justices, against *Thomas Paterson* in *Glasgow*, Major *John Macculloch*, *John Parker Walker*, *John Gordon* of *Knockbreck*, *Robert Gordon* his Brother, *John Russ* in *Mauchlin*, *John Shiels* Tenant to Sir *George Maxwell*, *Gavin Hamilton*, Captain *Andrew Arnot*, *James Hamilton* in *Killmuir*, and *Christopher Strang*, Prisoners in *Edinburgh*, for their late rebellious Insurrection against his Majesty. Extr. by

P. T. WEDDERBURN.

Compeared Sir *George Lockhart*, Sir *George Mackenzie*, Mr. *William Maxwell*, Mr. *William Hamilton*, and Mr. *Robert Dickson*, Advocates, and produced an Act of his Majesty's Privy Council, dated at *Edinburgh* the Fourth of December Instant, granting Power and Warrant to the forenamed Persons, to compare and plead for all those Persons, who are to be impannelled before the Justices, upon this Day, for Rebellion. Extr. by

P. T. WEDDERBURN.

ASSISA.

Sir *Alexander Urquhart* of *Cromarty*,
 Sir *Hary Hume* of *Heidrig*,
 Sir *Lawrence Scot* of *Clerkingtoun*,
 Sir *Alexander Forbes* of *Tolquhoun*,
 John *Hume* Servitor to the Earl of *Hume*,
 Walter *Forbes* of *Blacktoun*,
 Adam *Hepburn* of *Humbie*,
 Alexander *Sandilands* Merchant in *Edinburgh*,

John *Johnstoun* Merchant there,
 William *Hay* Merchant there,
 Walter *Burn* Merchant there,
 John *Lyon* Merchant there,
 John *M'Gill* Merchant there,
 James *Cowan* Merchant there,
 George *Graham* of *Cairny*.

Mr. *William Maxwell* for the Pannels alledges, the Pannels cannot pass to the Knowledge of an Assize upon this Indictment, nor no Process against them upon this Citation, because this being an Indictment of Treason, all Charges to be given to Persons so indicted, ought to be by a Lyon Herald, Pursivant or Macer, and is so ordained by Act of Parliament, *James VI. P. 12. Cap. 125. in Anno 1492.* But so it is that thir Pannels are not charged by Heralds, Pursivants, or Macers, conform to the Act, and therefore are not obliged to answer.

My Lord Advocate answers to the Alledgance, That it ought to be repelled, as no ways relevant, because the Act of Parliament doth militate only in the Case, when any Person is charged by Letters of Treason, to deliver their Houses, or do any other Thing under the Pain of Treason, and doth not militate in the Case of Citations, and specially in this Case, where the Parties are imprisoned; and the daily uncontroverted Practick is opposed, there being nothing more ordinary than the Person guilty of Crimes, and especially of Treason, and being in Hands and Prison for the same, should be brought to Trial, without any other Formality or Citation, but giving them a Dittay.

Sir *George Lockhart*, for the Pannels, replies, That the Defence stands relevant, notwithstanding of the Answer, because the Act of Parliament is opposed, which bears the express Reason thereof, to be founded upon the Importance and Weightiness of the Crime of Treason, which equally militates, whether the Parties accused of such Crimes be in Prison, yea or not; and Practice and Custom has cleared the Sense of the said Act of Parliament: For it is notour and known, that all Indictments of Treason, before the last Act of Parliament, given to Parties accused thereof, albeit in Prison, yet was done by Heralds and Pursivants, as being the Solemnity required by the said Act; and there is no Warrant from the Act of Parliament, to restrict it to the Case of charging for Delivery of Houses, or the like.

Sir *George Mackenzie*, for the Pannels, says further, That the Defence stands relevant, notwithstanding of the Answer, seeing an Indictment is a Summons and Citation; and the Act of Parliament is opposed, declaring, That if any other Execution of Treason shall be otherwise executed, the same shall be null; and the Particle *any*, comprehends all, and therefore the Act is conceived in the same Terms, as if it had said expressly, That all Executions of Treason, not executed in Manner foresaid, shall be null: And *Skene* does explain the same in Manner foresaid; neither can the Act of Parliament be restricted to Executions anent delivering of Houses, seeing, after that Part of the Act is finished, this begins with a new Distinction and Item.

My Lord Advocate replies, The former Answer, and Act of Parliament opposed, being clear and express anent Charges and Executions under the Pain of Treason; whereas the Dittay and Charge given to the Pannels, bears no Certification that they should appear under the Pain of Treason, and cannot be subsumed, conform to the Act of Parliament, that the Execution in question is an Execution under the Pain of Treason; and for the Citation, the Time of the late Parliament, it cannot be obtruded, because such Solemnity, if any was used before so high a Judicatory as the Parliament, was unnecessary and superfluous, and *per sua non nocent*, and cannot be urged as a Practick.

Mr. *William Maxwell*, for the Pannels, duplies, That the Defence stands relevant, notwithstanding of the Replies, that whereas it is alledged, that the Act is only where there is a Certification under the Pain of Treason; but this Dittay bears no Certification of such a Pain: It is answered, That the Dittay concludes the Pain of Treason; so that the Certification and Conclusion are *idem*: And there is no Letters for Treason, or Indictment for Treason, but the Pain and Certification is Treason; and so the Defence stands good from the Act of Parliament. And whereas it is alledged, That the Citations before the Parliament by Heralds, the Parliament being so supreme a Judicatory, was superfluous; It is answered, The Parliament being a supreme Judicatory, they might the better dispense with it, and yet all these Charges was by Lyon-heralds; but the Justices, in their Proceedings, are tied to proceed conform to the Laws of the Kingdom.

The Justices repel the Alledgance proposed for the Pannels, in respect of the Reply.

Sir *George Lockhart*, for the Pannels, alledges, That the Dittay cannot be put to the Knowledge of an Assize, whereupon to infer and conclude the Pain of Death against the Pannels, because, always deaying the Dittay, yet albeit the Pannels had been accessory to the Acts and Deeds of Rebellion libelled; yet, as it is acknowledged by the Dittay it self, they did frame and model themselves in the Notion of Officers, Regiments, Companies, and were assaulted by his Majesty's Lieutenant-general, and Forces, who, by virtue of his Capacity and Commission, he, and all Officers and Soldiers under his Command, might, and *de facto* did, upon the taking and Apprehension of the Pannels, grant them Quarter, whereupon they were taken, and laid down their Arms; and which Quarter being *publica fides*, and offered and granted to the Pannels in Manner foresaid, should be inviolably observed, and secure them as to their Lives.

My Lord Advocate answers, That the former Alledgance ought to be repelled, as most irrelevant, and having no Ground and Foundation in Law: And as to that Pretence that is acknowledged in the Dittay, that the Pannels, and their Complices who joyned with them in the late Rebellion, did model themselves in Companies ad Regiments, and in an Army; it is most absurd to infer from that, which is libelled as an hai-

nous Aggravation of their Presumption and Rebellion, that they should have had the Boldness as to put, or think themselves in a Capacity to dispute by Arms with their sovereign Lord, and Master, should be a Ground of Defence or Extenuation. And as to that Assertion, That the General, and not only he, but his inferior Officers, and the meanest of his Soldiers, was in a Capacity to grant Quarters, and to secure the Lives of Rebels and Traitors: It is a most unwarrantable and illegal Assertion, and, with all Respect to the Gentlemen that oppose the same, it is answered, That it is an Alledgance most derogative to his Majesty's Royal Power and Prerogative, who only has Power to remit Crimes, and in special Treason, the greatest of Crimes; so that either to assume, or to give and prostitute so high a Prerogative, to any other Persons, and especially to Officers and common Soldiers, it does reflect upon his Royal Majesty, unless it were relevantly alledged, That his Majesty had, by his Commission, given so high Power expressly to his General and Soldiers, to remit and secure the Lives of Traitors, which cannot be fancied, much less alledged: And as to the Point and Pretence of Quarters, and that *ipso facto* thir Persons being found in Arms, got Quarters, and were secured as to their Lives, even in other Cases, it is not questionable; and though, *ex honestate*, it may be pretended, that in *bello justo* the Persons that are taken upon Quarter may be spared, yet, *ex necessitate*, there is no Obligation to that purpose, except when an express Capitulation and *deditio*, and explicate Paction to that effect is express; but in this Case, it is without all question, where there is not *bellumustum*, but *perduellio*, there is not *hostes*, but *proditores*, there is not the least Shadow of Pretence for the Plea of Quarters, except his Majesty had expressly impowered his General, and all under him, to secure the Lives of Rebels subdued by them. And that we are not in the Case of *bellumustum*, which is only betwixt Princes or States that have no Dependence one upon another, and cannot debate and decide the Difference but by the Law of Arms; and *bellum est inter pares, judicium in subditos*. And that in this Case there is no *jura belli*, either *postliminium*, Quarters, or such like; seeing, by the common Law, *resistentia subditorum* is altogether forbidden as unlawful; and they are not *hostes* but *prædones*, and by the Law of this Nation, and specially the Acts of Parliament that are cited in the Dittay, it is not War or *bellum*, but Treason in the highest Degree, for any Number of his Majesty's Subjects to rise in Arms, without (though it were not against) his Majesty's Authority, as in the Case of this Rebellion; so that seeing we are not in the Case of *bellum*, this Pretence being founded upon a pretended *bellumustum*, is most irrelevant; specially, being considered, that his Majesty's Council, in pursuance of their Duty, for repressing the said Rebellion and Treason, has emitted a Proclamation, founded upon the common Laws, and the Laws of the Kingdom, declaring the same to be Rebellion and high Treason, and commands the Rebels to lay down Arms; with Certification, that if they should continue in Arms, they should be holden and proceeded against as desperate and incorrigible Traitors, and should be incapable of all Mercy or Pardon.

Sir George Mackenzie, for the Pannels, alledges, That the Pannels, and such as appear for them, (except Arnot, for whom they do not alledge the getting of Quarter) do, with all Submission to his Majesty's Prerogative, propone both the foresaid Defence and this Duply; intending to assert his Majesty's Prerogative, by sheltering themselves under his Mercy, and acknowledging that his Power is so great, that the meanest of his Soldiers can give Quarters; and, without debating the Justness of the War, which they here decline, it is alledged for them, That *capiti in bello*, abstracting from *justum* or *injustum*, are in its Latitude capable of Quarter, and Quarters being given them by such as are listed Soldiers, doth secure them as to their Life, seeing *eo ipso* that Soldiers are commissionate and listed, they have Power for that which is necessarily inherent in their Employment, and Quarter uses to be valued *jure belli*, when given by the meanest Soldier; for such only use to give Quarter, general Persons and superior Officers not being ordinarily in Use to take Prisoners: So that seeing these had Power to give (which is only here controvertible) when given, it is valid, without debating the Justness of the War; for seeing any of the Pannels, being then in Arms, might have disputed and defended his own Life, and might have possibly reached the Lives of the greatest that opposed them, in accepting of Quarters, and laying aside these Arms, they have in effect ransomed their own Life, and exchanged it in favours of his Majesty and his Forces, with the Lives of others: And many Lawiers debating this Subject, call this a Transaction, and that it should be kept upon that account, as namely *Grotius* in his 11 Chap. 14 Parag. 3 Book, where he debates this Case indefinitely; and *Claudius de Cotte*, *De jure & privilegiis militum*, *Paris De Puteo*, *de re militari*. And in reason, Soldiers, who may defend their own Life, are not obliged, nor is it in use when Quarters are offered them, to seek the Granter's Commission, seeing *nec mora patitur, nec est consentaneum natura actum*, private Soldiers being in Use generally to grant the same; and what is customary *semper inest*, except it be expressly forbidden, and the Prohibition so known to the Transgressors, that they are thereby put in *mala fide*. And the Difference betwixt *quando justum & injustum*, lies not here, seeing the Reason of Quarter is the sparing, in Prudence, the Blood of the one Party, and conserving, in Humanity, that of the other, the one whereof is at least common to both *bellumustum & injustum*, but the Difference is, that in *bello justo* Prisoners taken (though without Quarter) cannot be killed, but in *injusto* they may, except they have Quarter, and that Quarter is given betwixt King and Subjects, when formed once (whether justly or unjustly) in modelled Armies, which is offered to be proven by Persons that understand that Trade, to have been actually allowed betwixt the *Hollanders* and the King of *Spain*, betwixt the Protestant *Rochellers* in *France* and the King, and allowed by his Majesty's Forces in the Hills, and the rebellious *English*, though there was no just War amongst those Parties, upon the Ground foresaid; neither is it debated that any but his Majesty can grant Remissions; but in listed Soldiers their giving of Quarters, his Majesty doth in effect give it: And seeing neither Armies nor Soldiers could subsist without Quarter, *quantum do aliquid conceditur, omnia concessa videntur, sine quibus principale concessum consistere nequit*; and as the Council, for seen Reasons, might, without express Warrant from his Majesty, have secured, upon Submission, the Lives of those Prisoners, so might much more Soldiers, whose proper Trade and Calling it is.

Sir George Lockhart, for the Pannels, answers further, That the foresaid Reply for the Pannels, founded upon the offering of Quarters, and the Pannels accepting of the same, stands relevant, and is no way elided by the foresaid Answer; and that there may be no Mistake of what the Pannels and their Procurators plead, under the Terms and Notion of Quarters, it is condescended that Quarter, mentioned in the Defences, proposed and understood in thir Terms, *viz.* That the Pannels being in Arms and actual Resistance, and not in the Power of the Takers, did give up their Arms, and became in the Power of the Takers, upon the granting of Quarter, and that Quarter so given, should in Law operate the Security of the Lives of the Persons so taken, is evident and apparent, in so far as it is a Transaction and Paction, and *fi-*

des data est accepta, and accordingly fulfilled upon the part of those who were taken; and in Law, all Pactions and Transactions being *justitia commutativa*, it abstracts and does not consider the Quality and Merit of Persons, but the Terms, Sense and Meaning of such Pactions and Transactions. And whereas it is pretended, That the Granters of Quarters, specially mean Soldiers, had no Power to do the same, as intrenching upon his Majesty's Prerogative; it is answered, That it ought to be repelled, because what his Majesty's Officers and Soldiers did act, consequently and suitably to the Nature of their Offices, and to the Exercise of their Duties, did flow from, and was warranted by his Majesty's Authority; so that they ought not to be contradistinguished, the Authority of his Majesty's Officers and Soldiers being derived from his Majesty, as the Fountain of the same: But specially in this Case, where first, before they did enter in Fight, there was no Discharge nor Prohibition as to the granting of Quarter, but on the contrary, the Lieutenant-general and all the Officers being present, were Witnesses to the granting of Quarter, and thereby the same were not Acts of simple Soldiers, but Acts warranted and authorized by the Knowledge and Allowance of Persons having supreme Commands. And as to that Part, that there was not *bellum justum* upon the part of the Pannels and their Complices, it is answered, That the Pannels do with all Submission and Humility acknowledge the same, but the Consequence that can be inferred thereupon, is not that Quarter given should not be observed, but that Quarter might have been justly refused; and there is no doubt but *jura belli*, which do naturally arise, without express Covenant and Paction, cannot be extended to this Case; but notwithstanding thereof, where Quarter was granted in Manner foresaid, it cannot be so interpret in Law or Reason, as to be a Snare to any who were resisting the Power of the Granters, justly or unjustly: And 'tis a common and known Distinction *inter deditos & captos*, the first being in the Case of a simple Surrender, which can import no more but at most a Submission upon Mercy, but is far otherwise in the Case of Persons taken upon the express Terms of granting and accepting Quarter; and that this Position is neither absurd nor illegal, nor destitute of the Authority of eminent Lawiers, and the Practices of most famous and military Nations, may appear from the judicious and learned Grotius, who has writ *ex instituto*, and most excellently upon the same Subject, which he entitles, *De jure belli & pacis*; and who, in his 19 Chap. 3 Book, entituled, *De fide inter hostes*, 6 Parag. after having premised what does import *fides*, which he resolves not only to be inferred from Writ and Words, but even from Sense known and customary, he does expressly state this Question, *Quid ergo dicemus de subditorum bellis, adversus reges aliasque summas potestates?* Where he resolves the Question upon the former Ground, that Paction and Transaction do abstract from the Quality and Demerit of Persons, that *illis etiam fides data servanda est, & generaliter fidem datam servandam etiam perfidis*; and the Reason is clear, because there is no apparent Reason why the Granters of Quarters, having interposed their Faith, should violate the same. And as to that Pretence, That none grant Quarters but these who remit the Crime of Treason, 'tis answered, That 'tis humbly conceived there is a vast Disparity; for in the Act of Remission of either the Crime of Treason or any other, 'tis *pura oblatio*, and the sole Act of the Granter; whereas the granting of Quarters is by way of Paction and Transaction, in *impetu & furore belli*, and in Contemplation whereof, the Persons, supposing themselves secured as to their Lives by Quarter, became in the Power of the Granters without Resistance. And as to that Ground, that his Majesty, by the Authority of the Lords of his Privy Council, did emit a Proclamation, declaring, That the Convocation libelled was a Rebellion, and that all who were accessory thereto, if they did not lay down their Arms, should be incapable of Mercy; It is answered first, That this Proclamation was not intimate to the Pannels, nor did consist in their Knowledge; yet suppose it had been known, it cannot elide the Quarter granted to the Pannels, because, notwithstanding of any such Proclamation, his Majesty's Officers and Soldiers did grant the same long after the emitting of the Proclamation; and the Pannels were in *optima fide*, finding his Majesty's Officers and Soldiers willing, who cannot be supposed but to have known his Majesty and the Lords of his Privy Council, their Sense and Meaning of the Proclamation, which behoved to have restrained them from giving of Quarter; yet notwithstanding, seeing the same was granted, the Pannels had Reason to believe that they were sufficiently warranted to that effect, and have rested upon their Faith in accepting the same; and albeit by Proclamation they were declared incapable of Mercy, that neither in Reason or Words can be interpreted to the Case of Quarter, which was not an Act of simple Mercy, but upon Paction and Transaction.

Sir George Mackenzie adds to this former Allegiance, That pactions betwixt King and Subjects, though they cannot be forced, and it is Rebellion in Subjects to require them, yet being once made, they not only are ordinarily kept among all Nations, but his Majesty who now reigns, having made with the greatest of the Rebels a more dishonourable Paction, did observe the same, viz. the Parliament 1649. which his Majesty ordered to be observed by an express Order.

My Lord Advocate answers and triplies, 1mo, Though we were in *bello*, as we are not, and in the Case of Quarter, yet the Allegiance is no ways relevant as it is proponed and qualified, and it is not condescended, what Persons did give Quarters to the Pannels or any of them, nor in what Terms; and to infer Quarters and Impunity from the naked taking of the Pannels, and because they are Prisoners, it is without any Law or Reason, seeing the Pannels might have been overpowered and taken; and it is to be presumed, that his Majesty's Army being more numerous and victorious, that they were overpowered and vanquished, and that they were not taken either upon an express or an implicate Condition or Capitulation, and the Rebels being routed, it cannot be thought that his Majesty's Officers and Soldiers, and Persons of such Valour, would have given Quarters, upon account of a pretended Transaction, and in order to their own Safety, and that they would ow their Lives dishonourably to Traitors. 2do, The former Answer is repeated, and it is most evident, that we are not in the Case of Quarters, and though, where there is *bellum*, and where there is the Relation of *hostes*, it may be pretended that Quarters ought to be observed, with Abstraction from the Quality of the Difference of the War, whether just or unjust, as when War is betwixt his Majesty and any his neighbour Princes and Estates, though it be unjust upon the Part of these Enemies, Quarters may and ought to be kept; yet in this Case where there is no *bellum*, but *rebellio & proditio & latio Majestatis*, where there is not *hostes* but *prædones*, such as all Persons are, that are in the Condition of the Pannels, who perfidiously do rise up against their sovereign Lord, there can be no Pretence for any Privilege of *jus belli* and of Quarters: And as to that Pretence, that *fides publica est servanda*, it is without all question, that when *fides* is given by an express Treaty, not only between his Majesty and any other Stranger, Princes or States, but betwixt his Majesty and his Subjects, by an Act of Pacification or any other Treaty, ought to be observed religiously; but we are not in the Case where *fides publica* is given either by his Majesty, or any authorized by him,

him, and having exprefs Power to that purpose, and that his Majesty's General, or his Officers or Soldiers, has Power to grant any such *fides*, unless the Commission were exprefs to that purpose, is *petitio principii*, and is altogether denied, and that the most that Quarters can import in this Case, though it could be made out that Quarters were granted, is, that the General, or his Officers and Soldiers, by granting of Quarters might have secured them as to that which were in their Power, *viz* that they should not then be presently cut off; but that they should have secured them from that which was not in their Power, from the just Stroke of Justice, is altogether denied. And as to the Pretence of Transactions, and the Reasons and Arguments adduced for the Pannels to that purpose, if there were any Weight therein, the most it could operate, were to be Motives for making a Law to that purpose, that his Majesty's Officers, *et ipso* that they are in Power to serve under him, should have Power by granting of Quarters, to secure the Lives, of Traitors; but there is no such Law: And a General being commisionate, and having gone to suppress Rebels, without any Hint to the purpose foresaid, the Defence being neither founded on the common Law, nor upon Laws nor Acts of Parliament known in this Country, is most irrelevant, specially being considered that it is an undoubted Principle, that Treason, being of so high a Nature, cannot be remitted but by an immediate Grant and Remission of his Majesty under the Great Seal, or some Person having Commission under the Great Seal expressly. As to the Authority from the Lawyers mentioned in the Alledgance, they are but the Opinions of private Men, and do not amount to the Authority of a Law, specially in this Kingdom, there being clear and exprefs Acts of Parliament, and fundamental Laws, that his Majesty's Lieges and People should be governed and judged by his Majesty's Laws alienarly, and not by the Laws of any Nation, and much less by the simple Opinions and School-dictates of Lawyers: Likeas, the said Authorities, though they were of any Weight, they do not meet nor quadrate the Case in question, in respect they are only the Case of *bellum*, as said is, or when there are exprefs and publick Transactions, by Treaties, Edicts, or Acts of Amnesty and Oblivion. And *Grotius*, though he might be suspect, as being the Subject of an Estate who had shaken off the Government of their Prince; yet he is most clear in the Case, that there is no *bellum* betwixt *subditi* and their sovereign Lord; and that *resistentia subditorum* is *vetita omni jure*, and cannot pretend to the *jura* and Rights and Privileges of War, unless the sovereign Authority be pleased to condescend so far, as to capitulate expressly and treat with the Subjects; and it is a most groundless Pretence, that of a Transaction between the General, or any Soldiers or Officers as to the Matter of Quarters, seeing it cannot be said that the General had Power to transact by an exprefs Capitulation betwixt him and the Rebels; and it is without all question, that the General could not have secured the Rebels of this Army, by a Transaction by himself, without exprefs Warrant from his Majesty, or from his Council; and consequently, seeing by a downright and exprefs Transaction of treating, he could not secure Traitors, it is *gratis* and without Warrant asserted, that he, and much less his Officers and common Soldiers, could, by a pretended implicate Transaction, secure and indemnify Traitors: And it is without all question, notwithstanding of the Pretences in the contrary, that the General had no Power to grant the said Security, if his Commission had related to Quarters, as it could not do in this Case, having to do with Rebels and Traitors, and not with an Enemy; and if his Commission had been exprefs, that he should not have Power to secure the Rebels by Quarters, but that they should be altogether incapable of Mercy, no Person could have the Confidence to assert, that he would grant Quarters in the Case foresaid; and it is clear that we are in a stronger Case, seeing the General had no such Commission and Power to grant Quarters: And the Council, by their Proclamation foresaid, does declare the Rebels, as said is, incapable of Pardon; which being intimate to the General, and being sent to him, and intimate to all Persons concerned, by Proclamation, to plead in pretence of *ignorantia* or *bona fides*, is most frivolous and unwarrantable, seeing *ignorantia juris nemini prodesse debet*; and it is their own Fault, if, being engaged and busied in their rebellious Course, they did not come to the Knowledge of the said Proclamation, being founded upon the common Law, and the Law of the Kingdom; it being a Principle of both, that Traitors are *nulli*, and no Men in the Construction of Law, as to any Benefit and Capacity of any pretended Transaction. And as to the Instances from the Practices of *Spain*, *Holland*, *France*, and other Kingdoms, they do no ways quadrate in this Case, the same being, as said is, of *publica edicta*, and exprefs Treaties and Transactions; in respect of all which the Defence ought to be repelled.

Mr. *William Maxwell*, for the Pannels, quadruples, That whereas it is answered, that the Defence is not definitely qualified, nor condescended upon the Persons Granters of Quarters, and in what Manner, It is answered, That it shall be condescended upon in Writ who granted the same, being listed Soldiers and Officers under the General; and as for the Manner, the same was in usual Form that Quarters are granted, *viz*. Assurance of their Lives from those who granted Quarters. Next, where it is alledged, that Quarters cannot be presumed to have been granted, his Majesty's Army being victorious and the other Party routed, who alledges to have gotten Quarters, It is answered, that no Supposition can be admitted against a positive Defence, which is offered to be proven. As for the Third, whereby it is alledged there can be no Quarters sustained as lawful, but where the War is just, which cannot be in this Case between his Majesty's General and the Rebels: It is answered, that the Pannels oppose their former Answer, and add that the Question is not here in the Lawfulness of the Pannels Quarrel, but whether or no his Majesty's Lieutenant-general, being constitute as a General, by his Commission, could give Quarters, or not; which the Pannels maintain he had Power to do, being his Majesty's Lieutenant-general, by Commission; neither needed any such exprefs Power be insert in his Commission, for giving of Quarters, because *inerat* in his Commission, and every listed Officer and Soldier under him, he having the said Commission, the like Power, as any other Prince's listed Officer and Soldier under him, has; and to hold the contrary it seems strange, for it was never called in question in any Nation heretofore, nor did ever his Majesty or his Royal Father, call in question the Quarters granted by their General Officers, or listed Soldiers under him in the Fields, but esteemed the same ever sacred, to be kept even unto these, who were in a Model of an Army of Rebellion in the Time; and if Quarters should not be kept, but elided by a secondary Way of panneling the Persons Receivers of the Quarters, it should both intrench upon the Word of the General, his Commission, and Soldiers, to whom hereafter none may give Trust, especially in a Matter of so high Concernment, after their Lives are secured to them by Quarters. And as for the Alledgance, that the General could not treat or assure them by a publick Transaction, without the Consent of his Majesty or his Council, the Pannels first leave that to the Consideration of his Majesty and his Secret Council, if the General being clad with a Commission from his Majesty, has not Power to treat, to grant Quarters, or receive any of those who are in Rebellion, to Peace, wherein

wherein his Commission is ample and not restrictive: The Pannels answer no further, but oppose the Amplitude of the Commission, the constant Course observed by his Majesty and his Father's Generals of before, the Assurance given for their Lives by the Quarter, and the dangerous Consequence may ensue thereupon. And whereas it is alledged, that the Pannels being Traitors, the Quarters cannot operate for them, to exeme them from the Trial, and inflicting the Punishment conform to the Law of the Kingdom; and there is no Law that can warrant their Rebellion, or exeme them from the Punishment due to Rebels: It is answered, That the Case now in debate is, Whether Quarters given to Persons mortalled in an Army in the Fields, if they having received Quarters, their being no Law to discharge their General to give Quarters, if they did not lawfully accept thereof, he lawfully grant it; for albeit the Laws of this Kingdom rule in Time of Peace amongst all the Subjects, but in the Time of War, where there are Two Armies in the Fields, there the Law of Arms takes Place, and the Law of Nations whereupon the Faith given in Quarters is founded, must be kept, and never was broken. And as for the Alledgance, that if the General had been retrained by the Commission to give Quarters, the Quarters given by him could not be respected, and that it is alledged the Case is alike here, there being a Proclamation emitted by the Council, declaring the Pannels Actions to be Rebellion, and that they were commanded by the same, to lay down their Arms within a certain Space, otherwise to be proceeded against as the worst of Rebels and Traitors, and not to have Mercy: It is answered, *First*, That Proclamation does no ways derogate to the General's Commission, which remained as absolute as before, so long as he remained in the Fields; nor does the Council, by the said Proclamation, discharge him to give Quarters, thereby to retrench the Power of his Commission. *Secondly*. The Proclamation could not be known to the Pannels, who could not have Access to the Market-cross where the same was to be promulgate, Proclamations at Market-crosses being the Course of making known the Council's Pleasure in peaceable Times; but the Course of War is, when Two Armies are in the Fields, the one sends a Trumpet with a Proclamation to intimate the same. *Thirdly*. They not knowing the Proclamation in the Time of the Conflict, and the Pannels being required to lay down Arms, showing it was the Council's Will, and Quarters being given thereupon, as they would have had a good Defence, if they had laid down Arms within the Time prescribed by the Proclamation, if the same had come to their Knowledge; so likewise in this Case, being intimate to them the Time of the Quarters, and they having given Obedience thereto, upon Assurance of their Lives, ought not to be broken; in respect whereof the Defence stands relevant, notwithstanding of the former Triply.

Sir George Mackenzie, for the Pannels, adds, That the Subject Matter of this Debate is the Law of Arms, and there being no expresse positive Law to regulate the same, it is offered to be proven, by such as understand the Law of Arms, that Quarter is allowed where Subjects in Arms rise against their Prince, though given but by private Soldiers, except there be an expresse Prohibition in the contrary: Likeas, it is offered to be proven by the General, Lieutenant-general, and other Officers, that in this Case, they either gave Quarter, or allowed the giving of Quarter, and that Honour being concerned, it is hoped, that the Justices will advise with the Council, by whose Commission they acted, and against whose Order this Debate will infer he has malversed; and it is not known upon what account he thought himself authorized to give, or allow the giving of Quarter, of which he himself can only give an account; and all the Lieges in the Nation are here concerned, seeing in all subsequent and supervenient Broils, every Man, to make sure, shall cut his Neighbour's Throat, so that the innocent shall have no Defence, and Rebels shall be fortified in their Courage; and Necessity, which dignifies all other Acts, in the Opinion of such as, in *furor belli*, consult with nothing but with their Safety, will obdure them much more than formerly, and of ordinary Rebels make them insupportable Traitors and Rebels; and that Place in the *Kings*, spoken of by one of the Prophets to a King of *Israel*, is here remembred, *Wilt thou take the Life of those whom thou hast taken by thy Bow and Sword?*

Mr. William Maxwell, for the Pannel John Shiels in Tirwood, alledges, The Conclusion of the Dittay cannot be inferred against him, because 'tis offered to be proven, that he was in the Army with his Majesty's General the Time of the Proclamation, which coming to his Knowledge, if he had any Arms then, he was willing to lay them down, and so have obeyed the Proclamation by his Willingness, if he had been in the Field; so that if he had been out with the rest of the Pannels, he would have had the Benefit of the said Proclamation; and being then in Firmance, and Prisoner with the General, and being most willing to obey the Proclamation, the Conclusion cannot be inferred against him: And whereas the Proclamation, even for these who should give Obedience thereto, the Effect thereof to them could be to come to Mercy, the Pannel does humbly conceive, that the Council's Meaning was never to take the Lives of these who obeyed the Proclamation, specially seeing the Certification is expresse, that to such as are disobedient, they should be proceeded against as Traitors, without Mercy, which clearly includes Mercy to the obedient.

Mr. Robert Dickson, for the Pannel John Ross, repeats the whole former Defences upon the Benefit of Quarter, and repeats the last Defence proponed for John Shiels, and humbly craves the Benefit of his Majesty's Proclamation.

My Lord Advocate answers shortly to the Alledgance for Shiels and Ross, That the same merits no Answer, in respect the said Persons were taken as Spies and Emislaries, for giving Intelligence to the Rebels, and were Prisoners for the Time, and their Arms being taken from them upon the Occasion foresaid, they could not lay down the same, nor plead the Benefit of the Proclamation, conceiving these who should be in Arms the Time of the issuing and proclaiming the same, whatever the Import, and Benefit, and Extent of the Proclamation be, which the Pursuer neither doth nor is concerned to dispute in the Case of the said Pannels.

The Justices repel the Defence, Duply, and Quadruply proponed for the Pannels, in respect of the Reply and Triply proponed by his Majesty's Advocate; as also the Defence proponed for Shiels and Ross, in respect of the Reply; and ordain the Dittay to pass to the Knowledge of an Inquest.

The Affize lawfully sworn, no Objection in the contrary.

My Lord Advocate, for proving the Dittay, produces the Pannels Confession made to the Lords of his Majesty's Privy Council and a Committee of them, whereof the Tenor follows, *viz.* The said Captain Arnot did confess, that he did joyn with the rebellious Party in the West, at Air; and came alongst with them in their March to this Country, and that he did accept the Command of one of their Troops, and did ride upon the Head thereof; that he came with them to Lanerk, and took the Covenant with them there, and did ride alongst with them to Bathgate, Collingtoun, and Pentland, and was at the late Fight in Arms with his Sword

Sword drawn. The said Major *John M'Culloch* did confess, That he joyned with the Rebels at *Air*, and came with them to *Lanerk*, and there took the Covenant with them, and continued with them in Arms and Rebellion, until *Wednesday* the Day of the Conflict at *Pentland*, where he was in Arms, and taken Prisoner. The said *Garvin Hamilton* did confess, That he joyned with the Rebels, and came along with them, and that he was in *M'Clellan* of *Barfco's* Troop, and was in Arms at the Fight of *Pentland*, where he was taken. The said *John Gordon* did confess, He joyned with the Rebels before he came to *Lanerk*, where having taken the Covenant with them, he marched and came along with them to *Collingtoun* and *Pentland*, on Horseback, and in Arms with them at the Conflict, where the Rebels were defeat. The said *Christopher Strang* did confess, That he joyned with the Rebels, and was at *Lanerk* with them, and took the Covenant, and came along with them to *Pentland*, and was an Horseman in Arms, with Sword and Pistols, under the Command of Captain *Paton*, Commander of one of the Rebels Troops, and was in Arms at the late Conflict. The said *Robert Gordon* did confess, That he joyned with the Rebels at *Douglas*, and came along with them, and had Charge as a Cornet of a Troop of Horse, whereof *Maxwel* younger of *Monrief* was Captain, and that he was in Arms with the Rebels at the late Conflict. The said *John Parker* did confess, That he joyned in Arms with the rebellious Party in the West, and came along with them to *Pentland*, and was there under the Command of Colonel *Wallace*. The said *John Ross* did confess, That he joyned with the Rebels in the West, and that, at the Desire of Mr. *John Guthrie*, one of the Officers of the Party, he went along to discover if the King's Forces were coming to *Kilmarnock*, being in Arms, and having Pistols with him, and going along with *John Shiels* and other Persons to bring the Rebels Intelligence. The said *James Hamilton* did confess, That he joyned with the Rebels Party, and was with them at *Lanerk*, where he did take the Covenant, and marched along with them in *Barfco's* Troop, with Sword and Pistols, and came along with them to *Collingtoun*, and from thence to *Pentland*, and was there in Arms when the Rebels were defeat. The said *John Shiels* did confess, That he joyned with the rebellious Party in the West, and that he was employed, and did go, at the Desire of Mr. *John Guthrie*, and some of the Officers that commanded that Party, with *John Ross* and other Persons, as a Spy to see if the King's Forces were coming to *Kilmarnock*, and bring the Rebels Intelligence. Which Confessions being read to the Pannels, and they particularly and severally accused conform thereto, and having judicially, and in presence of the Assize, acknowledged and renewed the same, my Lord Advocate thereupon took Instruments.

The Assize, by Plurality of Voice, elect Sir *Alexander Urquhart* Chancellor. The Assize unanimously, all in one Voice, by the Report of Sir *Alexander Urquhart* of *Cromarty* their Chancellor, find the Persons impannelled, above and afternamed, to be guilty and culpable of the particular treasonable Acts aftermentioned, contained in the Indictment, viz. Captain *Andrew Arnot* to be guilty of joyning with the Rebels in the West, coming along with them in their March, accepting the Command of one of their Troops, and riding upon the Head thereof, and coming with them to *Lanerk*, and there taking the Covenant with them, and of coming along with them to *Barfgate*, *Collingtoun* and *Pentland*, and of being at the late Conflict there in Arms, with his Sword drawn. The said Major *John M'Culloch*, to be guilty of joyning with the Rebels in the West, and coming with them to *Lanerk*, and taking the Covenant with them there, and continuing with them in Arms until *Wednesday* the Day of the Conflict, being with them in Arms there, where he was taken Prisoner. *Garvin Hamilton* in *Mauldsie*, to be guilty of joyning with the Rebels in the West, and coming along with them in Arms, in *M'Clellan* of *Barfco's* Troop, and in being in Arms at the Fight of *Pentland*, where he was taken. *John Gordon* of *Knockbreck*, to be guilty of joyning with the Rebels before they came to *Lanerk*, where he having taken the Covenant with them, he marched along with them to *Collingtoun* and *Pentland* on Horseback, in Arms with the Rebels, and being in Arms with them at the Conflict, where the Rebels were defeat, and he taken. *Christopher Strang* Tenant in *Kilbride*, to be guilty of joyning with the Rebels in the West, and being at *Lanerk* with them, where he took the Covenant, and coming along with them from *Lanerk* to *Pentland*, an Horseman armed with Sword and Pistols, under the Command of Captain *Paton*, Commander of one of the Rebels Troops, and being in Arms at the Conflict at *Pentland*, where he was taken. *Robert Gordon* Brother to *John Gordon* of *Knockbreck*, to be guilty and culpable of joyning with the Rebels at *Douglas*, and coming along with them, having Charge as a Cornet of a Troop of Horse, under the Rebels, whereof *Maxwel* younger of *Monrief* was Captain, and of being in Arms with the Rebels at the Conflict at *Pentland*, where he was taken. *John Parker* Walker at *Kilbride*, to be guilty of joyning in Arms with the Rebels in the West, and coming along with them to *Pentland*, where he was taken under the Command of Colonel *Wallace*. *John Ross* in *Mauchlin*, to be guilty of joyning with the Rebels in the West, at the Desire of Mr. *John Guthrie* and some of the Officers of that Party, and of going along to discover if the King's Forces were coming to *Kilmarnock*, he being in Arms, and having Pistols, and going to bring the Rebels Intelligence. *James Hamilton* Tenant in *Kittimuir*, to be guilty of joyning with the Rebels that rose in the West, being with them at *Lanerk*, where he took the Covenant, and marching along with the Rebels in *Barfco's* Troop, with Sword and Pistols, and coming along with the Rebels to *Collingtoun* and *Pentland*, and being there in Arms with them when they were defeat. *John Shiels* in *Titwood*, to be guilty of joyning with the Rebels, and of going, at the Desire of Mr. *John Guthrie* and some of their Officers, to see if the King's Forces were come to *Kilmarnock*, and to bring the Rebels Intelligence, and that conform to their several Confessions.

URQUHART.

My Lord Justice-clerk and Justice-depute decern and adjudge the said Captain *Andrew Arnot*, Major *John M'Culloch*, *Garvin Hamilton* in *Mauldsie* in *Carlisle* Parish, *John Gordon* of *Knockbreck*, *Christopher Strang* Tenant in *Kilbride*, *Robert Gordon* Brother to *John Gordon* of *Knockbreck*, *John Parker* Walker in *Kilbride* Parish, *John Ross* in *Mauchlin*, *James Hamilton* Tenant in *Kittimuir*, and *John Shiels* in *Titwood*, as being found guilty by an Assize, of the treasonable Acts foresaid, to be taken upon *Friday* the Seventh Day of *December* instant, betwixt Two and Four Hours in the Afternoon, to the Market-crofs of *Edinburgh*, and there to be hanged on a Gibbet, till they be dead; and after they are dead, their Heads and right Arms to be cut off, and disposed upon as the Lords of his Majesty's Privy Council shall think fit; and all their Lands, Heritages, Goods and Gear, to be forfeited and escheat to his Majesty's Use, for the treasonable Crimes foresaid. Which was pronounced for Doom, by *Henry Monteith* Dempster of the Court.

Followeth Act of Council anent the Disposall of the Heads and right Arms of the forementioned Martyrs.

Edinburgh, the 6th of December 1666.

THE Lords of his Majesty's Privy Council ordain the Heads of the Persons underwritten, to be cut off and affixed at the Places following, viz. Major M'Culloch, John Gordon of Knockbreck, and his Brother Robert's, at Kirkcudbright; John Parker, Gavin Hamilton, James Hamilton, and Christopher Strang, their Heads, at Hamilton; John Ross, John Shie's, at Kilmarnock; and Captain Arnot's Head at the Water-gate: And ordain the Magistrates of the respective Places, to cause affix the said Heads accordingly; and recommend to the Magistrates of Edinburgh, to cause bury the Corps of the said Persons, at such Places as they shall think expedient, and where Traitors are usually buried.

E O D E M D I E.

The Lords of his Majesty's Privy Council ordain the right Arms of Major M'Culloch, John Gordon of Knockbreck, and his Brother Robert's; John Parker Walker, Gavin Hamilton, James Hamilton, Christopher Strang, John Ross in Mauchlin, John Shie's Tenant to Sir George Maxwell, and Captain Arnot, who are to be executed the Morrow as Traitors, to be cut off, and by the Magistrates of Edinburgh to be sent to the Magistrates of Lanerk, which they ordain them to affix upon the publick Ports of that Town, being the Place where they took the Covenant.

Commission for Justiciary at Glasgow, December, 1666. N^o. X.

CHARLES, by the Grace of GOD, King of Great Britain, France and Ireland, Defender of the Faith, To all and sundry Our good and faithful Subjects, whom these Presents do or may concern, Greeting: Forasmuch as, albeit it hath pleased almighty GOD, to bless Our Forces under the Command and Conduct of Our Lieutenant-general, with an absolute Victory of those Rebels who did first rise in Arms at Dumfries, and so far prosecute these rebellious Courses, as to embody themselves in a military Posture, and march through many Shires for getting Associates and Complices, and at last, in open Fields near Pentland Hills, did encounter Our Forces, and endeavour their Overthrow; yet nevertheless the Danger of that horrid Rebellion does still continue, and, if not timeously prevented, may again break out and involve the Kingdom in new Troubles and Confusions, to the Hazard of the Lives of many of Our good Subjects, and subverting of Religion and Ecclesiastical Government, and of Our Authority and Laws, there being many desperate and incorrigible Traitors engaged in that Rebellion, who did not at first appear themselves in Arms, but have been Abettors or Assisters thereof, by Correspondence, Intercommuning, or giving Intelligence, for carrying on their wicked Designs, or by resetting of their Persons, have been Promoters of the said treasonable Courses; as likewise some Gentlemen, Ministers and others did convocate and put themselves in Arms in the Shire of Air, and there determine to rise, and associate to themselves all such who were disaffected to Our Government, that they might joyn with these Rebels who had first risen in Arms, and hereby added such Strength and Vigour to the carrying on of that Rebellion, that they might have continued longer, and brought on this Our Kingdom all the Miseries of an unhappy and bloody War, if the Defeat and Overthrow of that Party at Pentland had not happened. Therefore, and for preventing these Mischiefs, and securing the Peace of Our Kingdom, and Our Authority and Government for the future, We, with the Advice of the Lords of Our Privy Council, have nominated and appointed Our right trusty and well-beloved Counsellors and Cousins, the Lord Duke Hamilton, the Lord Marquis of Montrose, the Earl of Argyle, the Earl of Linlithgow, the Earl of Kelly, the Earl of Galloway, the Earl of Wigton, the Earl of Nithsdale, the Earl of Dumfries, the Earl of Callender, the Earl of Airly, the Earl of Annandale, the Lord Montgomery, the Lord Drumlanerk, the Master of Cochran, General Dalziel, Lieutenant-general Drummond, James Crichton Brother to the Earl of Dumfries, Colonel James Montgomery, Charles Mairland of Haltoun, Mungo Murray, or any Three of them, giving them full Power, Warrant, and Authority, to go to any Shire, Burgh, or Place, where there was any Rising or Insurrection, and there to hold Courts, cite Parties and examine Witnesses, and take all other Courses which they shall think fit, for trying and discovering all such Persons who were Authors, Aiders, or Abettors of the said Rebellion, and did keep Correspondence, intercommune with, or reset the Persons of any of these Rebels, or furnished them with Ammunition, Arms, Horses, or any other Things which might supply or strengthen them in the prosecution of their rebellious Courses; with Power likewise to seize upon their Persons, and incarcerate them till they be tried, and to search their Houses and other suspected Places, and to enter the same by Force in case of Resistance, or otherwise to take Bond and Security for their Appearance, whenever they shall be called. And for their more speedy and effectual carrying on of this their Commission, with Power to divide themselves that they may go to several Places at one Time, and for that end, any one or Two of their Number to take Trial, search, and apprehend all Persons suspect within their several Divisions; and further, in case, after Examination and Trial, there shall be any Persons who shall appear guilty of the Crimes foresaid, by clear and undoubted Evidences, We give full Power and Commission to the Persons foresaid, or any Three of them, which are declared to be a full Quorum, to be Our Justices in that Part, with Power to them to meet at such Times and Places as they shall think convenient and then and there, to affix and hold Courts, create Clerks, Sergeants, Dempsters, and all other Members of Court needful, to call Assizes of Persons of best Understanding, Absents to amerciate, Unlaws and Amerciements

merciaments to be uplifted and exacted ; and in the said Courts to call the whole Persons guilty and suspect to be guilty of the Crimes foresaid, and put them to their Trial, and Knowledge of an Assize, and according as they shall be found innocent or guilty of the said Crimes, that they cause Justice to be done upon them accordingly ; and generally all and sundry other Things requisite and necessary for executing the said Commission, to do, use and exerce, promising to hold firm and stable ; commanding hereby Our Advocate or his Deputes to draw their Indictments, and pursue them before Our Commissioners toresaid ; and in case they find any Difficulty in the Matter of Probation or Evidence, that they secure the Person until they advertise the Lords of Our Privy Council, that they may ordain Our Justice-general or his Deputes, to proceed against them : And We hereby require the Commanders and Officers of Our Forces, and all Sheriffs, Magistrates of Burghs, and others, to be assisting to Our Commissioners, in prosecution of this Our Service, as they will be answerable. Given under Our Signet at *Edinburgh*, the Fifth Day of *December* 1666. and of Our Reign the Eighteenth Year.

William Sutherland's *Declaration and Examination*. N^o. XI.

THe Sense of God's Goodness, who justifies the ungodly, and calls Things that are not, and the Perswasion of Christian Friends, to whose Charity I was much obliged during my Imprisonment at *Air* for many Weeks, moved me to declare as follows.

I being come of poor Parents in *Strathnaver*, (the wildest Part of the North *Highlands*) who were not able to keep me, I was hired with a Master who sent me to bring back a Horse that Colonel *Morgan's* Party had taken from him ; which Party I followed till the Enemy fell betwixt me and home, and being afraid to go back, and having a Desire to learn the Lowland Tongue, I came alongst in a sad Condition with the said Party, till I came to *Spey-side*, where I herded Cattle for a Year in the Parish of *Bubarm*, at a Place called the *New Kirk* ; from thence I came to the Parish of *Fyvie* in *Buchan*, where I also herded Cattle for another Year ; from that Place I came to the Bridge of *Stirling*, where I followed the same Employment a Third Year, which was the Year the King came home ; and from thence I came to *Paisly*, where, after herding Cattle a Fourth Year, I fell in extreme Want, and that by the Reason, the Master whom I served being owing to one of the Bailies, called *John Weres*, the Bailie seized upon my Master's Goods, so that he ran away, and I lost my Fee, and was engaged by the Countel of some honest Men from that Scripture, *Suffer not a Witch to live*, to execute a Witch, and to cleanse Chimney Heads, whereby I gained somewhat for Liveliness ; and having a Mind to learn to read, I bought a Question Book, but finding the People there to fear at my Company, so that none would give me a Lesson, I came from *Paisly* to *Irwin*, about Five Years since, where, finding the People more charitable, and to encourage me in Learning, I did so affect my Book, the People, and the Place, that without Engagement I did act the Part of an Executioner, when they had any Malefactors to put to Death, and so with much Trouble I attained to learn to read English, and as I grew acquainted with the Bible, I began to scruple to execute any, except I was clear they deserved to die ; and when the Business of being Executioner to some Southland Men in *Air* came to my Door, the Scruples of my Conscience grew upon my Hand, because I had heard they were godly Men, who had been oppressed by the Bishops, whom I never liked since I loved the Bible ; therefore I having a Jealousie in my Mind, that I should be troubled, I had a Mind to go from the Town after I heard some Sermons ; it being the Lord's Day, I having come to the Kirk, opened my Book, and the first Place that came to my Eyes, was that Scripture, *Heb. 4. 12.* to the End of the Chapter. This Word, by the Blessing of the Lord God blessing it to me, was so strengthening and refreshing to me, that all the Trouble in the World was not able to quench it out of my Heart ; and I having gone again in the Afternoon to the Kirk, I was taken out of the Kirk and brought before the Provost, and I refused to go willingly to *Air*. The Provost told me, I would be forced against my Will. I told him, One might lead a Horse to the Water, but Twenty four would not make him drink, no more should any make me to do that Deed ; whereupon I was put in the Tolbooth till Monday at Night, (where I got much Comfort reading the fourth Chapter of the Epistle to the *Heb.*) when a Serjeant with Six Soldiers came from *Air* to *Irwin* for me, and the Provost, to terrify me, brought me out before them ; and when they saw it would not do, then I was sent back again to Prison until Tuesday Morning, then I was constrained to go with the Guard that came for me to *Air*. They offered me Meat and Drink, but I refused and would not take it, but bought a Farthel of Bread and a Mutchkin of Ale ; and when I came thither I was brought before the Provost, and notwithstanding of many Promises by the Provost, and those that were with him, I refused to undertike to execute the Southland Men, whereupon I was presently committed to Prison in the Tolbooth ; and the first Night I was Prisoner, there was one Mr. *White* a Curate came to me to perswade me to do my Office on the said persons, and said, What is this you are doing? do ye not know that thir Men are guilty of Rebellion? and from *1 Sam. 15.* told me that the Rebellion whereof these Men were guilty, was as the Sin of Witchcraft: To whom I answered, That that Rebellion was *Saul's* Rebellion against the immediate Command and revealed Will of God, and that for sparing *Agag* and the best of the Cattle; and was as the Rebellion spoken of the Children of *Israel*, when they rebelled and refused to go to the Land of *Canaan*, but would have chosen Captains, and have gone back again to *Egypt* ; and that is like the Rebellion spoken of by the Prophet *Isaiah*, *All Day long have I stretched out my Hands to a stiff-necked, rebellious, and gainsaying People.* I told him this was not Rebellion against Man, and in the New Testament it is called a Trespas, and our Lord said to *Peter*, *If thy Brother trespass against thee, forgive unto Seventy Times seven.* So I think, if the *Galloway* Men should trespass Twenty Times, it was far fewer than Seventy Times seven, the King should forgive them, tho' it were Rebellion against him, which I do deny: Remember what good King *David* did when he fled from *Absalom*, when *Shimei* came out and cursed him, and cast Earth and Stone at him, but yet he forgave him, much more I think our King should forgive the *Galloway* Men, who respected and prayed for him, and who, if he were amongst them, would not let a Hair of his Head fall to the Ground. But, said Mr. *White*, *David* was a Prophet and a merciful Man: Well, said I, Sir, will ye make ill Men your Example, and not good Men, what Divinity is that?

At which he was so ashamed, the Soldiers laughing at him, that he said in his Anger, Away with thee, the Devil is in thee, and thou hast Dealing with familiar Spirits. I answered, If the Devil be in me, he is an unnatural Devil, for if he were like the rest of Devils, he would bid me take as many Lives as I could, that he might get many Souls; but the Spirit that is in me will not suffer me to take good Mens Lives. Then Mr. *White* left me, and a Number of cursed blaspheming Soldiers came about me, and brought me before the General and Lieutenant-general, my Lord *Kellie*, my Lord Provost, and several other Gentlemen, where they were met together in a Lodging in the Town: Some of them boasted me, and some of them scorned me, and some of them said, I would go to the Devil with the rest of the Country Folk. Others asked me, If I were a Covenanter, he must be a Covenanter. I said, Tho' I was no Covenanter, yet I had Respect to it for his sake by whom it was named, and who had in his Word threatned to send a Sword to avenge the Quarrel of his Covenant; and I said, What a Covenant will ye give us? if ye take away the Covenant of God, ye will give us the Covenant of the Devil, for there is but Two Covenants, a good one and a bad one. Then they called for the Boots to put me in; and I said, Bring the Boots and the Spurs too, you shall not prevail. Then they were angry, and said, The Rogue scorns us, and thinks no better than to do so. Then they mentioned that a Cruse full of hot Lead should be poured on my Hands, and while the Lead was melting, they went aside and spake Latin, as I thought, among themselves, and when they had done, they brought the Lead to pour it on my Hands, and I was willing to receive it rather than to obey; then they were astonished, and bad put it on the Fire again until they should get more Speech out of me. Then my Lord *Kellie* came unto me, and flattering me, said, Poor Man, I heard they wronged thee, and brought thee out of the Kirk on the Sabbath-day berwixt the Preachings, they might have let thee heard the Sermon, I heard they put thee in the Tolbooth; who came to see you when you were in the Prison? did not your Minister Mr. *Alexander Nisbet* come to see you, nor any of the honest Men of the Town? I answered, (as it was true) None came to see me. He said, They have been very unkind; did you not see Mr. *James Fergusson* since we came West? I said, No. Then said the Lieutenant-general, Away with him, they have forbidden him to tell, and have said, nothing shall ail him, but he shall rue it when he shall be hanged, and casten out to be eaten of Dogs: Tell me quickly, said he, who learned you these Answers, and forbade you to tell; I perceive you have gotten a Paper from some of these rebellious Ministers, and has gotten your Answers perquire. I said, Not so my Lord, but God, that said, Fear not when ye shall be brought before Kings and Rulers for my sake, it shall be given you in that Hour what you shall say, I will give thee a Mouth, and Wisdom that thine Adversaries shall not be able to answer, he makes his Promise good to me. Then a Number of the Gentlemen said, Away with him, the Devil is in him, he has Dealing with familiar Spirits. I answered him, as I answered Mr. *White* before. Then said the Lieutenant-general, Tell me quickly who put these Words in thy Mouth, or you shall be hanged: To which I answered, Even he who made *Balaam's* Ass to speak and reprove the Madnefs of the Prophet; and marvel not, for he that could make a dumb Ass to speak, can much more make me a reasonable Creature to speak, it is he that gave me these Answers, and likewise forbids me to do this, it is he and no other. Then said my Lord *Kellie*, He thinks no better Sport than to bring Scripture as he would confound us with it, but you shall rue it when you are going to be hanged. I answered, If this confound you, ye shall be better confounded yet, read ye never that Chapter, 1 Cor. 1. 26. How not many wise Men after the Flesh, not many mighty, not many noble are called, but God hath chosen the foolish Things of the World to confound the Things that are mighty; and base Things of the World, and Things that are despised hath God chosen, and Things that are not, to bring to nought the Things that are, that no Flesh should glory in his Presence. Then said my Lord *Kellie*, Take the Devil out of my Sight, and put him in the narrowest Place of the Stocks. The Provost of *Air* when he saw me altogether refusing, he rounded in my Lug, What are you afraid of the Country Folk, I shall give you Fifty Dollars, and you may go to the Highlands, or where your please. I answered him, speaking out loud, that all might hear. What would you have me sell my Conscience, where can I flee from God? Remember *Jonas* fled from God, but the Lord found him out, and ducked him over the Lugs, so shall he me if I go over the Light of my Conscience. Then I was taken away and put in the Stocks; then came Four Musketeers before me, and charged their Muskets, lighted their Matches, the more to terrify me, and brought a Cap for my Head; but when they saw me open my Breast to receive the Shots, and that I was willing to die, then came one and said, Let him alone, he shall not be shot, he shall be hanged and drawn out of the Town that Dogs may eat him, for Shots is over good a Death for him. While I was thus in the Stocks I was very thirsty, and called for a Drink; then they intended to bring me a Drink of Wine; but one of the Soldiers, an *Irish* Man that could speak Latin forbade me to take of their Wine, as he told me afterwards, they had a Mind rather to poison me, and to give me that which would distract me; and because I refused, they threatned in their Anger, that whosoever gave me a Drink of Water should get the Goad-loup; so I lay until it was dark Night, and there was People that would have given me Meat and Drink, but the Soldiers would say blasphemously, If ye come one Foot further here, I shall rash my Pike through your Soul; then I said to that Soldier that was Centry over me, and sitting beside me, Give me a Chopin of Water, and I will give you a Chopin of Ale for it; but he said, I dare not, you heard what was threatned, but if you will give me a Sixpence I will hazard; so I gave him a Sixpence, I having half a Crown about me, and thinking to die to Morrow, I thought a Chopin of Water was better to me than all the Money in the World; then he brought me the Chopin of Water, and held his Cloke betwixt me and the Light, for Fear the rest of the Soldiers should see; and when I had drunk I was much refreshed. Thereafter some standing by, said to me, What needs you or any others make Din about Bishops, seeing there is no other Gospel pressed upon you but what was before? To whom I answered, Know ye not what *Paul* says, Gal. 1. 6. I marvel that ye are so soon removed to another Gospel, which is not another, but there are some that trouble you, and pervert the Gospel of Christ; and if any Man says he brings another Gospel, or perverts the same Gospel, let him be accursed, and consider to whom that belongs: But what think ye of the Bishops, said some? I answered, That I truly think the Bishops take more on them, than Christ who was a better Preacher than any of them; for he would not meddle with the dividing the Inheritance among the Brethren; as when the young Man in the Gospel came to Christ, saying to him, Master, bid my Brother divide the Inheritance with me; but our Lord refused, saying, Who made me a Judge? seeing, he being a spiritual Teacher, refused to meddle with Civil Law, why will our Bishops sit in Parliament, and go in before Earls? I am informed, they sit and ride in Parliament, and judge in

in worldly Affairs ; they have their Coaches to sit in, but neither Christ nor his Apostles had them ; they are Lords over God's Heritage, and our Saviour says to his Ministers, The Princes of the Gentiles exercise Dominion, but it shall not be so among you, but he that will be greatest shall be Servant of all. The Bishops are like the Scribes and Pharisees against whom the Lord pronounced many a Wo ; Wo be to you, Scribes and Pharisees, ye love the chief Seats in the Synagogues, so love our Bishops the chief Seats of the Parliament ; Wo be to you, Scribes and Pharisees, for ye love to wear long Robes, and to be called of Men *Rabbi* : The Bishops desire side Gowns, and a Man to bear up their Tails too, and they think they never get their right Stile till they be called My Lord, and some of them Your Grace ; you give Grace to a graceless Face ; they oppress the poor People to feed their own Bellies, for which the Lord pronounces many a Wo against them. Then said they, *Timothy* and *Titus* were Bishops. I answered, They were preaching Bishops, but not Bishops over whole Dioceses ; and as the Apostle says, *1 Tim. 3.* A Bishop should be blameless, the Husband of one Wife, vigilant, sober, of good Behaviour, given to Hospitality, apt to teach ; so I think a preaching Bishop should have but one Flock, but they will not be content with one Kirk ; and if every Bishop had as many of your Wives as he has Kirks, you would be as ill pleased with them as I am. Remember ye not that Scriptre, He that will not work should not eat. The Bishops must have Thousands in the Year, but they preach but when they will. Then they asked me, What think you of the King ? I said, Would ye have me speak Treason ? the King is set over us all by God, and all his Subjects should pray for him, and defend his Person and Government, and obey in all Things according to the Word of God ; but I wish that his Majesty and all Kings may take good heed to the Law of the Lord. Remember ye what beset King *Uzziah* that went into the Temple to burn Incense, which was not his Office, and the Priests forbade him, and said, It shall not be for thy Honour ; and the Plague of God broke out upon him, and he remained a Leper all his Days ; so I think, our King should fear God's Judgments for breaking and changing the Worship of God. Remember ye not the King of *Jerusalem* that made a Covenant with the King of *Babylon*, and the Lord owned it as his Covenant ; when he broke it, he said he should be punished, his Children were slain before his Eyes, and his Eyes plucked out, and he carried Prisoner to *Babylon*, where he died. Remember you not, how *Herod* in the 12 of the *Acts*, went up to the high Place to make an Oration, and the People said, It is the Voice of a God, and not of a Man, and the Lord sent his Angel and smote him, and he was eaten of Worms, that he died ; so I perceive there is no Difference before God between the King and the Beggar. Remember that Covenant that was between the Turk and the Christian King ; the Christian brake the Covenant, and the Turk held up the Covenant, and said, If thou be a God, as the Christians say, and as we dream thou art, revenge the Quarrel of thy perfidious People, who in their Deeds deny thee to be God, and he won the Battle ; and think ye not the King should be afraid for the breaking of his lawful Oath ? Then Mr. *White* came in and disguised himself, and put on a gray Hat and gray Clothes that I should not know him, and he sat down upon the Stocks beside me, and began to say, I wonder at these Country Folks, if they had any other Gospel preached unto them, it were something : Then I answered, See what the Scripture says, *Gal. 1. 6.* I marvel that ye are so soon removed from him that called you into the Grace of Christ, into another Gospel, which is not another ; but there be some that trouble you, and would pervert the Gospel of Christ : But though I or an Angel from Heaven preach any other Gospel unto you than that which we have preached unto you, let him be accursed ; for do I now persuade Men or God, or do I speak to please Men ? for if I yet please Men I should not be the Servant of Christ. Then said they, Have you learned your Latin, Greek, and Hebrew, that you should know these Things ? as long as better Scholars and great Men have done it, what needs you trouble your self ? That is, said I, as spoken in the Gospel of *ohn*, when the Scribes and Pharisees sent Officers to take Christ when he spake that Parable, He that believeth on me, as the Scripture hath said, out of his Belly shall flow Rivers of living Waters ; then the Scribes sent Officers to take him, and when they had not taken him, they asked, Why have ye not brought him ? The Officers answered, Never Man spake as this Man ; then answered the Pharisees, Are ye also deceived, have any of the Rulers believed on him ? But this People who know not the Law are accursed. Remember ye not what our blessed Lord said, I thank thee, O Father of Heaven and Earth, that thou hast hid these Things from the wise and prudent, and revealed them to Babes. How know ye, but the Lord has revealed more to me than your Bishops with their side Tails ? Then came the Captain of the Guard and said, You may see we are right and they are wrong ; for we have win and they have lost : I did then remember what the Scripture saith of *John* the Baptist, There was not one greater born among Women, who was the Forerunner of Christ, yet when he had done the Work the Lord sent him for, he was beheaded by cursed *Herod* ; many of you say that *Herod* was right, and *John* the Baptist wrong. They were not able to answer this, then I said, When *Cromwel* took his Prisoners, he neither headed them nor hanged them as ye do ; then they answered me, *Cromwel* had not Right nor Law as we have : I said, I will seek no other Words against you than that of your own Mouth, for ye say, that *Cromwel* had no Right nor Law, yet he won many a Battle against you, and over-ruled the best of you ; ye see a wicked Man may prosper in an evil Cause ; for your Law, I trow, it be like that cursed Law, By our Law he must die, and by our Law they must die. Then came some of the Soldiers and said, We have heard tell of some of your Country Men that have been hanged for stealing Kine and Horse and Sheep, but you are the first we have heard of laid down his Life for Religion : Then I answered, If one that is barbarous, or come out of a barbarous Place, has Respect to his Conscience, what shall come of you who think your self brought up at the Feet of *Gamaliel*, that has no Respect to your Conscience, what think you shall become of you when you shall be judged at the last Day ? Then said they, Speak no more to him, let him alone. Then after that I heard that they would take no more Lives, then came some of the greatest Men to me, and said, What think you of your self now ? there is a Barrel with Pikes made to put thee in, and roll thee up and down : I said, I even think of my self as I did at first ; I said unto him, Why have you not taken all their Lives, seeing they are all alike guilty ? Then they said, You are more cruel than we are, for we have taken but some to be Example to others ; then I said, Wo be to your Example, for your Example is not according to the Word of God, for remember what the Word of God saith, The Son shall not die for the Father, nor the Father for the Son, far less should a Man be an Example to one that is born in *England* or *Ireland*. I heard that they were minded to strangle me in Prison, but they could not agree among themselves ; they said, We cannot tell how to do it, but Word will be gotten of it, and then it will make us more odious. After I came out of Prison, my Lord *Eglintoun* sent for me, and asked me of thir Passages, and he said to me, Poor Man,

Man, poor Man, you did well in not doing what they would have had you do: I answered to my Lord, You are speaking Treason, you say I have done well, whereas you persecute them from the first to the last; this tells me in Experience, that you have gone against the Light of your Conscience; Wo will be to you that go against the Light of your Conscience. My Lord said, Know you not I kept you from being hanged, and are you telling me that? I answered, Keep me from drowning too, I will tell you the Verity.

Association at Exeter, 1688. N^o. XII.

WE whose Names are hereunto subjoyned, who have now joyned with the Prince of *Orange*, for the Defence of the Protestant Religion, and for the maintaining the ancient Government, and the Laws and Liberties of *England*, *Scotland*, and *Ireland*, do engage to almighty God, to his Highness the Prince of *Orange*, and to one another, to stick firm to this Cause, in the Defence of it, and never to depart from it, until our Religion, Laws, and Liberties are so far secured to us in a free Parliament, that we shall be no more in Danger of falling under Popery and Slavery. And whereas we are engaged in this common Cause, under the Protection of the Prince of *Orange*, by which Case his Person might be exposed to Danger, and to the cursed Attempts of Papists and other bloody Men; we do therefore solemnly engage to God, and one another, That if any such Attempt be made upon him, we will pursue not only those that make it, but all their Adherents, and all that we find in Arms against us, with the utmost Severity of a just Revenge, to their Ruin and Destruction. And that the Execution of any such Attempt (which God of his infinite Mercy forbid) shall not divert us from prosecuting this Cause, which we do now undertake, but that it shall engage us to carry it on with all the Vigour that so barbarous an Action shall deserve.

Association in the North of England, 1688. N^o. XIII.

WE being made sadly sensible of the arbitrary and tyrannical Government that is, by the Influence of Jesuitical Counsels, coming upon us, do unanimously declare, That not being willing to deliver our Posterity over to such a Condition of Popery and Slavery, as the aforesaid Illegalities do inevitably threaten, we will, to the utmost of our Power, oppose the same, by joyning with the Prince of *Orange*, &c. And herein we hope all good Protestants will, with their Lives and Fortunes, be assistant to us, and not be bugbear'd with the opprobrious Terms of Rebels, by which they would fright us to become perfect Slaves to their tyrannical Insolencies and Usurpations: For we assure our selves, that no rational and unbiass'd Person will judge it Rebellion to defend our Laws and Religion, which all our Princes have sworn at their Coronation; which Oath, how well it hath been observed of late, we desire a free Parliament may have the Consideration of. We own it Rebellion to resist a King that governs by Law, but he was always accounted a Tyrant, that made his Will his Law; and to resist such a one, we justly esteem no Rebellion, but a necessary Defence, &c.

Indictment against Colonel Wallace, &c. 1667. N^o. XIV.

Curia justiciaria, S. D. N. Regis, tenta in pratorio burgi de Edinburgh, decimo quinto die mensis Augusti, 1667. per nobilem & potentem comitem Joannem, comitem de Athole, Justiciarium Generalem dicti supremi nostri Regis, & dominum Joannem Hume de Rentoun, militem, Clericum justiciarium dicti S. D. N. Regis.

Curia legitime affirmata.

Assessors to the Justices,
Alexander Earl of Linlithgow,
William Earl of Dumfries.

MY Lord Advocate produced an Act of his Majesty's Privy Council whereof the Tenor is insert above.
The which Day, Colonel James Wallace, Major Joseph Learmont, Maxwell of Monrief younger,
Maclellan of Barfob, Maclellan of Balmagachan, Cannon younger of Barnshalloch,
Cannon younger of Barley, Cannon younger of Mondrogget, Welsh of Skar, Welsh of Conley,
Gordon of Gavary in Kells, Robert Chalmers Brother to Gadgirth, Henry Grier in Balmacellan, David Scot
in Irongray, John Gordon in Midtown of Dalry, William Gordon there, William Macnaught there, Robert and Gilbert
Cannons there, Gordon elder of Bar of Kirkpatrick-durham, Patrick Macnaught in Cumnock, John Mu-
naught his Son, Gordon younger of Holm, Dempster of Carridow, of Dargoner,
of Sundiwall, Ramsay in the Mains of Arnistoun, John Hutchison in Newbottle,
Row Chaplain to Scotzbarbet, Patrick Listoun elder Portioner of Langtoun, William Listoun his Son in Crofthead,
Patrick Listoun younger in Over-listoun, Wilkie in the Mains of Chfounball, William Mure of Caldwell,
John

John Caldwell of Caldwell, Robert Ker of Kersland, Mr. John Cuninghame of Bedland, William Porterfield of Quarreltoun, Alexander Porterfield his Brother, William Lockhart of Wickershaw, John Hutchison of Havelaw, Bell of Middlehouse, William Denholm of Wastesields, (his Name is not in my Lord Advocate's Warrant, to be insisted against, and was past from judicially, and therefore is delete) David Poe in Pokelly, Mr. Gabriel Semple, John Semple, Mr. John Guthrie, Mr. John Welsh, Mr. Samuel Arnot, Mr. James Smith, Mr. Alexander Peddin, Mr. Orr, Mr. William Veitch, Mr. Paton, Mr. John Cruikshanks, Mr. Gabriel Maxwell, Mr. John Carsfairs, Mr. James Mitchell, Mr. William Forsyth, being often-times called to compare before his Majesty's Justice-general, Justice-clerk, or Justice-deputes, to have underlien his Majesty's Laws for the Crimes following, mentioned in the Dittay: That where, notwithstanding by the common Laws, and the Law of Nations, and the Laws and Practick of this Kingdom, and many clear and expresse Acts of Parliament, the rising of his Majesty's Subjects, or any Number of them, and their joyning and assembling together in Arms, without his Majesty's Command, Warrant, or Authority, and when the same is not only without, but against and in Opposition to his Majesty, and his Authority and Laws, are most horrid and hainous Crimes of Rebellion, Treason, and Lese-majesty in the highest Degree; and all Persons committing or guilty of the Crimes, or any ways accessory thereto, or who do abet, assist, refect, or intercommune with, or keep Correspondence with such Rebels, or otherwise do supply them in any Manner of Way; and being required by Proclamation or otherwise, do not rise with, and assist his Majesty's Lieutenant, and others having power and Authority for repressing the said Rebels, ought to be proceeded against, and severely punished as Traitors, conform to the Laws and Acts of Parliament of this Kingdom: And in special it is statute and ordained by the 3d Act of King James I. his first Parliament, That no Man openly or notoriously rebel against the King, under Pain of Life, Lands and Goods. And by the 27th Act of the said King James I. his second Parliament, it is statute, That no Man shall wllfully resist, maintain, and do Favour to open and manifest Rebels against his Majesty and the common Laws, under the Pain of Forfeiture. And by the 14th Act of King James II. his Sixteenth Parliament, entituled, Sundry Points of Treason, it is statute, That if any Man do, or commit Treason against the King's Person or his Majesty, or rises in Bier of War against him, or refects any that has committed Treason, or supplies them in Help, Ease, or Counsel, they shall be punished as Traitors. And by the 144 Act of King James VI. Parl. 12. it is statute, That where any declared Traitor repairs in any Part of this Realm, none of his Majesty's Subjects shall presume to refect, supply or intercommune with them, or give them any Relief or Comfort; and that immediately upon their repairing in the Bounds, all his Majesty's good Subjects do their exact Diligence in apprehending the said Traitors and Rebels; and that with all Speed they certify his Majesty, or some of his secret Council, or some Persons of Authority and Credit within the Shire, that such Rebels are within the same, under the Pain that the said Rebels and Traitors ought to sustain, if they were apprehended, and convicted by Justice. Likeas, by the 5th Act of his Majesty's late Parliament, and first Session thereof, it is declared, That it shall be high Treason to the Subjects of this Kingdom, or any Number of them, more or less, upon any Ground or Pretext whatsoever, to rise and continue in Arms, to make Peace or War, to make Treaties or Leagues with any foreign Princes or Estates, or amongst themselves, without his Majesty's special Authority and Approbation first interponed thereto; and all other Subjects are discharged, upon any pretext whatsoever, to attempt any of those Things under the said Pain of Treason. And by the 7th Act of the foresaid Parliament, and first Session thereof, all his Majesty's Subjects are inhibited and discharged, that none of them presume, upon any Pretext or Authority whatsoever, to require the renewing or swearing of the League and Covenant, or any other Covenant or publick Oaths, concerning the Government of the Church and Kingdom, without his Majesty's special Warrant and Approbation; and that none of his Majesty's Subjects offer to renew or swear the same, without his Majesty's Warrant, as they will be answerable at their highest Perils. Nevertheless, the foresaid Persons and their Associates, shaking off all Fear of God, and Conscience of Duty and Loyalty to his Majesty, their native sovereign Prince, and natural Tendernefs to their Country, have most perfidiously and treasonably contravened the said Laws and Acts of Parliament, and committed the Crimes foresaid in Manner above specified, in so far as this his Majesty's ancient Kingdom, having for many Years suffered and incurred all the Calamities and Miseries, and tragical Effects and Consequents of a civil War and foreign Usurpation, and now, after his Majesty's happy Restitution, beginning to recover of so long and wasting a Consumption, through the Blessing of God, and his Majesty's incomparable Goodness and Clemency, and having, by an Act of Oblivion, secured the Lives and Fortunes of the said Persons, and others who were conscious to themselves, and might have justly feared to be under the Last and Compass of Law and Justice; and when his Majesty and his good People, had just Reason to expect Security and Quiet at Home, and Assistance against his Enemies Abroad, yet they, and a Party of seditious Persons, retaining and persisting in their inveterate Disloyalty and Disaffection to his Majesty's Government and Laws, did take Advantage and Opportunity of the Time, when he was engaged in a chargeable and bloody War, with divers of his neighbour Princes and Estates, being jealous of, and envying his Majesty's Greatness and Prosperity, and the Happiness of these Kingdoms under his Government, and having contrived and projected a most horrid Insurrection and Rebellion, tending to involve his Majesty's Kingdoms in Blood and Confusion, and to encourage and strengthen his Enemies, did rise, convene, and assemble themselves together in Arms, and upon the — Day of November last, did march to, and enter within his Majesty's Town of Dumfries, in an hostile Manner, with their drawn Swords and other Arms, and did beset the House where Sir James Turner and other of the Officers of his Majesty's Forces were lodged for the Time, and did violently seize upon the said Sir James his Person and Goods within his Lodging, and did detain and carry him about with them captive, and as a lawful Prisoner taken from an Enemy, and did search for, and would have taken the Minister of the said Town, if he had not escaped; and while the foresaid Persons were in the said Town, they, their Accomplices, and Associates, did many other Acts of Insolence and Rebellion; and having in the Manner foresaid, openly avowed and proclaimed their Rebellion, in so publick and insolent a Way, to the great Contempt and Affront of Authority, they and their Complices, in pursuance of the same, did congregate his Majesty's People and Subjects, and endeavoured to stir them up, and persuade them to joyn in the foresaid Rebellion, and seize upon the Persons, Horses and Arms, and plunder and rifle the Goods and Houses of divers his Majesty's good Subjects, and in special of faithful and loyal Ministers; and, by seditious Sermons, Insinuations, and other Practices, did so far prevail in the Stewartry of Kirkcudbright, and the Shire of Wigton, and the Shires of Air, Lanerk, and other Western Shires, that many Persons flocking and resorting to them and their Complices, they had the Boldness and Confidence to send a considerable Party

to his Majesty's Town of *Air*, and seize upon and take all the Arms were there; and not content to proceed to the Height of Rebellion in Manner foresaid, they and their Complices did presume to regulate their monstrous and irregular Rebellion, and in the Formality and Frame, and under the Name and Notion, to form and model themselves in Companies and Regiments, and to name Captains of Foot, Commanders of Troops, and other Officers, under the Command of the said Colonel *James Wallace*, *Joseph Learmont*, and other Persons of known Disaffection to his Majesty and his Government; and though his Majesty's Lieutenant-general did march speedily for repressing the said Rebellion and Insurrection, and his Majesty's Council did emit and issue a Proclamation, declaring the said Insurrection to be a manifest and horrid Rebellion, and high Treason, and commanding the said Rebels to desist and lay down Arms; with Certification if they would continue in their Rebellion, they should be proceeded against as desperate and incorrigible Traitors; and discharging all his Majesty's Subjects to joyn, reset, supply, or intercommune with them, and commanding them to rise and joyn with his Majesty's Lieutenant-general, and the Forces under him, under the Pain of Treason: Yet the foresaid Persons and their Accomplices, did obstinately continue and march through the Country, in their modelled Army, as if they had been an Enemy, and in a Capacity to encounter and dispute with Arms with his Majesty, their sovereign Lord, and his Forces; and did, in a warlike and hostile Manner and Posture, enter within his Majesty's Town of *Lanerk*, and there, upon the 26th Day of *November*, to palliate their Rebellion with the Colour of Religion, did renew and take the Oath of the Covenant, and thence did march, quartering all alongst upon, and oppressing his Majesty's good Subjects, until they had the Boldness and Confidence to approach within Two Miles of his Majesty's City of *Edinburgh*, where his Judicatories and Lords of Privy Council and Session were sitting for the Time, and having quartered all Night within the Parish of *Collington*, at so near a Distance from the said City, the said Persons and their Accomplices, upon *Wednesday* the 28th Day of *November*, did dare and presume to encounter and fight with his Majesty's Armies and Forces, under the Command and Conduct of his Majesty's Lieutenant-general, and other Officers, at *Pentland-hills*, and did wound and kill in the said Fight or Conflict, divers of his Majesty's good Subjects, and endeavoured and did all they could to destroy his Majesty's Army, until, by the Mercy of God, and Conduct and Valour of his Majesty's Lieutenant, and other Officers and Soldiers under him, they were vanquished, routed, and dissipated. Likeas, notwithstanding the Laws, Acts of Parliament, and Proclamation foresaid, and that thereafter a Proclamation was emitted upon the 4th Day of *December*, whereby his Majesty, with Advice of his Privy Council, did again discharge and inhibit all his Subjects, that none of them should offer or presume to harbour, reset, supply, correspond with, or conceal the Persons therein mentioned, or any other who concurred or joyned in the said last Rebellion, or, upon account thereof, appeared in Arms in any Part of this his Majesty's Kingdom, but to pursue them as the worst of Traitors, and present such of them as they shall have in their Power, to the Lords of Privy Council, Sheriff of the Shire, or Magistrates of the next adjacent Burgh Royal, to be by them forthcoming by Law: certifying all such as should be found to fail in their Duty therein, they should be esteemed and punished as Favourers of the said Rebellion, and as Persons accessory and guilty of the same. Nevertheless divers of the foresaid Persons, did not only disloyally fail in their Duty, and did not rise and joyn with his Majesty's Lieutenant-general, and Officers under him, for repressing and subduing the said Rebels, but most perfidiously and treasonably did their uttermost Endeavours to advance, strengthen and promote the said Rebellion; and, in order thereto, in the Months of

One thousand six hundred and sixty six, and several Days thereof, or one or other of the said Months or Days, they met and convened at the *Bankend*, *Caldwell*, *Knockenmade*, *Chitterfleet*, the *Mearns*, and divers other Places within the Western Shires, and Sheriffdoms of

and did conclude and resolve to joyn with the said rebellious Party; and being armed with Swords, Pistols, and otherwise, they joyned themselves in Troops and Companies, and did elect and choose Captains, Lieutenants, and other Officers, and did accept the said Charges and Employments, and did accordingly ride and march from Place to Place, and did write Letters to Friends and Neighbours to joyn with them, and did intercept Letters, that thereby they might have Notice and Intelligence where his Majesty's Armies and Forces were, and of their Forces, Motions, and Designs; and, to the same purpose, did go and send out others for Intelligence, and divers other Acts of Treason and Hostility, and in the Months foresaid, as also, after the Defeat of the said rebellious Party, in the ensuing Months, betwixt the said Defeat and the Date of the said Proclamation, and one or other of the said Months, and several Days thereof, the foresaid Persons, within the said Western Shires and Sheriffdoms of

within their own Bounds, and their own Tenants Houses, and other Places, did harbour, conceal, reset, supply, correspond and intercommune with the Persons particularly abovenamed, contained in the said Proclamation, the said 4th of *December*. One thousand six hundred and sixty six Years, and others who concurred and joyned in the said late Rebellion, and who upon that account appeared in Arms. In doing of which, and one or other of the said Deeds, the foresaid Persons, and ilk one of them, have committed and incurred the Pains and Crimes of Treason, and are guilty of being Authors, Actors, accessory, Art and Part thereof; which being found by an Assize, they ought to be punished in their Persons and Goods, to the Terror and Example of others; as they who, upon the 29th of *May*, 26th, 27th, and 28th Days of *June*, 1st, 2d, and 3d Days of *July*, respective, last bypast, were lawfully charged by *John Telfer Herald*, *Alexander Murray*, and *James Alison* Pursevents, to have found Caution acted in the Books of Adjournal for that Effect, lawful Time of Day being bidden, and the forenamed Persons not entring nor compearing to the effect abovementioned.

Process against Colonel Wallace, 1667. N^o. XV.

MY Lord Advocate produced a Warrant and Order direct to him by his Majesty's Commissioner. The Justices find, That, conform to my Lord Advocate's Desire, the forenamed Persons may be both declared Fugitives, for their Contumacy and not appearing, and also insisted against for their Forfeiture. The

The criminal Letters being read, my Lord Advocate produced particular Dittays against certain Persons. The Justices find the Dittays relevant, and ordain the same to be put to the Knowledge of an Assize.

My Lord Advocate declared he insisted *primo loco* against the Persons following, *viz.* Colonel *James Wallace*, Major *Joseph Learmont*, *John McClellan* of *Barscob*, Mr. *John Welsh*, Mr. *James Smith*, *Patrick Liffoun* in *Culder*, *William Liffoun* his Son, *William Porterfield* of *Quarreltoun*. The Justices continue the Trial of *James Carmon* of *Barley*, and *James Grierson* of *Dargoner*, until the first Tuesday of November, being the Fifth Day thereof; as also continued the Trial of the forenamed Persons, to the 15th Day of November next to come, except these already guilty this Day, and to be tried to Morrow.

A S S I S A.

James Somervell of *Drum*,
William Rig of *Carberry*,
Sir Robert Dalziel of
Walter Kennoway Secretary to the General,
John Ruthven Tutor of *Carden*,
William Melvil of *Dysart*,
Colonel James Hay,
Sir John Falconar Knight,

James Lockhart of *Cleghorn*,
James Hepburn of *Bearford*,
James Weems of *Pitcanmy*,
George Elphinstone of *Selmes*,
Major George Grant,
James Johnston of *Heens*,
Sir William Bellenden Knight.

The Assize sworn, no Objection in the contrary.

Sir James Turner, aged Fifty Years or thereby, sworn, depones, That he saw Colonel *Wallace*, *Learmont*, *Barscob*, *Smith* and *Welsh*, at *Dumfries*, *Air*, *Lanerk*, *Collingtoun*, *Pentland*, or at some of the said Places; depones, That *Wallace* and *Barscob* acted as Commanders of the rebellious Party; depones, That they had all Pistols and Swords, both the Three Commanders, and *Smith* and *Welsh* Ministers; that they were all at *Pentland* in Arms in the Rebels Army.

J A. TURNER.

David Scot in *Bridgend* of *Cornwall*, aged Forty Years or thereby, married, sworn, depones, That he saw the foresaid Persons at *Air*, *Lanerk*, and other Places, with the Rebels; that *Wallace* and *Learmont* commanded in Chief; that he saw *Barscob* there, and that the Third in the Army; depones, That he went with the Rebels, and that all the foresaid Commanders and Ministers were in Arms, with Horses, Swords, and some of them with Pistols.

D A. SCOT.

Daniel Mitchel in *Cumnock*, aged Forty Years or thereby, married, sworn, depones, That he saw *Wallace*, *Learmont*, *Barscob*, *Welsh*, and *Smith* with the Rebels, all alongst until the Conflict at *Pentland*; depones, That he knows that *Wallace*, *Learmont*, and *Barscob* had Command in that Army; that they all had Horses and Arms; that he saw them march towards the Day of the Fight.

William Lawrie of *Blackwood*, aged Years or thereby, married, depones, That he saw *Wallace* and *Learmont* with the Rebels at *Bathgate*; that *Wallace* sent a Letter with the Deponer to the General of the King's Forces; that *Wallace* commanded the rebellious Party; that at *Collingtoun* he asked who was Mr. *John Welsh* at a Person, and he was shown to him by that Person; that he knew not *Wallace* of before, but he himself and that Party called him so, and that they said he commanded; that *Wallace* sent a Letter signed with his Hand in Manner foresaid.

W I L L. L A W R I E.

Patrick Bisset Bailie of *Lanerk*, aged Years or thereby, sworn, depones, That *James Wallace*, *Joseph Learmont* were with the Rebels, and in the Deponent's House, but knows none of the rest; that *Wallace* and *Learmont* commanded in Chief, and they had Swords, Pistols and Horses.

P A T. B I S S E T.

David Finny in elder, and *William Liffoun* his Son, with the Rebels in Arms, at the Deponent's own House, in the Parish of *Ratho*, the Day before the Conflict at *Pentland*: Depones, he saw them march away with the Rebels; that *Patrick Liffoun* did draw Sheaves out of the Deponent's Yard; that *Patrick Liffoun* had a Sword, Two Pistols and a Durk.

Hugh Finny in *Plate*, aged Thirty six Years or thereby, married, sworn, depones, That *Patrick Liffoun* was with the Rebels at the *Plate*, in the Parish of *Ratho*; that the Deponer saw *Patrick Liffoun* in Arms, with a Sword and Durk; that he came there with the Rebels, and went away with them, and that he knew the said *Patrick Liffoun* elder to be one of the Rebels Number; that he went away with them the Day before the Fight.

Archibald Hodge in *Ortoun*, in *Ratho* Parish, aged Thirty six Years, sworn, depones, That *Patrick Liffoun* and his Son *William* were riding with the Rebels, That he saw them at the East End of *Ratho* Kirk, that Day they came to *Collingtoun*; that the said *Patrick* had a Sword and Two Pistols; that *William* had a Sword; that both of them went with the Rebels.

William Gillespie at *Newbridge*, in *Kirklistoun* Parish, aged Fifty Years, married, sworn, depones, That he saw *Patrick Liffoun* elder, and *William Liffoun* his Son in Company with the Rebels, with Swords and Pistols.

James Cochran in *Knockenmade*, aged Fifty Years, or thereby, married, sworn, depones, That upon Saturday before the Defeat of the Rebels, *Bedland*, Mr. *Gabriel Maxwell*, *Kerstand*, and another Minister came to the Deponent's House about Midnight, and stayed a long Time: Depones, That immediately thereafter he heard *Caldwel* give Order to his Tenants, to meet at *Chitterfleet* with their Arms and best Horse; this was at the Deponent's House. That the Sunday in the Morning, depones, That these Persons, and besides them, *Quarreltoun*, *Blacktoun*, and *Quarreltoun's* Brother, the Good-man of *Caldwel* younger, Mr. *John Carstairs*, and others, did meet on that Sunday at the *Chitterfleet*; that the Deponer, being one of *Caldwel's* Tenants, was theret

there : Depones, That while they were at *Quarreltoun*, he heard that the Earl of *Eglintoun's* Man was taken, and his Letters taken from him, but saw him not. Depones, That they did march from *Chitterfleet* to *Langtoun* in the Night, and from *Langtoun* to *Kilbride*, *William Porterfield* being one of them ; that they were Thirty nine Horsemen in Number, armed with Swords, and some had Pistols : Depones, they marched from *Kilbride* to the House of the Muir in Troop and Order, *Caldwel* and Mr. *Gabriel Maxwell* on their Head, and *Blackstoun* in the Rear : Depones, he heard Mr. *Gabriel Maxwell* say to *Blackstoun*, Go to your Place in the Rear, and *Blackstoun* did so. Depones, That seeing some Country-people, imagined them to be the General's Army ; and that *Caldwel* and the other Gentlemen did retire, and put themselves in Order, but it was found to be Country-people driving their Horse : That when the Gentlemen first saw them, they imagining them to be of the General's Army, that they retired to a Moss. Depones, That he heard *Caldwel* and that Party speaking amongst themselves, that they would go to the Southland Army ; and that he heard *Caldwel* and Mr. *Gabriel Maxwell* say this, that if *Porterfield* of *Quarreltoun* were at them, that they would keep a private Council. Depones, That the Country-people on the *Munday* at Night, fearing that they would joyn with the Rebels, desired to go home, and that Mr. *Gabriel Maxwell* threatned them, and said, If they would go, they might meet with a *Miresnype*.

John Stevenson in *Ramshead*, aged Fifty Years, or thereby, sworn, depones, That *Caldwel's* Officer warned him and the rest of the Tenants, to meet their Master at *Chitterfleet*, and that *Caldwel* gave him a Sword. Depones, That he saw *William Porterfield* of *Quarreltoun*, and the rest of the Gentlemen at *Chitterfleet*. Depones, That the Earl of *Eglintoun's* Man was taken before he came, that he saw the Footman there, that he heard his Letters were broken up, and that they kept him Prisoner till Night. Depones, to the Number and Names of the other Persons, to their Journey and Travelling, *conformis precedenti*, that *Blackstoun* was with them. Depones, they formed themselves in Troops, that Mr. *Gabriel Maxwell* desired them to ride in Order, and there the Deponer heard Mr. *Gabriel Maxwell* desire *Blackstoun* to go to his Place in the Rear, and accordingly he did go : That the Gentlemen seeing the Country-people, imagining them to be the General's Men, feared and retired out of the Way. Depones, that the Gentlemen told that they were to go by *Douglas* and that Way ; the Deponer and the rest hearing that, suspected, and would not go with them ; that Mr. *Gabriel* threatned them, and said they might meet with a *Miresnype*, if they would go away ; that *William Porterfield* of *Quarreltoun* was all alongst with them.

John Neilson in *Ramshead*, aged Thirty six Years, or thereby, married, sworn, depones, That he knows nothing of their riding in Order, nor *Blackstoun's* riding in the Rear, that he saw none of the Country-people, that *Caldwel* and the rest of the Gentlemen never told them whether they were to go to the Southland Party ; as to their being at *Chitterfleet*, the rest of their Journey and Number, depones *conformis precedenti*, and to the threatning of Mr. *Gabriel Maxwell*, and depones that *Quarreltoun* went all alongst with them.

John Anderson in *Caldwel*, aged Twenty four Years, or thereby, not married, sworn, depones, That the Laird's Officer warned them to go alongst with him, and that he did go ; knows nothing of the Earl of *Eglintoun's* Servant ; as to their Journey, Number and marching, depones *conformis precedenti*. Depones, that once they were in Order of a Troop, that Mr. *Gabriel Maxwell* rode on the Head, and *Blackstoun* on the Rear, that he saw *William Porterfield* of *Quarreltoun* go alongst. Depones, as to the Country-people conform to *James Cochran*. Depones, That on the *Munday* the Deponer suspected they were to go to the Southland Army, that he heard some such Surmise of that Kind. Depones, That he heard that *Eglintoun's* Man was taken, and his Letters broken up, that as soon as the Deponer heard that they were going to the Southland Party, he thought it was a wrong Way, and would not go with them, that *Caldwel* his Master desired him to stay.

John Caldwell in *Lochend*, aged Thirty Years, or thereby, married, sworn, depones, That the Laird's Officer warned him to meet him at *Chitterfleet*. Depones that *Bedland*, the Good-man of *Caldwel*, Mr. *Gabriel Maxwell*, Mr. *John Carstairs*, and divers others, that they were betwixt Thirty and Forty in Number, knows nothing of the Earl of *Eglintoun's* Servant, but heard of it ; as to their marching, depones *conformis precedenti*, and that sometimes *Caldwel* and Mr. *Gabriel Maxwell* did put them in Order ; that he saw *Blackstoun* go to the Rear and ride, that he saw the Country-people and the Gentlemen were feared, conform to the foresaid Depositions. Depones, he heard among the Gentlemen, that they were to go to the Southland Party, whereof he and the rest of the Commons hearing, they would not go any further ; that *Caldwel* commanded his Tenants to stay, but they would not ; that Mr. *Gabriel Maxwell* threatned in manner foresaid.

William Caldwell in *Whitehouse*, aged ——— Years, or thereby, not married, sworn, depones, That he was warned by the Officer, conform as is before deponed. Depones, he saw at *Chitterfleet* the Laird of *Caldwel*, the Good-man of *Caldwel*, *Kerstrand*, *Blackstoun*, *Quarreltoun*, and several others. Depones, he saw the Earl of *Eglintoun's* Servant there, and heard his Letters were broken up, and he kept Prisoner ; as to their marching, depones *conformis precedenti*, that once they were ranked in a Troop, and that *Blackstoun* rode in the Rear ; he did hear the Gentlemen speaking about their going to the Southland Army, and that the King's Life-guard was betwixt the Gentlemen and them.

Robert Ker in *Kerstrand*, aged Sixty Years, or thereby, married, sworn, depones, That the Laird of *Kerstrand* his Master desired him to go to the Fields with him ; and that he, suspecting it to be to the Rebels, answered, It was better to stay at home and keep the Cow and the Kail-stock, and better to suffer than fight against the King.

John Stuart in *Swinrigmuir*, aged Thirty six Years or thereby, depones, he was at *Chitterfleet*, that *Caldwel*, the Good-man of *Caldwel* younger, *Blackstoun*, and *Quarreltoun*, and his Brother, *Kerstrand*, *Bedland*, *Cunningham*, Mr. *Gabriel Maxwell*, Mr. *John Carstairs*, and others were there ; that he was there when the Earl of *Eglintoun's* Servant was taken, brought in, and the Letters broken up, and that he was kept till Night as a Prisoner ; as to their marching and Number, riding in Order, *conformis* ; that Mr. *Gabriel Maxwell* said to *Blackstoun*, Go to the Rear, and he went ; that as to the Sight of the Country-people, the Gentlemen went away ; the Gentlemen said they intended to see the Southland Party. Depones, that *Kerstrand* told him he was to joyn with the Southland Party, and the Deponer said, he thought it not good ; his Master said, the Deponer might go where they went ; that when they were at *Kilbride*, it was told them that the King's Army was betwixt them and the Southland Party, and thereupon the Gentlemen retired to the House of the Muir.

JOHN STUART.
Robert

Robert Craig in the Parish of Beeth, aged Forty Years or thereby, married, sworn, depones, He was at Chitterfleet, depones he was the Person that took the Earl of Eglintoun's Servant, and that John Stevenson was with him; that after the Boy was taken, Blackstoun's Servant came and brought the Boy and the Deponer to the Gentlemen, that his Master's Letters were broken open, and he kept Prisoner, that the Deponer went to Langtoun with the Gentlemen, that Caldwell, Bedland, Blackstoun, and Mr. Gabriel Maxwell commanded the Deponer to take the Earl of Eglintoun's Servant; depones, he heard at Knockmade, that the Gentlemen were to joyn with the Southland Party.

Patrick Houstoun, Servant to the Earl of Eglintoun, aged Twenty Years or thereby, not married, sworn, depones, That he was taken near Chitterfleet, and his Letters broken open, that he saw Caldwell, Blackstoun, and Bedland, that Bedland was melting Lead, that he got the Letters broken open.

The Assize, by Plurality of Voices, elects James Somerwel of Drum in Chancellor.

The Assize, all in one Voice, by the Mouth and judicious Declaration of the said James Somerwel elder of Drum, their Chancellor, finds the said Colonel James Wallace, Joseph Learmont, Mr. James Smith, and Mr. John Welsh, guilty, and culpable of treasonable Crimes contained in their Dittays, viz. The said Colonel James Wallace and Joseph Learmont, to have been and had Accession to the late Rebellion, and had Charge and Command in the rebellious Army, and commanding in Chief therein, and of being with the said Rebels at Lanerk, Collingtoun, at the Conflict at Pentland, and other Places in the Rebellion. And the said Mr. James Smith and Mr. John Welsh, to be guilty of joyning with the said Rebels, and going alongst, and marching with their Horse and Arms from Place to Place, and being at Lanerk, Collingtoun, and Pentland, with the Rebels. And also the said John McClellan of Barscob, to be guilty of the Crime of Rebellion, specified in his Dittay, and having Command in the Rebels Army, and going alongst with them in Arms. And also they all, in one Voice, find the said Patrick Listoun elder, and William Listoun younger, guilty of Rebellion, and joyning with the Rebels, and being in Arms with them, and going alongst with them. And likewise, the said Assize, all in one Voice, found the said William Porterfield of Quarreltoun, guilty, and culpable of the treasonable Crimes specified in his Dittay, in joyning and being in Arms with Caldwell and others in the said Rebellion, and meeting, convening, and keeping Committees together to that effect, and of being present at the taking of Patrick Houstoun Servitor to the Earl of Eglintoun, breaking open of his Letters, and when he was kept Prisoner, and marching and drawing up, and going alongst in Arms with them, in order to their joyning with the rebellious Party in the West, and of other Circumstances specified in his Indictment, in respect they found the same sufficiently proven.

The 15th of August.

J. A. SOMERWEL.

My Lord Justice-general, my Lord Justice-clerk, and their Assizers, by the Mouth of Henry Monteith Dempster of Court, decern and adjudge the said James Wallace of Auchanes, John McClellan younger of Barscob, Mr. John Welsh, and Mr. James Smith, Ministers, Patrick Listoun elder in Calder, William Listoun his Son, and William Porterfield of Quarreltoun, to be execute to Death, and demeaned as Traitors when they shall be apprehended, at such Times and Places, and in such Manner, as my Lord Justice-general, Justice-clerk, or Justice-deputes shall appoint; as also decern and adjudge the forenamed Persons, and ilk one of them, of the treasonable Crimes abovementioned, to have forfeited, amitted and tint all and sundry their Lands, Tenements, Annualrents, Offices, Tacks, Dignities, Steadings, Rooms, Possessions, Goods and Gear whatsoever, pertaining to them or either of them, to his Majesty's Use, which was given for Doom. Upon all and sundry the Premises, Sir John Nisbet of Dirletoun Knight, his Majesty's Advocate, asked and took Instruments.

Process against Caldwell, &c. 1667. N^o. XVI.

Curia justiciaria S. D. N. Regis, tenta in pratorio burgi de Edinburgh, decimo sexto die mensis Augusti, 1667. per nobilem & potentem comitem Joannem, comitem de Athole, Justiciarium Generalem dicti S. D. N. Regis, & dominum Joannem Hume de Rentoun, militem, Justiciaria Clericum.

Curia legitime affirmata.

Assessors to the Justices,
Alexander Earl of Linlithgow,
William Earl of Dumfries.

MY Lord Advocate declares, That he insists now against the Persons following, viz. William Muir of Caldwell, John Caldwell of Caldwell younger, Robert Ker of Kerland younger, Mr. John Cunningham of Bedland, Alexander Porterfield Brother to Quarreltoun, Maxwell younger of Murrieff, Robert McClellan of Balmageichan, Robert Cannon of Mondrogate younger, Robert Chalmers Brother to Gathgirth, Mr. Gabriel Semple, Mr. John Guthry, Mr. Alexander Pedin, Mr. William Veitch, Mr. John Crookshanks, Patrick M'Naught in Cumnock, indicted and accused at the Instance of my Lord Advocate, for the Crimes contained in their Indictments, viz. of Treason mentioned therein. The Justices find the Dittay relevant, and ordain the same to be put to the Knowledge of an Assize.

ASSISA.

William Rigg of Carberry,
 Sir Robert Dalziel,
 Walter Kennerway Secretary to the General,
 John Ruthven Tutor of Carden,
 William McNeil of Dysart,
 Colonel James Hay,
 Sir John Falconar,
 James Lockhart of Cleghorn,

James Hepburn of Bearford,
 James Weems of Pitcanmy,
 George Elphinstoun of Selmes,
 Major George Grant,
 James Johnstoun of Sheens,
 Sir William Bellanden,
 James Somerwel elder of Drum.

The Assize sworn, no Objection in the contrary.

John Reid in Dandilly, aged Thirty Years or thereby, married, sworn, depones, That Maxwell of Murrieff, Balmageichan, Mondrogate, Chalmers Brother to Gathgirth, Mr. Gabriel Semple, Mr. John Guthrie, Mr. Alexander Pedin, Mr. William Veitch, Mr. John Crookshanks, and Patrick M'naught in Cumnock, were with the Rebels at Mauchlin in Arms, with Swords and Horse, and some of them had Pistols; and that they were at Pentland, except Pedin; that the Reason of the Deponer his Knowledge is, that Mondrogate and Mr. Alexander Pedin took him Prisoner, and carried him alongst to Pentland.

JOHN REID.

William Muir Tenant to Sir Thomas Wallace, aged Thirty Years or thereby, not married, sworn, depones, That he saw the said Maxwell of Murrieff, and others, with the Rebels in Arms, except Mr. John Crookshanks and Patrick M'naught, whom he did not see, but heard they were there; that he saw them at Bathgate, Lanerk, and Collingtoun, but he was not at Pentland, and so knows nothing of that.

WILLIAM MUIR.

John Mirrie in Smithstoun, aged Thirty Years or thereby, married, sworn, depones, That he saw the whole Persons contained in John Reid's Deposition, with the Rebels in Arms, saw them marching alongst with that Army at several Places.

JOHN MIRRIE.

Daniel Mitchel in Craigadam, Forty Years or thereby, sworn, depones, That he saw Murrieff, Mondrogate, Chalmers, Crookshanks, and M'naught with the Rebels at Lanerk, Collingtoun, and other Places in Arms, with Swords, Horse, and Pistols, and saw them marching alongst toward Pentland.

James Cochran in Knockmade, sworn, depones, adheres to his former Deposition given yesterday, in omnibus, and declares expressly that the Laird of Caldwell, Good-man of Caldwell younger, the Laird of Kerland younger, and Alexander Porterfield Brother to Quarreltoun, were at the Meeting at Chitterfleet, and all alongst, as is contained in the foresaid Deposition.

John Stevenson in Ramshead, sworn, depones, adheres to his former Deposition taken yesterday, and the whole Persons abovementioned were all at Chitterfleet, and all alongst, as is contained in his former Deposition.

John Wilson in Ramshead, sworn, depones, adheres to his former Deposition; and further depones, That the Laird of Caldwell, the Good-man of Caldwell younger, the Laird of Kerland, and Bedland, were at Chitterfleet, and other Places; but as to Alexander Porterfield, depones he knew him not.

John Anderson sworn, depones, adheres to his former Deposition; and further depones That the Laird of Caldwell, the Good-man of Caldwell younger, Kerland younger, Bedland, and Alexander Porterfield were at Chitterfleet, and all alongst with that Party.

John Caldwell sworn, depones, adheres to his former Deposition; and further depones, That the Laird of Caldwell, the Good-man of Caldwell younger, Kerland and Bedland, were at Chitterfleet and other Places, and that he heard Alexander Porterfield called by his Name, and that he knew him to be so.

William Caldwell sworn, depones, adheres to his former Deposition; and further depones, That the Laird of Caldwell, the Good-man of Caldwell younger, Kerland, Bedland, and Alexander Porterfield, were at Chitterfleet and other Places (contained in the said Deposition) in Arms.

Robert Ker in Kerland, sworn, depones, adheres to his former Deposition taken yesterday.

John Stuart sworn, depones, adheres to his former Deposition; and further declares, That the Laird of Caldwell, the Good-man of Caldwell younger, Kerland younger, Bedland and Alexander Porterfield were at Chitterfleet, and other Places (mentioned in his Deposition) in Arms, depones he heard them say, they minded to go to the Southland Party.

Robert Craig sworn, depones, adheres to his former Deposition; and further depones, That he saw the Laird of Caldwell, Kerland younger, at Chitterfleet and other Places, and the rest he knew them not, but heard they were there.

Patrick Houstoun sworn, depones, adheres to his former Deposition in omnibus.

The Assize by Plurality of Votes elects James Somerwel elder of Drum in Chancellor.

The Assize, all in one Voice, finds the said Maxwell of Murrieff, Robert McClellan of Balmageichan, Robert Cannon of Mondrogate younger, Robert Chalmers Brother to Gathgirth, Mr. Gabriel Semple, Mr. John Guthrie, Mr. Alexander Pedin, Mr. William Veitch, Mr. John Crookshanks, and Patrick M'naught, guilty, and culpable of treasonable Crimes specified in their Dittay, of being in, and upon the said Rebellion, and joyning with the said Rebels, and going alongst with them, and marching with them with their Horse and Arms, from Place to Place with the said Rebels; as also the said Assize all unanimously in one Vote, finds the said William Muir of Ca'dwe', John Caldwell younger, Robert Ker of Kerland, Mr. John Cunningham of Bedland, and Alexander Porterfield Brother to the Laird of Quarreltoun, guilty, and culpable of treasonable Crimes specified in their Indictments, in joyning and being in Arms together in the said Rebellion, and meeting and keeping Company together for that effect; and of being present at the taking of Patrick Houstoun Servant to the Earl of Eglintoun, breaking up of his Letters, and when he was kept Prisoner, in marching, drawing up and

going

going alongst with Arms in Order, of joyning together with the rebellious Party in the West, and of other Circumstances specified in their Indictment, in respect they find the same sufficiently proven.

J A. SOMERWEL.

My Lord Justice-general, Justice-clerk, and their Assessors therefore, by the Mouth of Henry Monteith Dempster of Court, decern and adjudge the said *William Muir of Caldwell*, *John Caldwell of Caldwell* younger, *Robert Ker of Kersland* younger, *Mr. John Cunningham of Bedland*, *Alexander Porterfield* Brother to the Laird of *Quarreltoun*, ----- *Maxwel of Murrieff*, *Robert McClellan of Bahmageichan*, *Robert Cannon of Mondrogate*, *Robert Chalmers* Brother to the Laird of *Gathgirth*, *Mr. Gabriel Semple*, *Mr. John Aubry*, *Mr. Alexander Pedin*, *Mr. William Veitch*, *Mr. John Crookshanks*, and *Patrick Mcnaught*, to be executed to Death, and demeaned as Traitors, when they shall be apprehended, at such Times and Places, and in such Manner as my Lord Justice-general, Justice-clerk, or Justice-depute shall appoint; and also decern and adjudge the forenamed Persons, and ilk one of them, for the Crimes abovementioned, to have forfeited, amitted and tint all and sundry their Lands, Tenements, Annualrents, Offices, Titles, Tacks, Dignities, Steadings, Rooms, Possessions, Goods and Gear whatsoever, pertaining to them or either of them, to his Majesty's Use; which was pronounced for Doom; whereupon *Sir John Nisbet of Dirleton* Knight, his Majesty's Advocate, asked and took Instruments.

Commission to the Laird of Houshill, October 12. 1667. N^o. XVII.

WE *John Earl of Rothes*, and Lord High Chancellor of Scotland, *John Earl of Tweeddale*, *William Lord Bellenden* his Majesty's Treasurer-depute, *William Lord Cochran*, and *Sir Robert Murray*, Commissioners of his Majesty's Treasury of the Kingdom of Scotland: Forasmuch as there are divers Persons within this Kingdom forfeited for their late Rebellion, and their whole Estates, heritable and moveable, by virtue thereof, fallen and become in his Majesty's Hands; and having thought fit that some speedy Course be taken for intromitting with the Rents and Duties of the said Estates, and Inventory of the haill Goods and Gear moveable belonging to them; and, in order thereunto, necessary it is that some confident Person be employed and commissioned for uplifting the Rents and Duties of their Lands, and taking Inventory of their moveable Goods and Gear, which pertained to them the Time of the late Rebellion; and being fully assured of the Faithfulness and Diligence of *James Dunlop of Houshill*, and of his Fitness for uplifting of the same, and of that Charge and Trust: Wherefore to have given and granted, likeas we, by thir Presents, give and grant full Power and Commission to the said *James Dunlop*, his Factors, Servants and others in his Name, for whom he will be answerable, to collect, uplift, intromit with, and receive all and haill the Rents, Mails, Farms, Kains and Duties of the Lands, Baronies, and others lying in the Sheriffdom of *Renfrew* and *Ayr*, of the Crop and Year of One thousand six hundred threescore and seven, and siklike of all Years and Terms bygone, resting unpaid, and yearly and timely in Time coming, which pertained of before to the Persons underwritten, viz. *William Muir of Caldwell*, *Robert Ker* younger of *Kersland*, *Mr. John Cunningham of Bedland*, *William Porterfield of Quarreltoun*, *Alexander Porterfield* his Brother, *Major Joseph Learmont of Newholm*, within the Sheriffdom foresaid, for his Majesty's Use; with Power also to him to take exact Inventory of their haill moveable Goods and Gear, and to secure the same until further Order for that effect: And upon the Receipt of the said Rents and Duties, or a Part or Portion thereof, Acquittances and Discharges, in his own Name, to give, subscribe and deliver, which shall be sufficient to the Receivers; arrest, poind and distrenzie therefore, as accords of the Law; and generally all and sundry other Things necessar and requisite to do in the Premises, use and exerce, siklike, and as freely in all Respects, as we might do therein ourselves, if we were personally present; and also to call, follow, charge personally herefore, promising to hold firm, stable, &c. providing always that the said *James Dunlop* make Count and Reckoning, and Payment to us, or any having our Order, of all such Sums of Money as he or his foresaids shall receive, by virtue of his present Commission, which is hereby declared to endure, until he be discharged by us in Writ. (*Registration*) We have subscribed thir Presents with our Hands, at *Edinburgh*, the 12th Day of *October*, 1667. before thir Witnesses, *Mr. Andrew Oswald* and *Thomas Moncrief* Clerks of Exchequer.

ROTHES,
TWEEDDALE,
BELLENDEN,
COCHRAN.

A. OSWALD Witness.
THOMAS MONCRIEF Witness.

Gift of Caldwell's Estate to Dalziel, July 11. 1670. N^o. XVIII.

CHARLES R.

OUR sovereign Lord considering the good and faithful Service done to his Majesty, and his Majesty's most Royal Father, of ever blessed Memory, by his Majesty's right trusty and well beloved General, *Thomas Dalziel of Bums*, Lieutenant-general of his Majesty's late Forces within his Majesty's ancient Kingdom of Scotland, at several Occasions, but chiefly in the Month of *November*, 1666. by suppressing the Battle of a considerable Number of his Majesty's disloyal Subjects of the foresaid Kingdom, who, with their Associates, most unnaturally rose in Arms against his Majesty's Authority and Laws, intending to have over-

turned the same, and wronged his Majesty's good and loyal Subjects; besides divers other good Services done to his Majesty by the said General *Thomas Dalziel*, by his skilful Conduct of the foresaid Forces, to the Terror of the native Traitors, and of his Majesty's foreign Enemies, who endeavoured to have disturbed and invaded the foresaid Kingdom of *Scotland*; as also his Majesty being sensible of the good Service likewise done to his Majesty, in his Kingdom of *Scotland*, by the said General *Thomas Dalziel*; and also understanding that the said General *Thomas Dalziel* has sustained great Losses, and undergone very much Hardship and Sufferings, by long Imprisonment, Banishment, and otherwise, for his constant Loyalty to his Majesty; and his Majesty being most willing, for his further Encouragement to persist in his loyal Actions, to confer some signal Favours upon him: Therefore his Majesty, for himself, and as Prince and Steward of *Scotland*, with Advice and Consent of his Majesty's right trusty Cousins and Counsellors, &c. *John Earl of Rothes*, &c. High Chancellor of the said Kingdom of *Scotland*, *John Earl of Lauderdale* sole Secretary of State of the same Kingdom, *John Earl of Tweeddale*, *William Lord Bellenden* his Majesty's Treasurer-depute, *William Earl of Dundonald*, and his Majesty's trusty Counsellor, Sir *Robert Murray* late Justice-clerk, his Majesty's Commissioner for the Treasury, Comptrollery, and Treasury of his Majesty's new Augmentations; and also with Advice and Consent of the remanent Lords and other Commissioners of Exchequer, ordains a Charter to be past under his Majesty's great Seal of the foresaid Kingdom of *Scotland*, in due Form, giving, granting, and disposing to the said General *Thomas Dalziel*, his Heirs and Assignies whatsoever, heritably and irrevocably, all and sundry the Lands and others underwritten, to wit, All and hail the Five-pound Land of *Knockward*, and the Five-merk Land of *Dounisflat*, with the Towers, Fortilices, Mannor-places, Houses, Biggings, Yards, Orchards, Tofts, Crofts, Mills, Woods, Fishings, Commonities, Pasturages, Coals, Coal-heughs, Mosses, Muirs, Meadows, Tenants, Tenandries, Service of free Tenants, Annexes, Connexes, Dependences, Parts, Pendicles, and Pertinents thereof whatsoever, lying within the Bialary of *Uningham*, and Sheriffdom of *Air*; all and sundry the Tiend-sheaves or Parsonage-tiends of the same Lands of *Knockward*, with the Pertinents; all and hail the Five-pound Land of *Knockmade*, and Five-merk Land of *Easter Caldwell*, with the Towers, Fortalices, Mannor-places, Houses, Biggings, Yards, Orchards, Tofts, Crofts, Mills, Woods, Fishings, Mosses, Muirs, Meadows, Commonities, Pasturages, Coals, Coal-heughs, Tenants, Tenandries, Service of free Tenants, Annexes, Connexes, Dependences, Parts, Pendicles, and Pertinents thereof whatsoever, lying within the Sheriffdom of *Renfrew*: All and hail the Ten-merk Land of *Kittockside*, with the Tower, Fortalice, Mannor-place, Houses, Biggings, Yards, Orchards, Tofts, Crofts, Mills, Woods, Fishings, Mosses, Muirs, Meadows, Commonities, Pasturages, Coals, Coal-heughs, Tenants, Tenandries, Service of free Tenants, Annexes, Connexes, Dependences, Parts, Pendicles, and Pertinents thereof whatsoever, lying within the Sheriffdom of *Lanerk*: And also all and sundry the Tiend-sheaves or Parsonage-tiends of the same Lands of *Kittockside*, and Five-merk Land of *Easter Caldwell*, above rehearsed, with the Pertinents: All and hail the Lands of *Kippelrig*, called of old a *Templeland*, with the Privilege of the common Muir of *Renfrew*, for Pasturage thereof, with Houses, Biggings, Yards, Tofts, Crofts, Parts, Pendicles, and Pertinents thereof whatsoever, lying within the Parish of *Marns*, and Sheriffdom of *Renfrew*: All and hail the Tiend-sheaves or Parsonage-tiends of the foresaid Lands of *Kippelrig*, with the Pertinents. Which Lands, Tiends and others abovewritten, pertained heritably of before to *William Muir* late of *Caldwell*, at least to some of his Predecessors, to whom he is apparent Heir of the same Lands, and others above rehearsed, holden by him or them, or some one or more of them, immediately of his Majesty, for himself, and as Prince and Steward of *Scotland*; and are now fallen and become in his Majesty's Hands, and at his Majesty's Gift and Disposition, for himself, and as Prince and Steward of *Scotland*, by reason of Forfeiture, by the Privilege of his Majesty's Crown, Laws and Practique of the foresaid Kingdom of *Scotland*, through the said *William Muir* his joyning in Arms with the disloyal and seditious Persons in the West, who of late appeared in Arms in a desperate and avowed Rebellion against his Majesty, his Government, and Laws, of intention to have overturned the same, if they had not been defeat in Battle, as said is. And though all Clemency was offered to the said *William Muir*, yet he has refused the same; for which wild Act above rehearsed, of rising in Arms, as said is, he is declared Traitor to his Majesty, and all his Lands, Goods and Gear forfeited, as in the Sentence and Doom of Forfeiture, given and pronounced against him by his Majesty's Justice-general of the said Kingdom of *Scotland*, his Majesty's Justice-clerk thereof, and the Assessors appointed to them by his Majesty's Privy Council of the same Kingdom, upon the ----- Day of *August*, One thousand six hundred sixty and seven Years, bypast, at more length is contained. And farther, to the effect the foresaid Donature and Grant may be the more valid and effectual, his Majesty, for himself, and as Prince and Steward of *Scotland*, with Advice and Consent above specified, has dissolved, and by the Tenor of the said Charter, for his Majesty and his Successors, Kings, Princes, and Stewards of *Scotland*, dissolves the whole Lands, Tiends and others above written, from his Majesty's Crown and Patrimony thereof, and of his Successors, Princes and Stewards of *Scotland*, to be peaceably bruiked, joyfed, set, used, and disposed upon by the said General *Thomas Dalziel*, and his above specified, heritably and irrevocably in all Time coming. And in Testimony thereof, his Majesty, for himself, and as Prince and Steward of *Scotland*, with Advice and Consent foresaid, of his Majesty's certain Knowledge, proper Motive, Authority Royal, and Kingly Power, has made, erected, created, united, annexed and incorporated, and by the Tenor of the foresaid Charter, for his Majesty and his Successors, Kings, Princes and Stewards of *Scotland*, makes, erects, creates, unites, annexes and incorporates the whole Lands, Tiends and others respective above mentioned, in an hail and free Barony, to be called now and in all Time coming the Barony of ----- ordaining the foresaid Tower, Fortalice, and Mannor-place of ----- to be the principal Messuage of the same Barony; and wills and grants, and for his Majesty and his Successors, Kings, Princes, and Stewards of *Scotland*, decerns and ordains, that a Sasine, now to be taken by the said General *Thomas Dalziel*, and by his Heirs and Successors above rehearsed, in all Time coming, at the foresaid Tower, Fortalice, and Mannor-place of ----- or at any other Part or Place of any of the Lands above mentioned, shall stand and be a sufficient Sasine for the same hail Lands, Tiends, and others above rehearsed, now united in the foresaid Barony, as said is; but any other special or particular Sasine, to be taken by him or them at any other Part or Place thereof, notwithstanding the same ly not contiguous and together, but in divers Jurisdictions: Anent the which Sasines, and all that shall follow thereupon, his Majesty, for himself, and as Prince and Steward of *Scotland*, with Consent above rehearsed, has dispensed, and by the Tenor of the said Charter, for his Majesty and his Successors, Kings, Princes, and Stewards of *Scotland*, dispenses for ever: To be holden, and to be held all and sundry the Lands,

Lands, Tiends, and others respective above mentioned, all erected in the foresaid Barony, and lying as said is, to the said General *Thomas Dalziel* and his abovementioned, of his Majesty and his Successors, Princes and Stewards of *Scotland*, immediate lawful Superiors thereof for the Time, in Fee, Heritage, and free Barony for ever, by all the Rights, Miethes, and Marches thereof, old and divided, as the same lies in Length and Breadth, in Houses, Biggings, &c. Mills, Multures, &c. Hawking, Hunting, Fishing, &c. with Court, Plaint, Herezeld, &c. and with Furk, Fok, Sock, Sack, Thole, Thame, Vert, Wraik, Waith, Wair, Venison, Outfang-thief, Infang-thief, Pit and Gallows, &c. and all and sundry other Commodities, &c. freely and quietly, but any Revocation, &c. Giving yearly the said General *Thomas Dalziel* and his abovementioned, to his Majesty and his Successors, Princes and Stewards of *Scotland*, for the hail Lands and others above rehearsed, except the Tiends, Rights, Services and Duties of the same Lands, and others abovementioned, erected in the foresaid Barony, as said is, Ought and Wont therefore, before the Forfeiture above specified allenary; and for the Tiends abovespecified, the Blench-duties, or other Duties addebted for the same by the said *William Muir*, before his foresaid Forfeiture allenary. Likeas, his Majesty, with Advice and Consent foresaid, faithfully promits, *in verbo principis*, to cause ratify and approve the foresaid Charter, with the Precept and Instrument of Sasine to follow thereupon, and Dissolution above exprest, in his Majesty's next Parliament, to be holden within the said Kingdom of *Scotland*, and that with Consent of the Estates thereof; and that the foresaid Charter shall be a sufficient Warrant for that effect: As also his Majesty, with Advice and Consent foresaid, ordains that Precepts be directed orderly hereupon, in Form as effects. Given at the Court at *Whitehall*, the Eleventh Day of *July*, 1670. and of his Majesty's Reign the Twenty second Year.

Compositio 6 lib. 13. 8.

Registrate 26 September, 1670.

ROTHES Chanc.	MARISHAL,
TWEDDALE,	HALKERTOUN,
KINCARDIN,	JO. NISBET,
DUNDONALD,	JO. HUME,
BELLENDEN,	CH. MAITLAND,

Remission to Robert Chalmers, June 21. 1669. N^o. XIX.

CHARLES R.

Our sovereign Lord, out of his special Grace and Favour, with Advice and Consent of his Majesty's right trusty and well-beloved Cousins and Counsellors, *John* Earl of *Ruthes*, &c. Lord High Chancellor of the Kingdom of *Scotland*, *John* Earl of *Lawderdale* sole Secretary of State, *Alexander* Earl of *Kincardin*, *William* Lord *Cochran*, *William* Lord *Belenden* his Majesty's Treasurer-depute, and of his Majesty's trusty Counsellor, Sir *Robert Murray* late Justice-clerk, Commissioners of his Majesty's Treasury, Comptrolery, and Treasury of new Augmentations within the said Kingdom, and also of the remanent Lords Commissioners of his Majesty's Treasury and Exchequer of the said Kingdom, ordains a Letter to be past and expedite under his Majesty's great Seal of the same Kingdom, in due Form, remitting, pardoning and forgiving: Likeas, his Majesty, with Advice and Consent foresaid, by the Tenor hereof, remits, pardons, and for ever freely forgives to *Robert Chalmers* Brother German to *John Chalmers* of *Gathgirth*, that hainous Crime committed by him in joyning himself to, and remaining with those who arose in the late Rebellion, in *Anno* 1666. and of all Pains and Punishments that may be inflicted upon him in his Person or Goods therefore, and all Decrees and Sentences of Forfeiture (if any be) pronounced against him for the same, with all Action and Pursuit, civil and criminal, that may be any ways moved or intended against him thereanent: Ordaining hereby the foresaid Crime never to be remembered against the said *Robert Chalmers*, but remain in Oblivion for ever, siklike as if the same had never been committed by him; and that the said Letter be further extended in the best Form, with all Clauses needful, and that Precepts be orderly directed hereupon in Form as effects. Given at the Court at *Whitehall*, the 21st Day of *June*, 1669. and of his Majesty's Reign the 21st Year.

Registrate 10 July, 1669.

ROTHES Cancel.	HALKERTOUN,
TWEDDALE,	JO. GILMOR,
KINCARDIN,	JO. NISBET,
DUNDONALD,	JO. HUME,
MARISHAL,	CH. MAITLAND,
ARGYLE,	JO. WAUCHOP.

May it please your Majesty,

These contain your Majesty's gracious Remission, in favours of *Robert Chalmers* Brother German to *John Chalmers* of *Gathgirth*, for the rebellious Crime committed by him, through his joyning in Arms with these who were in the late Rebellion, in *Anno* 1666. and of all Action, civil and criminal, that may be moved against him for the same.

LAWDERDALE

Compositio 6 lib. 13 sh. 4 d.

Proclamation for bringing in Arms, March 25. 1667. N^o. XX.

CHARLES, by the Grace of GOD, King of Great Britain, France and Ireland, Defender of the Faith; To Our Lovits, Messengers, Our Sheriffs in that Part, conjunctly and severally, specially constitute, Greeting: Forasmuch as the late Rebellion and Rising in Arms in the Western Shires, is too great an Evidence that there are many disaffected Persons in these Places, who are ready to involve the Kingdom again in a bloody and unnatural War; and that We have just Reason to suspect that these Rebels will be ready to lay hold on this Opportunity to rise in Arms, when We are necessitate to continue the War with Our foreign Enemies, and not only to make use of such Arms, Powder and Ammunition, as they have concealed, or may be transported to them from Our Enemies; but will seize upon the Arms of Our well affected Subjects, who reside amongst them, and are not able to make Resistance, which may endanger the Peace of the Kingdom, and weaken Our Forces, necessitating them at one Time to oppose foreign Invasions and intestine Commotions: As likewise, that according to their former wicked Practices, they may invade the Ministers of the Gospel, who are lawfully admitted Preachers amongst them, and do Violence or Injury to their Persons, to the great Contempt of Our Authority, and Scandal of the reformed Religion, as it is now profest. Therefore, We, with Advice of the Lords of Our Privy Council, command and charge all Persons residing within the Shires of Lanerk, Air, Renfrew, Wigton, and the Stewartry of Kirkcudbright, betwixt and the First Day of May next, to bring in all their Arms and Ammunition which they have in their Possession, of whatsoever Sort, (allowing Gentlemen only to carry Swords, and none other) to the Head-burghs of the respective Shires and Stewartry, and deliver the same to the Sheriff, his Depute, or any having his Order: With Certification to them, if they fail, they shall be fined by Our secret Council in the Sums of Money underwritten, viz. 11k Gentleman in the Sum of Two thousand Merks, and every other Person in the Sum of Five hundred Merks, to be divided, the one Half to be paid to Our Exchequer, and the other Half to any Person who shall first discover the Concealers; and further, shall be proceeded against as seditious Persons, and disaffected to Our Government. Likeas, We ordain the said Sheriff, his Depute, or any other appointed by him, immediately, upon the Delivery of their said Arms or Ammunition, to carry the same to Stirling or Dumbar-ton Castles, which shall be next adjacent, there to be kept by the Governor thereof. As likewise We command and charge, That all Heritors and Parishoners, residing in any of the Parishes within the said Bounds, protect and defend the Persons, Families and Goods of their respective Ministers within their several Parishes, from all Affronts and Injuries to be committed by insolent and disaffected Persons to the present Government, as well when they are in the Exercise of the Ministerial Function, as residing at their own Houses and Dwellings: With Certification, that if any Injury or Affront shall be done to them, in their Persons or Goods, that the Parishoners who shall suffer the same to be done, and not oppose the doing thereof, shall be reputed and holden as Art and Part of the said Crimes and Violence, and be proceeded against by Law as guilty thereof, and punished according to the Quality of their Offence with all Rigour. And in case the said Injuries shall be done by Surprisal, that they follow and pursue the Committers thereof, until they apprehend their Persons, and present them to Our secret Council, to be judged by them as they shall order: Otherwise We declare, that they themselves shall be liable for such Reparation, Damage, and Interest, as the said Lords of Council shall think fit to determine. And ordains the said Sheriffs to cause intimate these Presents by publick Proclamation, at the Market-crosses of the Head-burghs of the said respective Shires and Stewartries, and cause read the same at all the Parish-churches within the said Shires and Stewartry, upon a Sunday before Noon, after divine Service, with all Diligence; and that these Presents be printed, that none pretend Ignorance.

Proclamation for bringing in Horses, March 25. 1667. N^o. XXI.

CHARLES, by the Grace of God, King of Great Britain, France, and Ireland, Defender of the Faith; To Our Lovits, Messengers, Our Sheriffs in that Part, conjunctly and severally, specially constitute, Greeting: Forasmuch as it is more than high Time, to prevent the rising of disaffected Persons, who, during the Continuance of the War with Our foreign Enemies, are ready to break out in open Rebellion, and rise in Arms against Us and Our Authority, by disabling them from putting themselves in a military Posture, and in a Condition to make any sudden Marches, or Attempts upon Our well affected Subjects, or any Part of Our standing Forces, or to joyn with these, who are of their own pernicious and disloyal Principles, who live at a Distance from them. Therefore, We, with Advice of the Lords of Our Privy Council, command and charge all Persons within the Shires of Lanerk, Air, Renfrew, Wigton, and Stewartry of Kirkcudbright, of whatsoever Quality, who have refused to accept of any publick Trust, or have deserted the same, being in Place; as also, all those who withdraw from publick Ordinances, and do not keep their own Parish-churches, or do not submit to the present Government of Church and State; as likewise all those who being warned to rise, and joyn with Our Forces, for suppressing the late Rebellion, did not give Obedience, unless the said Persons will take the Oath of Allegiance, and subscribe the Declaration appointed by the late Act of Parliament, that after the Fifteenth Day of May next, they, by themselves, nor no Persons to their Use and Behoof, do not keep any serviceable Horses, above the Rate of one hundred Merks Scots, under any Pretext whatsoever: With Certification, if they fail, that upon Information of any Person well affected, the Sheriff, or any Two of the Justices of Peace within the Shire, shall cause value such Horses, and finding them above the Rate foresaid, shall cause deliver them to the Informer, and that without any Payment or Satisfaction to be made therefore. And requires all Sheriffs and Justices of Peace, within their respective Bounds,

Bounds, to issue Orders, for convening the Contraveners of this Act before them, and causing apprise any such Horses, by indifferent Persons, that it may be known, if they be above the Rate foresaid. And, in case that the Persons who compear, shall offer to purge themselves of any Suspicion of Disaffection to Our Government, upon the Accounts foresaid, that they administer to them the *Oath of Allegiance*, and after the *Declaration* to be subscribed by them, which being taken, and subscribed by them, as said is, then We enjoyn them to dismiss the said Persons with their Horses, to be kept by them, without any further Trouble or Molestation, otherwise, that they proceed as said is. And ordains the Sheriffs of the said Shires, to cause intimate these Presents by publick Proclamation, at the Market-crosses of the Head-burghs of the said respective Shires and Stewartry, and cause read the same at all the Parish-churches of the said Bounds, upon a Sunday before Noon, after Divine Service, with all Diligence, and that these Presents be printed, that none pretend Ignorance.

Council's Letter to the King, March 25. 1667. N^o. XXII.

MOST sacred Sovereign, In obedience to your Majesty's Letter of the 12th of this Instant, we have seriously gone about the Performance of these Particulars recommended to us, with that Diligence and Faithfulness which is suitable to your Majesty's tender Care of this your ancient Kingdom, and your Royal Wisdom, in providing timeously for such Means as may secure your Royal Subjects from the Dangers that are threatned from your Enemies abroad, and the disaffected Party amongst our selves, whose rebellious Principles may have led them, in this Juncture of Affairs, to desperate and new Undertakings; and, after full Deliberation, have resolved on the following Orders, whereof we found our selves bound in Duty to give your Majesty an Account.

As to the First, concerning the Tender of the *Oath of Allegiance* and *Declaration*, to active and leading Persons of the disaffected Party, we are resolved to go about the same with all Diligence, and hope in a short Time to give your Majesty a full Account thereof.

As to the Second and Sixth Articles, which relate only to some western Shires, we have issued a Proclamation in your Majesty's Name, for calling in all Arms and Ammunition, and securing from Violence the Persons of Ministers in those Places, whereof printed Copies are herewith transmitted to your Majesty.

As to the Third, for seizing all serviceable Horses belonging to disaffected or suspected Persons, we have agreed upon some Characters whereby such Persons may be known, and accordingly have emitted a Proclamation; but because it is not clear to us that your Majesty did intend that this shall be put in Execution over all the Kingdom, we have restricted it only to some western Shires, until we know your Majesty's further Pleasure.

As to the Fourth, we having considered the late Act of Parliament, whereby the Estates did tender to your Majesty Twenty thousand Foot, and Two thousand Horse, to be levied out of all the Shires and Burrows of the Kingdom, according to the Proportions therein set down, and humbly conceive at this Time your Majesty may nominate Officers for the several Divisions, as the said Act bears; yet because there will be great Difficulty to get Arms, and a Burden to the Subjects to provide for the whole Number, that it may prove more effectual for your Majesty's Service, that the Half of that Number may always be in Readiness to be trained in their several Divisions, for to march to any Place they shall be appointed: It is our humble Opinion, that your Majesty may order only the Half to be always in Readiness, when they shall be called to these Duties, and the rest if Necessity require; and seeing the western Shires, who are to be disarmed, and their Horses taken from them, cannot be ordered to have their Militia in Readiness, they must be excepted out of that Order, and no Officers are to be commissioned by your Majesty as to these Bounds; yet it is offered to us by Duke Hamilton, that as many Horsemen may be got out of Lanark Shire as their Proportion will amount to, who will take the *Oath of Allegiance* and *Declaration*, upon which account we humbly may name Officers of Horse as to that Shire.

As to the Fifth, anent providing of Arms and Ammunition, we have recommended the Performance thereof to the Lord Commissioner his Grace, who (we are confident) will effectually go about the same.

As to the last, Orders are given to your Majesty's Advocate to intent Processes against all such Persons as are named in that Article, before the Justice-general, that the Sentence of Forfeiture may be given against them without Delay: So praying God to bless your Majesty and all your Undertakings, we remain your Majesty's most faithful and obedient Subjects and Servants. Subscribed *ut federunt*.

Proclamation about Ministers, June 13. 1667. N^o. XXIII.

CHARLES, by the Grace of God, King of Great Britain, France, and Ireland, Defender of the Faith; To Our Lovits, Messengers, Our Sheriffs, in that Part conjunctly and severally, specially constitute, Greeting: Forasmuch as, We, by divers Acts of Parliament and Proclamations, have expressed and declared Our Royal Care and Resolution to protect the orthodox and well affected Clergy and Ministers; and to that Effect and Purpose a Proclamation was issued by Us, upon the 5th of March last, commanding all Heritors and Parishoners within the western Shires there mentioned, to protect and defend the Persons, Families, and Goods of their respective Ministers, within the several Parishes, from all Affronts and Injuries to be committed by insolent and disaffected Persons to the present Government, in manner, with, and under the Certifications and Pains therein contained: And nevertheless, the Malice and Rage of such Persons is so implacable against loyal Ministers, upon no other account, but that they are faithful and obedient to Our Laws and Authority, that

that of late, since the said Proclamation, divers Outrages have been committed within the said western and other Shires, by invading and wounding the Persons of several Ministers, assaulting them in their Houses, and plundering and robbing their Goods, to the great Scandal of Religion, Contempt of Our Authority, and Discouragement of the Preachers of the Gospel; and it is a great Encouragement to such sacrilegious and wicked Persons, that within the Parishes where such Insolencies are committed and done to Ministers, there are not wanting Persons of the same Temper and Principles, who do secretly favour and encourage and comply with them; and they do presume that the Actors withdrawing, the Parishoners will not be questioned, and that they will not think themselves concerned to repair the Wrongs done to the Ministers. Thereupon We, with Advice of the Lords of Our Privy Council, command and charge all Heritors, Liferenters, and others having any real Interest or Rent within the several Parishes of the Kingdom, whether they reside within the same or not, their Bailies, Chamberlains, and others having Trust under them, and all other Parishoners, to protect, defend, and secure the Persons, Families, and Goods of their Ministers, not only in the Exercise of their Ministerial Function, but in their Dwelling-houses, or being elsewhere within the Parish, from all Injuries, Affronts, and Prejudices, which they may incur in their Persons and Goods, from the Violence and Invasion of any disaffected or phanatick Person; and that upon the Notice of any Attempt of such, they immediately repair to any Place where they shall hear such Injuries are offered, and seize upon the Persons of the Committers; and in case they flee out of the said Bounds, that they give Notice to the Sheriff, or any Garison, or Forces that shall be nearest to these Places, that they may pursue them till they be apprehended and brought to Trial: With Certification, that if any such Outrages shall be committed, the Actors and all Persons who shall have any Accession to the same, and shall aid and assist, or any way comply with, or shall willingly reset or conceal the Delinquents, shall be proceeded against, and punished with all Severity, as equally guilty with the Invaders. And further, if they be not apprehended and brought to Trial, by the Means and Diligence of the Parishoners, Letters shall be directed at the Instance of Our Advocate, to cite the Parishoners to compare before the Lords of Our Privy Council, at the least to send Three or Four of their Number, specially authorized for that Effect, to hear and see the Parishoners decerned to pay the Minister for Reparation, Damage, and Interest, such a Sum and Fine as Our Council shall be pleased to determine specially, Consideration being always had of well affected Heritors and Parishoners, who constantly attend the publick Ordinances, and as they are required by the Ministers, concur with them in the Exercise of Church Discipline, who are to be tried to be such by the Justices of Peace, or their Judge ordinary, and a Citation of the Parishoners in general, at the Market-cross of the Shire, being intimate at the Parish-church upon a *Sunday* before Noon, after Divine Service, We declare to be sufficient: And the said Sum modified, shall be divided amongst the Heritors and Liferenters, and others, according to their respective Valuations, and is to be advanced and paid by them to the Sheriffs, Stewarts, or Bailies of Regalities and Bailiaries, who are hereby ordained by themselves or Deputes, to uplift the same for the Use of the Minister, and to use all lawful Execution for that Effect, and for Relief of the said Heritors, Liferenters, and others foresaid, their several Tenants are hereby ordained to pay the Third Part of the several Proportions payable to their Masters; and where any Person has more Tenants than the Third Part payable for Relief of their Master, is to be divided and proportioned betwixt their Tenants proportionally, and according to the Duty they pay *respective*; and if any Question arise thereanent, either amongst the Tenants themselves, or the Tenants and their Masters, the same to be determined by the Justice of Peace, Sheriff of the Shire, or other Judges ordinary, in whose Jurisdiction they reside, in the Option of the Complainers. And ordains these Presents to be printed, and published at the Market-crosses of the Head-burghs of this Kingdom, and read at all Parish-churches upon a *Sunday* before Noon, after Divine Service, that none pretend Ignorance.

King's Letter to the Council about Forfeitures, May 4. N. XXIV.

CHARLES R.

Right Trusty, &c. We greet you well. We did by Our Dispatch, which Our Major-general carried, amongst other Things, require you to cause proceed in a Process of Forfeiture, against those Heritors, Gentlemen, and Ministers, who were in actual Arms in the late Rebellion, or who gathered together without Our Authority, in order to joyn with the Rebels. We expect you will be careful to hasten that Process, and give us an Account of it. And whereas We are informed, That divers of the Rebels do lurk or wander in the Country, We do now further require you to issue a Proclamation in Our Name, by which all the rest of the Rebels who are not yet taken may be cited by Name, to appear at a certain Day to be named by you, to the end they may be proceeded against according to Law, and that such as do not appear may be criminally out-lawed and declared Fugitives; and that all who shall afterwards reset, conceal, or keep any Manner of Correspondence with any of them, may be punished according to Law. This you are to do in the ordinary Form, with all Clauses necessary. And whereas We have been several Times informed, That both in the Commission for Church-affairs, and at Our Council-board, those who have been cited for Conventicles, and other Crimes contrary to Law, nay, even divers of the Rebels have been pleaded for, and countenanced, even in these Our Judicatories, and to this Day We could never hear any Body named or countenanced upon; therefore We do positively command you Our Commissioner, when by any Person in Authority under Us any Obstruction is given to Our Service, any forswearing Our Commands, by countenancing or pleading for Forfeitters, Conventicle-keepers, or disobedient Persons to Ecclesiastical Government, who shall be brought before any of these Judicatories, that you Our Commissioner give Us particular Information of the Names of such Persons who are in any Trust under Us, to the end We may take such Courses therewith, as may thereafter prevent such Practices.

And because it will be necessary for Our Service, that a constant Correspondence be kept betwixt you and Our Lieutenant of Ireland, you shall settle a Way of Correspondence through that Part of Scotland, as We will

will order Our Lieutenant to do the like in the *Irish* Side ; and so We bid you heartily Farewel. Given at Our Court at *Whitehall* the Fourth Day of *May*, and of Our Reign the Nineteenth Year.

By his Majesty's Command,
L A W D E R D A L E.

King's Letter to Council, August 23. 1667. No. XXV.

CHARLES R.

Right trusty, &c. We Greet you well. The great Care We had of the Honour and Safety of that Our ancient Kingdom, obliged Us to raise both Horses and Foot, in a Proportion much above what that Kingdom could long bear ; and now when God hath blessed Us with so fair a Prospect of Peace, that same Care obliges Us to ease the Country of so heavy a Burden, as soon as is possible : Therefore We have thought fit and necessary to acquaint you with Our Resolution to disband all the Horse, (excepting the Two Troops of the Guards commanded by you, Our Commissioner, and the Earl of *Newburgh*) as also the greatest Part of the Foot. We shall, together with the Orders for publishing the peace, send particular Orders for disbanding all the Troops, and as many of the Foot as We shall think fit : In the mean time, We have given Command to Our Commissioner of Our Treasury, to use all possible Endeavours for raising Money to pay these Troops and Companies so to be disbanded ; and We do require you of Our Privy Council, to be assistant with your utmost Concurrences, in what shall be desired by the Commissioners of Our Treasury for that effect : So expecting your Obedience in so necessary a Work, We bid you heartily Farewel. Given at Our Court at *Whitehall*, the 23d Day of *August*, 1667. and of Our Reign the Nineteenth Year.

By His Majesty's Command,

L A W D E R D A L E.

King's Pardon and Indemnity to those in the Rebellion, October 1. 1667.
N^o. XXVI.

CHARLES, by the Grace of God, King of Scotland, England, France and Ireland, Defender of the Faith ; To all and sundry Our Lieges and Subjects whom these Presents do, or may concern, Greeting : Forasmuch as it hath been always Our greatest Care, that Our good Subjects may live in Peace and Happiness under Our Government, so We have, for that purpose, been more desirous to make Use of Our Mercy, to induce them to a dutiful Submission to Our Laws, than to take special Notice of any Disorders committed by them, as the Acts of Indemnity and Grace lately granted by Us will witness. And the same Tenderness towards them still possessing Us, in order to those who have been seduced and misled in the late Rebellion and Insurrection that appeared in some of the Western Shires, in the Month of *November* last, We are resolved that Our Mercy to them shall far exceed Our Justice : And therefore, out of Our special Grace and Favour, We do by these Presents grant Our full and free Pardon and Indemnity to all Persons who were engaged in the said Rebellion, or who had Accession thereto, from all Pain or Punishment which by the Law they are liable to for the said Rebellion, and for all Deeds done by them in the same, or in relation thereto : Excepting always from this Pardon, the Persons and Fortunes of Colonel *James Wallace*, Major *Learnmont*,
Maxwel of *Munrieff* younger, M'Clellan of *Barscob*, Gordon of *Parbreck*,
M'Clellan of *Balmagechan*, Cannon of *Burnshalloch* younger, Cannon of *Barley* younger,
Cannon of *Mordroget* younger, Welsh of *Skar*, Welsh of *Comley*,
Gordon of *Garrery* in *Kells*, Robert *Chalmers* Brother to *Gadgirth*, Henry *Grier* in *Balmaclellan*, David *Stot*
in *Irongray*, John *Gordon* in *Midtown* of *Dalry*, William *Gordon* there, John *M'Naught* there, Robert and *Gil-*
bert *Cannons* there, Gordon of *Bar* elder in *Kirkpatrick-durham*, Patrick *M'Naught* in *Cumnock*, John
M'Naught his Son, Gordon of *Holm* younger, Dempster of *Carriadow*,
of *Sundiwall*, Ramsay in the Mains of *Arnistoun*, John *Hutchi-*
son in *Newbottle*, Patrick *Liftoun* in *Calder*, William *Liftoun* his Son, James *Wilkie* in the Mains of *Clistounhall*,
the Laird of *Caldwell*, the Goodman of *Caldwell* younger, the Laird of *Kyrland* younger, the Laird of *Bed-*
land-cunningham, Porterfield of *Quarreltoun*, Alexander *Porterfield* his Brother, Lockhart
of *Wickershaw*, Mr. Trail, Son to Mr. Robert *Trail*, sometime Chaplain to *Scottstarbet*, David *Poe* in
Pekelly, Mr. Gabriel *Semple*, John *Semple*, Mr. John *Guthrie*, Mr. John *Welsh*, Mr. Samuel *Arnot*, Mr. James
Smith, Mr. Alexander *Pedden*, Mr. Orr, Mr. William *Veitch*, Mr. Paton *Preacher*, Mr.
Crockshanks, Mr. Gabriel *Maxwel*, Mr. John *Ca stairs*, Mr. James *Mitchel*, Mr. William *Forlyth*,
and of all others who are forfeited, and who are under Process of Forfeiture : As also excepting all such who, since the late Rebellion, have been accessory to the robbing of Ministers Houses, and committing Violences upon the Persons of Ministers, and who shall be proceeded for the same, and found guilty thereof, betwixt and the First Day of *December* next ensuing ; but with this express Condition always, That this Pardon shall only extend to such who, betwixt and the First Day of *January* next, shall make their Appearance before such as are authorized for that Effect, and shall give Bond and Security for keeping the publick Peace of Our Kingdom ; and that such of them as shall give their Oath that they cannot find Security and Caution, give their own Bond for that purpose. And this Our Royal Favour and Grace, We appoint to be published at the Market-crofs of *Edinburgh*, and other Royal Burghs of these Shires. Given at Our Court at *Whitehall*,
G g

Whitehall, the First Day of *October*, One thousand six hundred and sixty seven, and of Our Reign the Nineteenth Year.

Council's Act anent the Indemnity, with the Bond of Peace, October 9. 1667.
N^o. XXVII.

THE Lords of his Majesty's Privy Council, in pursuance of his Majesty's gracious Pleasure, contained in his Royal Proclamation abovementioned, do give Power, Warrant and Commission to the Persons following, within the several Bounds and Jurisdictions underwritten, *viz.* To the Lord Lee, the Lairds of *Raploch, Corhouse, Cambusnetham*, Sir *John Whiteford*, and Mr. *John Hamilton* of *Raith* Sheriff-depute for the Sheriffdom of *Lanerk*, the Master of *Cochran*, Sir *John Cochran*, the Lord *Stair*, Sir *Thomas Wallace* of *Craigie*, Mr. *John Cunningham* Advocate, Mr. *James Cunningham* Sheriff-depute of *Air*, Mr. *Hugh Montgomery* Sheriff-depute of *Renfrew*, and *William Cunningham* late Provost of *Air*, for the Sheriffdoms of *Air* and *Renfrew*; the Master of *Herreis*, the Sheriff of *Galloway*, the Laird of *Baldoon*, *Maxwel of Munster*, and *Maxwel of Woodhead*, for the Sheriffdom of *Wigtoun*, and Stewartry of *Kirkcudbright*; *James Crichton* of *St. Leonards*, the Lairds of *Craigdarroch* and *Weller-taw*, *Douglas of Moushill*, and *Carruthers of Howmann*, for the Sheriffdom of *Dumfries*, and Stewartry of *Annan vale*, or any Two of them for ilk Shire and Stewartry above specified, and to the Lords of Session, or any Two of them, for all the other Bounds and Shires of the Kingdom, to meet and convene at the Head-burghs of the respective Shires and Stewartries, and the Lords of Session to meet at *Edinburgh*, upon the Twenty second and Twenty ninth of *October* Instant, and the first and last *Tuesdays* of both the Months of *November* and *December* thereafter, and there to receive Bonds for keeping of the Peace, from all such Persons as have been accessory to the late Insurrection, and are now to have the Benefit of his Majesty's Pardon, in Manner contained in his Majesty's Proclamation, that is to say, Bond and Caution from all such as are able to find Caution, and that under such Pains as the said Commissioners, or respective *Quorums* thereof, shall appoint: And for such as shall make Faith, that they are not able to find Caution, that they accept from them their own Bonds, conform to the Tenor of the Bond hereunto subjoined: And upon the said Persons subscribing of the said Bonds, that the said Commissioners give a Testificate under their Hands, bearing that they have signed the same, and are thereby to have the Benefit of his Majesty's Pardon, contained in the foresaid Proclamation: And ordain all such Bonds as shall be subscribed by the said Persons, to be returned by the said Commissioners to the Clerk of his Majesty's Council, that they may be insert and registrate in the Books thereof, betwixt and the Fifteenth Day of *January* next. And ordain these Presents, with the said Proclamation and Bonds underwritten, to be printed, and published by Maceis or Messengers of Arms, at the Market-crofs of *Edinburgh*, and at the Market-crofses of *Lanerk Air, Renfrew, Wigtoun, Stewartry of Kirkcudbright, Dumfries*, and other Places needful, that none pretend Ignorance.

PET. WEDDERBURN Cl. secr. Concilii.

Follows the Tenor of the Bond to be subscribed by such of the Rebels as are able to find Caution.

I *A. B.* bind and oblige me, That I shall keep the publick Peace, and that I shall not rise in Arms against, or without his Majesty's Authority, under all highest Pains that may follow, in case I shall do any thing in the contrary: And for further Surety, *C. D.* doth bind and oblige himself as Cautioner for me, for my keeping of the Peace, and Performance of the Obligation foresaid, under the Pain of to be paid in case I contravene the same. Likeas, in the Case foresaid, the said *C. D.* my Cautioner, binds and obliges him, his Heirs and Successors, to pay the foresaid Sum to the Commissioners of his Majesty's Treasury, Treasurer, or Treasurer-depute, that shall happen to be for the Time, for his Majesty's Use. And I the said *A. B.* bind and oblige me, my Heirs and Successors, to relieve my Cautioner of the Premises, and of all Damage he shall happen to sustain therethrough, in any Sort: Consenting these Presents be registrate in the Books of Privy Council, that all Execution necessary may pass hereupon, in Form as effects; and constitute our Procurators. In Witness whereof, written by we have subscribed these Presents, at

Follows the Bond to be subscribed by such as are not able to find Caution.

I *A. B.* bind and oblige me, That I shall keep the publick Peace, and that I shall not rise in Arms against, or without his Majesty's Authority, under all highest Pains that may follow, in case I shall do any thing in the contrary: Consenting these Presents be registrate in the Books of Privy Council, that all Execution necessary may pass hereupon, in Form as effects; and constitute my Procurators. In Witness whereof, written by I have subscribed these Presents, at

Council's Act about the Bond. N^o. XXVIII.

THe Lords of his Majesty's Privy Council, in pursuance of his Majesty's Commands for securing the Peace of the Kingdom, have nominated and appointed the Earls of *Edinburgh, Dumfries, and Lowland*, the Lords *Cochran, Ross, and Stair* for the Shires of *Air* and *Renfrew*; the Lord Duke *Hamilton*, the Marquis of *Douglas*, the Earls of *Linlithgow* and *Wigtoun*, and the Lord *Lee*, for the Shire of *Lanerk*; the Earls of *Linlithgow, Annandale, Galloway*, and the Lord *Drumlanrig*, for the Shire of *Wigtoun*, and Stewartry of *Kirkcudbright*, as also for the Shire of *Dumfries* and Stewartry of *Annandale*; with Power to them, or any Two of them, for the said Shires and Stewartries, to appoint the haill Noblemen, Gentlemen, Heritors, and Feuars of the said respective Shires and Stewartries, to meet at the Head-burgh of the Shire or Stewartry upon the Days following, viz. the Shire of *Air* and *Renfrew* upon the last of this Instant, the Shire of *Lanerk* upon the 24th Instant, and the Shire of *Wigtoun* and Stewartry of *Kirkcudbright*, Shire of *Dumfries* and Stewartry of *Annandale* upon the 7th of *November* next, and thereafter to appoint their own Diets, and there to offer to them a Bond agreed upon by the Council, and herewith sent subscribed by their Clerk, to be subscribed by them, for themselves, their Tenants and Servants, for keeping the Peace, under the Penalty therein contained; and grant Power to all such Noblemen, Heritors, and Feuars of the said respective Shires and Stewartries, who shall subscribe the same, to require their respective Men, Tenants, and Servants, to subscribe a Bond for their keeping the Peace, and relieving them of their Engagements. And for the said Noblemen, Gentlemen, Heritors, and Feuars foresaid, their Encouragement to engage, as said is, the said Lords grant them full Power and Warrant, in case their said Tenants refuse to bind for their Relief, to disarm them; and if they have no Tacks or Rentals, to remove them from their Possessions; and if they have standing Tacks or Rentals for Years yet to run, give Warrant to the Clerk of Council upon their Desire, to grant Letters to charge them to find the said Caution; and if they continue disobedient, ordain them to be denounced Rebels, and put to the Horn; upon which Denunciation the Lords declare, that the said Noblemen, Gentlemen, Heritors, or Feuars, their Masters shall have the Gift of their single or Liferent-escheat gratis, in so far as may be extended to the Rooms and Possessions belonging to them; and ordain the said Commissioners to return the said Bonds to the Clerk of Council, to be by him regisstrate in the Books thereof, betwixt and the 15th Day of *January* next: As likewise the said Lords give Warrant to the said Commissioners to declare to such Noblemen, Gentlemen, Heritors, and Feuars, as shall give Bond, as said is, that they shall not be pressed to take the Declaration, unless they be admitted to Places of publick Trust, conform to the late Act of Parliament made thereanent. The Copy of the Bond follows, see the Body of the History.

Instrument taken at subscribing the Bond, December 30. 1667. N^o. XXIX.

Apud penultimo die mensis Decembris, Anno Dom. millesimo sexcentesimo sexagesimo septimo, regnique S. D. N. Regis anno decimonono.

THe whilk Day, in presence of me Notar Publick undersubscribing, and Witnesses after named ——— being called, compeared personally, before ——— and ——— Two of the Commissioners for the Sherifdom of ——— appointed by the Lords of his Majesty's Privy Council, for receiving of the Bonds for keeping the Peace, according to the Act of Council, dated the 9th Day of *October* last by past, and there the said ——— declared that ——— and he were come to ——— to tender the Bonds for keeping the Peace to the Persons therein concerned, and therefore required the said ——— to subscribe the said Bond, to which the said ——— answered, That he was most willing to evidence his Respect to Authority, and to justify his Loyalty to his Majesty upon every Occasion, but declared, though the Expressions in the said Bond of keeping the publick Peace, and not rising in Arms against, or without his Majesty's Authority, being considered in themselves, seemed to import nothing in the plain and genuine Sense of the Words, but what is the incumbent Duty of a good Subject, under a lawful and well governing Magistrate; that yet he feared that Bond, as it is circumstance with Time, Place, Persons, and other Circumstances, was intended for obliging the Subject, to approve of, and submit unto Prelatical Government, and to give Obedience unto all Acts made, or to be made in favours thereof, and to prelimit and restrict from acting or doing any Thing for Extirpation of the same, contrary to that sacred indissoluble standing Bond, the *solemn League and Covenant*, and Second Article thereof; and if the said Bond, considered either in the Substance or Circumstances, could bear such a Sense, or be any ways interpret to import any such Thing, he held it to be most sinful and perfidious, and utterly to be refused: And also declared, That he likewise feared that the said Bond was contrived for subverting and taking away all innocent Self-defence, and giving unlimited and arbitrary Obedience to Persons in Authority; and that such Sense would be put thereupon, as should enervate and overturn former Bonds and Engagements, and tend to the Prejudice of Religion, Liberties of the Subject, and true Peace of the Kingdom, and if so, the taking of the said Bond would be most sinful and unlawful, and therefore he could not in Conscience subscribe the same. Whereunto the said ——— replied, That the said Bond, neither as to the Occasion, Import or Intent of it, did oblige to the approving of the present Establishment of Episcopal Government, or giving Obedience to the Acts made in favours thereof, nor did it relate to Ecclesiastical Affairs, nor was it any ways contrary to former publick lawful Bonds and Engagements, nor inconsistent with the Covenant, nor did it condemn innocent Self-defence, nor imply any Thing contrary to the Word of God, but only and simply obligeth to that which is the Duty and Allegiance of every good Subject, and becometh every good Christian; and that in taking of the said Bond, there was no Ground for any of these Fears mentioned by the said ——— Unto which the

the said ——— answered, That since the said Bond, according to his Judgment, did not imply nor infer in the plain and common Sense of the Words, any Thing but what is the Duty of every good and faithful Subject, under a lawful and well governing Magistrate; and seeing that the said ——— as one authorized with Commission from the Council, had removed the Grounds of his Scruples and Fears, by giving the E plication and Declaration before exprest, thereby removing from the said Bond every Sense, which could render the same any ways in consonant to the Word of God, or inconsistent with the Covenant, but making it very agreeable to both, he declared himself willing to sign and subscribe the said Bond, as so signed and explained, protesting that it should no ways be interpret to imply or infer any Thing but what is incumbent Duty for him, according to the Word of God, and *solemn League and Covenant*: After repeating thereof to the said ——— again and again, he subscribed the said Bond, calling God to Witness, and the Persons afternamed, that he subscribed the same in the plain late Sense thereof, declared by him, and acknowledged by the said ——— in manner before rehearsed. Upon all and sundry the hail Premises, the said ——— asked and required Instruments in the Hands of me Notar publick. These Things were spoken and done Day, Month, Year, and Place respectively abovespecified, in presence of M. and R. Witnesses, specially called and required to the Premises.

Council's Orders to the Army, November 15. 1667. N^o. XXX.

I. **T**He Lords of his Majesty's Privy Council do ordain, that no Trooper or Soldier shall be cashiered but by a Council of War, and then the Causes to be recorded.

II. That no Officer or Soldier shall levy any Money from any of the King's Subjects, by Quartering or otherwise, but by exprest Order in Writing from Sir William Bruce for the Cefs and Fines, the Commissioners of Excise, and others authorized by Acts of Parliament, or Convention of Estates for the respective Dues, and ordain the same be exacted orderly and regularly, as is presented by the Act of the late Convention.

III. In case any inferior Officers, Troopers or Soldiers, shall be necessitate to take their Entertainment upon Trust, ordain the same to be done by Direction of the chief Officers present respectively, who are to engage to make Satisfaction for the same, conform to the said Act.

IV. If any Disorder or Abuse happen to be committed by any Horseman or Foot Soldier, ordain the respective Officers commanding in Chief for the Time in the Place, to cause them make Satisfaction for the same, or punish them according to Justice, or otherwise he himself should be answerable.

V. Ordain the Officers of the several Garisons to correspond frequently one with another.

VI. Ordain the Officers to correspond with the Noblemen and Gentlemen of the Country, for getting sure Information of what passes.

VII. Ordain the Officers to take such Care and keep such in their Quarters, that they be not surpris'd.

VIII. Ordain the chief Officer of the Foot in every Garison to look to the securing of it, by Entrenchments, Barricadoes, and other Necessaries, without molesting the People therein, and to dispose of his Posts and Guards as he shall think fit. And within the Garisons, if the chief Officer of Foot be a Captain, ordain him to command both Horse and Foot, and give Orders; if he be a Lieutenant or Ensign, then the Lieutenant-cornet or Quarter-master of Horse, shall command and give the Orders.

IX. When the Horse and Foot, or Parties of them are together in the Fields, or any Place out of the Garison, ordain that he that commands the Horse, if he be a Lieutenant, Cornet, or Quarter-master, shall command a Captain or other inferior Officers, and a Brigadier to command an Ensign and all below him.

X. Ordain that the chief Field Officers of the King's Regiment of Guards present, command in Chief, and give Orders in Field and Garison, to Horse and Foot, wheresoever they are.

XI. Upon Intelligence of any People risen in Arms, ordain the Horse and Foot in the Garison next adjacent (as thereafter is specied) immediately to draw out into the Fields, and then the chief Officer present, in absence of the Field Officer of the Regiment, is to order or to take with him such of the Forces as he shall think fit, for suppressing of any Insurrection, in manner following.

XII. If it shall fall out that any desperate People rise in Arms in the lower-ward of *Clydsdale*, Sheriffdom of *Air* and *Renfrew*, ordain, that he that commands the Horse at *Glasgow*, immediately, on Notice thereof, to send a Party of Horse, or march himself with the whole Horse lying in his own Garison, according as he shall see Cause, to suppress them, by taking or killing such as he or they shall find in Arms, without or against his Majesty's Authority. And in that Case grants him Power to command as many of the Foot, as he pleases, with competent Forces to march with him; and if he judge it necessary, with Power to him, to mount some or all of the Musketeers on Horseback, or Dragoons, to do all military Actions, as he shall command; and so by one or more Parties, the hail Horse and Foot in his Garison, he is ordered to seek out these risen in Arms, and attempt to defeat and destroy the same, without staying for any further Force.

XIII. As soon as he shall get any such Information or Alarm of People risen in Arms, ordain him forthwith to acquaint the Lord Chancellor, or, in his absence, the Lord Convener of the Council at *Edinburgh*, with the same, as also the Officers of other Garisons.

XIV. And if his Information shall be, that the Number of these risen in Arms is greater than that under his Command, ordain him to command the Horse and Foot in the other Garisons to meet at a set Time and Place, whither he shall march with his own Forces, or send them new Orders after he shall attempt to defeat and destroy these risen in Arms, as aforesaid.

XV. If there be such Risings in the Sheriffdom of *Wigtoun* and *Dumfries*, or Stewartries belonging thereunto, ordain the Commander of the Horse at *Dumfries*, to do as is prescribed in the Twelfth and Thirteenth Articles; and ordain that the chief Officers within the other Garisons, who shall receive such Intelligence,

intelligence, give Orders to all the Horse and Foot in the Garison, as he shall see Cause, till further Order from the Council; and in the upper-ward of *Clydsdale*, ordain him that commands the Horse in *Lanark*, to command and act in the like Manner.

XVI. Ordain and command all Officers to take exact Notice of the Premises, and in their several Stations to do every Thing else, that may conduce for the promoting of his Majesty's Service, with special Care and Discretion. Subscribed *ut fiderunt*.

Act of Council about the Forces, November 15. 1667. N^o. XXXI.

FOrasmuch as the standing Forces of Horse and Foot are ordered to quarter in the Shires of *Lanerk, Air, Dumfries, Wigtoun*, and *Stewartes* thereof, and certain other Places, till the Council's further Order, and that, for levying and exacting of Money, or for Entertainment in their Quarters, or for the Prices of Corn and Straw, there may be Abuses committed, which may occasion Complaints and Grievances: Therefore, and for preventing thereof, the Lords of his Majesty's Privy Council do ordain and command, That no Officer or Soldier shall levy any Money from any of the Burghs or Subjects by Quartering or otherwise, but by express Order in Writing, from Sir *William Bruce*, for the Cess and Fines, the Commissioners of Excise, and others authorized by Acts of Parliament or Convention of Estates, for the respective Dues; and ordain that the same be exacted orderly and regularly, as is subscribed by the Act of the late Convention; and in case any inferior Officer, Troopers or Soldiers, shall be necessitate to take their Entertainment upon Truill, ordain the same to be done by Direction of the chief Officers present, respectively, who are to engage to make Satisfaction for the same, conform to the said Act: And if any Disorder or Abuse happen to be committed by any Horseman or Foot-soldier, ordain the respective Officers, commanding in Chief for the Time, in the Place, to cause them make Satisfaction for the same, or punish them according to Justice, or otherwise he himself shall be answerable. And ordain the Commissioners of Excise to put Prices upon all the Corn and Straw, at the ordinary and usual Rates, as they are sold within the Shire, upon Payment whereof the Sellers are only obliged to deliver the same to the Soldiers Buyers thereof, who are ordered to receive and carry the same from that Place to their own Quarters, without troubling the Sellers therewith. And ordain the said Commissioners to make Intimation hereof, by affixing Copies of the same upon the Market-crosses of the several Burghs and Shires, and Parish-kirks thereof, that none pretend Ignorance.

Proclamation against Rebels who have not accepted the Indemnity, May 9. 1668. N^o. XXXII.

CHARLES, by the Grace of GOD, King of Great Britain, France and Ireland, Defender of the Faith;
To
Macers or Messengers at Arms, conjunctly and severally, and to all and sundry Our Lieges and Subjects whom it concerns, Greeting: Forasmuch as We, by Our Act of Indemnity and Proclamation, of the Date the Ninth of *Oct. ber*, One thousand six hundred and sixty seven, were graciously pleased to make Intimation of Our Tendernefs and Care, to reduce such of the late Rebels as were seduced and misled, to their due Obedience to Our Authority and Laws, (excepting only such as were therein named) provided always that they should appear betwixt and the First Day of *January* last bypast, before such as were then authorized by the Lords of Our Privy Council, and give such Bonds for keeping the publick Peace of the Kingdom, as is therein appointed. And yet notwithstanding of Our gracious Pleasure timeously intimate, many of the said Rebels continue yet so desperate and wicked, that they have refused, within the Time limited, to make their Appearance; whereby they have justly forfeited the Benefit of Our gracious Offer, and deserve to be proceeded against with all Rigour, till they be brought to condign Punishment. Therefore, We, with Advice of the Lords of Our Privy Council, command and require all Sheriffs of Sheriffdoms, Stewards of Stewartries, Magistrates of Royal Burghs, Bailies of Regalities and Baronies, and all others Our Ministers of Justice, and Officers of Our standing Forces, as they will be answerable to Us upon their Allegiance and Duty, immediately after Notice hereof, to seize upon, and apprehend the Persons of the Rebels underwritten, viz.

In *Carshairn* Parish,
Nathanael Cannon in *F. matoun*,
James Macmitchel in *Knockinreoch*,
John Macmillan in *Strong-gasbel*,
Robert Macmillan in *Kiltanjen*,
William Macmillan in *Brednoch*,
James Mackilney in *Polmidow*,
John Logan in *Loch-head*,
John Crawford in *Drumjoan*,
John Cunningham in *Longford*,
Macadam in *Waterhead*,
John Hannay there,
George Macadam in *Bow*,

John Macmillan younger in *Brockloch*,
George Fergusson in *Woolthead*,
David Cubbison in *Moss*,
James Macadam in *Knockgray*,
Alexander Macmillan in *Bunk*,
William Smith at *Bridge of Gauch*,
John Hylie in *Smiton*,
Roger Malcolm in *Netherholm*,
Robert Malcolm in *N.thergln*.

In *Dalry* Parish,
David Cannon Brother to *Margie*,
Edward Crichton in *Knocksting*,

James

James Fergusson in Trestlan,
Robert Crickton in Fingland,
Andrew Crichton there,
John Macbriell in Clachan of Dalry,
James Hefsb his Brother,
John Hefsb in Skeoch,
Robert Wallat in Scar,
Herbert Biggar Sen to Herbert Biggar of Barbuie,
Thomas South Son to James Smith of Drumklyre,
Robert Sinclair Sen to Robert Sinclair in Lag,
William Wesh in Inghistoun,
James Biggar in Margloby,
John Currier in Newark,
Robert Currier in Da'quhairn,
David Currier in Ruchtree,
Robert Colvin in Inghistoun,
John Hunter in Barncleugh,
John Wallat in Hollall,
John Wesh in Kuachstoun,
John Wright in Larbeck,
John Hitehead in Cludden,
James Macbinnie in Crobmor,
John Wilson in Traquair,
Andrew Haining Servant to John Neilson of Corsack,
John Gaw Son to Robert Gaw in Airnerogoe.

In the Shire of Dumfries,

John Kerko of Sundywell,
James Callan Glover in Dumfries,
James Grier in Shankstell in Glencairn Parish,
John Grierison in Auchinshine there,

John Law there,
William Harvey younger there;
George Wilson there,
John Gilkerson there,
James Aitoun there,
Thomas Robertson there,
Matthew Hamilton there,
Thomas Brown there,
John and George Jacks there,
Robert Rae there,
Patrick Murray there,
Robert Davidson there.

In the Parish of Lanerk;

John Wilson there,
Thomas and James Hasties there,
James Fisher there.

In the Parish of Carluck,

William Loch there,
William Gilkerson there,
William Frame there,
Archibald, Robert and Gabriel Forrests there;
Thomas Martin there,
John Skouller there,
James Armstrong there,
William King there,
John Gilkerson there,
Archibald Hart there,
Robert Smith there,
William Brown.

Bond by the Town of Edinburgh, against Conventicles, July 29. 1668. N^o. XXXIII.

WE Sir Andrew Ramsay of Abbotshall, Lord Provost of the City of Edinburgh, George Reid, John Fullerton, James Currie, and John Lyon, Bailies of the said City, Francis Kinloch Dean of Gild, and Andrew Cheyn Treasurer thereof, bind and oblige our selves, conjunctly and severally That, during the Time we are in Trust and Office, no Person or Persons who were in the Rebellion 1666. or who are forfeited, or declared Fugitives, shall at any Time hereafter be lodged, harboured, or reser within the said City of Edinburgh, Canongate, Potter-row, Pleasants, West-port, or Leith, under the Pain of One hundred Pounds Sterling; and that none of the said Rebels, who hereafter shall be forfeited or declared Fugitives, shall be harboured, or reser, or lodged within these said Bounds, after they shall be declared Fugitive, as said is, under the Pain of One hundred Pounds Sterling: Also, that none of the other Rebels contained in the Proclamation, dated May 9. 1668. concerning such as have not accepted his Majesty's gracious Indemnity, shall be reser, as foresaid, under the Pain of Fifty Pounds Sterling. As likewise, That no private Meetings or Conventicles, under Pretence of, or for religious Worship, shall be kept within the said City, or Bounds foresaid, under the Pain of Fifty Pounds Sterling. Which Penalties we bind and oblige our selves, conjunctly and severally, to make Payment of to the Commissioners of his Majesty's Treasury, or Treasurer-depute, as they shall happen to be for the Time, to be by them disposed upon as they shall think fit; providing that we shall only be liable to pay the said Penalties, for such Deeds of Contravention as shall be committed during our Office, for which we shall be pursued, and Decrees recovered against us, within Year and Day after the committing the Offence. Consenting, &c. in common Form.

Mr. John Wilkie's Examination before the Council, July 28. 1668. N^o. XXXIV.

I Was interrogated by my Lord Advocate, What is your Name, Sir? I answered, My Lord, my Name is Mr. John Wilkie. Q. Where were you Minister? A. In the Parish of Twynnam, in the Presbytery of Kirkcudbright. Q. What is your Wife's Name? A. Anna Rae Daughter to Mr. Adam Rae Minister at Halywood. Q. What Country Woman is she? A. A Nithsdale Woman. Q. How long since you came to Edinburgh? A. Two Years bygone in April. Q. What brought you here? A. To consult the Doctors anent my Health, with whom I have been dregging and dressing ever since I came here. Q. But how could you come to Edinburgh, exprels contrary to the Law, without Liberty obtained? To which I answered nothing, but waved the Question, and cast in another Discourse. My Lord Advocate asked me, if I knew who shot the Bishop? I answered, I knew not, and did presently depone upon Outh, that I neither shot him, nor knew who shot him. He asked me, If I knew any of their West Country Rebels, especially Major Learmont, Barfcob, Mardrogate, young Murrieff, Barmagachan, Mr. John Wesh, Cornley. I answered, I know them all,

all, for they were my old Acquaintances. Then he asked, if I had seen them since the Fight? I answered, I had seen them all; for being my Acquaintances, they came to visit me on my supposed Death-bed. He asked, if I knew where *Learmont* did now quarter? *A* I knew not at all. *Q* Where *Bumigachan* is now? *A* I suppose he be not in *Scotland*. *Q* Do you know the proper Name of one that goes under the Name of *James Small*? *A* I am not much acquaint with the Man; but, seeing your Lordship urgeth me, I think the Business is not *tanti* as to conceal it, for ought I know his Name is *Mr. James Mitchell*. *Q* Is he a Minister? *A* I alledge, not. *Q* What Age is he of? *A* I never enquired. *Q* What Colour of Hair hath he? *A* It is hard to know, seeing ye all wear Periwigs. *Q* What Colour is his Perwig? *A* I think it may be the Colour of that (pointing at *Hugh Stevenson's*, Subclerk.) *Q* Do you keep Conventicles? *A* I am not able, by reason of sore and long continued Sickness; but I use, when I have Health, to exercise in my own Family both Sabbath and Week-day. *Q* What Time take you on the Sabbath? *A* Betwixt Sermons, beginning at Half Twelve, and continuing so long as I am able. *Q* Admit you any to your Family-exercise? *A* I invite none, I debar none. *Q* It seems you are clear to admit any that come? *A* Yes, my Lord, you should be welcome, and the Archbishop of *St. Andrews* should not be debarred. *Q* Good-footh, *Mr. Wilkie*, you would go Four Miles about (in that Cafe) to visit a Friend. *A* No, my Lord, I would find him within less than Half a Mile. Your Lordship remembers of a Story betwixt my Lord *Scane*, and an honest old Minister, who alledged that in every Text he found my Lord *Scane*. Upon this I tell a little faint and weary with standing, and they caused set in a Seat to me, where I sat and discoursed with them as follows. *Q* What I heard concerning him that shot the Bishop? *A* My Lord, for me to bring what Clatters I hear before this honourable Court, were not fair, neither can they bear any Weight in Judgment. *Q* But, *Mr. Wilkie*, tell us what you hear? *A* My Lord, seeing you urge me, I will tell you what I hear. 1. Some think it to be a Jesuitical Prank. 2. Some think it to be out of private Revenge, a Gentleman in *Orkney* being wronged by his Bishop. 3. Some say, That it is some of the West-country Men. 4. Some alledge that it is done by some of their own Emissaries. The Advocate being astonished, began to fain himself; Could any of themselves attempt the like against themselves? *A* These who are of that Judgment think that it is done to obstruct a greater Good intended. The Provost of *Edinburgh*, (I knew him not then) till I asked him if he was Provost of *Edinburgh*, which he answered he was for Want of a better, desired my Lord Advocate to urge me in that, What I meant by the obstructing of a better Work? *A* Your Lordship, who sits upon these Cabinet-councils, knows better than I do. *Q* But, *Mr. John*, I pray you be free, and tell what it is? *A* My Lord, frae you will have me to tell you it, There were, and yet are great Rumours that we who are old Ministers should all have our Mouths opened, and Liberty to preach where we get a Call. To which there was not one Word replied. My Lord Advocate urged me again that I should admit none to my Family-exercise, but the Members of the Family. To which I answered as formerly, That I invited none, and I would debar none, using an Argument *ad hominem*: My Lord, would you think it fair, if your Lordship, being of my Acquaintance, came to make a Visit at the Nick of Time of Family worship, if my Servant should keep you at the Door, saying, My Lord, you must not come here, we are at the Worship of God; surely, my Lord, you would not take it well: And more, my Lord, I am still bound to preach when called, and able for that Work, under the Hazard of that, Wo is unto me, if I preach not the Gospel. Then my Lord Advocate urged me, In what Families I used to exercise? I answered, My long and sore Sickness made me incapable of going Abroad; and, to the best of my Knowledge, since *October* last, I supped not save twice out of mine own House, where indeed I made the Fashion of Family-exercise. *Q* What were these Two Houses? *A* My Lord, it were both impertinent and imprudent in me to tell this honourable Court, who invites me to dine or sup with them; and so your Lordship must pardon me, for I cannot in Discretion tell: But if your Lordship should urge me to tell, you will not gain any thing; for I know no Law as yet discharging the Service of the living God. The Advocate answered, You need not tell us that, for we know it is true. The Business coming to this Close, the Advocate desired me to have my Surety ready against Ten o' Clock to Morrow, to find Bonds to present my self before the Council, when called, because I was a sick Man, and not fit for the Prison; and so I took my Leave. My Lord Advocate requested the Goodman of the Tolbooth to grant me a Chamber in his House; but he said, his House was all taken up, so I was carried back to Prison. *July 29*. I was arraigned before the secret Council, and made to stand without the Bar at a great Distance, where (by reason of my Shortness of Sight) I could not well discern any of their Faces so as to know them. At the first my Lord Chancellor charged me with laughing. I answered, my Lord, I marvel your Honour should charge me with laughing; for I am even now as sick as I am able to stand on my Feet. After this, he makes an historical Narration of what had past betwixt the Committee and me; that I had confessed my coming to *Edinburgh* contrary to the Law; that I had conversed with these West-country Rebels; that I exercised in my Family, and admitted all that came. I granted all that to be true, and that I had satisfied the Committee, in Reason, as to every Particular. *Chanc.* But, *Mr. Wilkie*, you stick at one Particular, you will not declare what these Two Families were wherein you supped? *A* My Lord, I think it not prudent to tell. *Chanc.* What, Sir, are you beginning to teach the Council Prudence? *A* No, my Lord, I am only studying how to carry prudently before the Council. *Chanc.* But, Sir, you must tell what these Two Families are? *A* I cannot for Shame tell; would your Lordship, being of my Acquaintance, think it fair Play, if your Honour had invited me to dine with you yesterday, that I should come in and tell his Majesty's secret Council the Morn. *Chanc.* Nay, *Mr. Wilkie*, you mistake the Business, it is not where you have dined or supped, but what you did there as to the Point of Exercise? *A* My Lord, I intreat Forbearance in that Point, for your Lordship will find nothing in it. *Chanc.* Nay, but you must declare it, and that upon Oath. *A* Let your Lordship think that there is some Mystery in the Matter, I will declare, and you shall gain nothing. *Chanc.* Clerk, go to the Bar, and administer the Oath. The Oath being administered, the Chancellor began to exhort me to remember I was upon my Oath. I told his Lordship, I did remember very well, and I should swear nothing but the Truth. *Chanc.* What were these Two Houses? *A* One of them is a Friend called *John Wilson*, with whom I supped not long since. *Chanc.* What did you there? *A* I took my Supper, blessed the Table, gave Thanks, sang, read, noted and prayed. *Chanc.* Who was there present? *A* Not one Soul save the Members of the Family. *Chanc.* What was the other Family? *A* My Lord, you will gain as little of it, and therefore forbear. *Chanc.* But you must tell, you are now upon Oath. *A* It was, my Lord, Sabbath last, in one *Mr. George's* House, who hath some Relations of mine breeding at School. *Chanc.* What did you there? *A* I took

took my Supper, as I could, gave Thanks, sang, read, and essayed to note, but fell sick, and so was forced to cut short. *Chanc.* Who was there? *A.* If there was any there but the Family, is more than I know; for I was never there before, and was never there since. *Chanc.* But what Number would have been there? *A.* I think there would have been about Eight or Nine Persons. Upon this I grew weary with standing, and told my Lord Chancellor that I was very sick, and requested the honourable Council, that I might be quickly dispatched; which was yielded to at the first, and I was removed to an outer Room. Having past an Interlocutor upon me, I am called in, and, after Recapitulation of all my alledged Crimes, together with an Harangue of the Council's Clemency and Gentleness towards me, notwithstanding of my great Offence, I am sentenced to confine my self to *Cowart of Angus*, within Ten Days after my Liberation out of Prison. The Sentence is read, and I presently commanded to subscribe. I answered, My Lord, no Man is bound to subscribe to Impossibleities; for where *Cowart of Angus* is I know not; but well I know, that this last Summer I rode to *Edinburgh*, with no less than the Hazard of my Life; and for the present I am neither able to sit on Horse, or walk on Foot. *Chanc.* Sir, I perceive you love to live in *Edinburgh*. *A.* My Lord, your Honour is quite mistaken, 'tis all ere to me where I live, whether in Prison or at Liberty; for at Liberty I am sick, and in Prison I will be but sick. *Chanc.* Mr. Wilkie, your Eufinels stands at this, you will not engage to forbear Preaching. *A.* My Lord, offer nothing to me that may lay the least Tash upon my Ministry; for do with me what you please, in the Strength of the Lord, I will never yield: I satisfied the Committee Yesterday in that; but, my Lord, I have somewhat that supports me, that every one knows not. *Herein do I exercise my self, always to have a Conscience void of Offence both towards God, and also towards Man.* So taking my Leave of the Council, refusing to subscribe my Sentence, I am committed again to Prison, where I am continued for the Space of Forty Days. All the Promises I alert to be of Truth, and that nothing (to the best of my Memory) past betwixt the Committee and me, or the honourable Council and me, but what is here recorded; as Witness my Hand, at *Misgat*, the Place of my Confinement, October 28. 1668.

JOHN WILKIE.

Only this past betwixt the Council and me. My Lord Chancellor, when he was speaking to me as to the Point of Preaching, alledged that I was (for what he saw) clear to preach in a Kirk. I answered, Why not, my Lord, I am still a Minister, and who has exauctorated me? *Chanc.* Then I see you are clear to preach upon a Call. *A.* Yes, my Lord, if the Call have a cleanly Rise. *Chanc.* Mark that, a cleanly Rise! But what call you a cleanly Call for a Minister? *A.* My Lord, you know it well enough, why do you ask me? *Q.* I pray you tell us? *A.* My Lord, I make the Supposition, If your Honour invited me to preach in one of your Kirks, I being able and qualified for the Work, how durst I in Conscience refuse, under the Pain of that Wo, *Wo is unto me if I preach not the Gospel?* What then should hinder me to preach in a Kirk? Nay more, my Lord, I was this Summer at *Misgat-well*, and the Chield that's there is run away from them for Debt, (as I hear) and the Place in a Manner vacant, if these in Power in that Place, had had Courage to have given me a Call, I would have taken my Venture to have preached. To which there was not one Word replied. I testify this also to be of Truth; as Witness my Hand, Day, Year and Place foresaid.

JOHN WILKIE.

When I took my Leave of the Committee, I entred this Protestation, that no Man should follow my Footsteps for I had laid a bad Preparative in answering to Questions, whereas I should have had an Indictment, and Time competent to have answered the same.

Act anent the Supremacy, November 16. 1669. N^o. XXXV.

THE Estates of Parliament having seriously considered, how necessary it is, for the Good and Peace of the Church and State, that his Majesty's Power and Authority, in relation to Matters and Persons Ecclesiastical, be more clearly asserted by an Act of Parliament, have therefore thought fit it be enacted, asserted, and declared; likewise, his Majesty, with Advice and Consent of his Estates of Parliament, doth hereby enact, assert, and declare, That his Majesty hath the supreme Authority and Supremacy over all Persons, and in all Causes Ecclesiastical within this his Kingdom; and that by virtue thereof, the Ordering and Disposal of the external Government and Policy of the Church, doth properly belong to his Majesty and his Successors, as an inherent Right to the Crown; and that his Majesty and his Successors may settle, enact, and emit such Constitutions, Acts and Orders, concerning the Administration of the external Government of the Church, and the Persons employed in the same, and concerning all Ecclesiastical Meetings, and Matters to be proposed and determined therein, as they in their Royal Wisdom shall think fit; which Acts, Orders, and Constitutions, being recorded in the Books of Council, and duly published, are to be observed and obeyed by all his Majesty's Subjects, any Law, Act, or Custom to the contrary notwithstanding: Likewise, his Majesty, with Advice and Consent foresaid, doth rescind and annul all Laws, Acts and Chartes thereof, and all Customs and Constitutions Civil or Ecclesiastick, which are contrary to, or inconsistent with his Majesty's Supremacy, as it is hereby asserted, and declares the same void and null in all Time coming.

Act anent Ministers, November 30. 1669. N^o. XXXVI.

FORASMUCH as the King's Majesty, considering how just and necessary it was, that the orthodox Clergy should be protected from the Violence of disaffected and disloyal Persons, did therefore, with Advice of his Privy Council, by his Royal Proclamations of the 15th of *March* and 13th of *June*, One thousand

thousand six hundred and sixty seven, command and charge all Heritors, Liferenters, and others, having any real Interest or Rent within the several Parishes of the Kingdom, to protect, defend, and secure the Persons, Families, and Goods of their Ministers, not only in the Exercise of their Ministerial Function, but in their Dwelling-houses, or being elsewhere within the Parish, from all Injuries, Affronts, and Prejudices, which they might incur in their Persons or Goods, from the Violence and Invasion of any disaffected, disloyal, or other wicked Person: With Certification, if the Actors of such Outrages should not be apprehended and brought to Trial, by the Means and Diligence of the Parishoners, the Parishoners should be decreed to pay to the suffering Minister, for Reparation, Damage, and Interest, such a Sum and Fine as his Majesty's Council should determine, as is more fully express in the said Proclamations. And the Estates of Parliament, having taken to their Consideration the Proceedings of his Majesty's Council herein, and finding, that the Protection of the orthodox Clergy, and the restraining of the Insolency of disaffected, disloyal, and wicked Persons at this Time, did require more nor ordinary Means and Care from his Majesty's Council, have therefore thought fit: Likeas, his Majesty, with Advice and Consent of his Estates, doth hereby ratify and approve the Two Proclamations aforesaid, and the Proceedings of his Majesty's Council in Prosecution thereof, and authorizeth them still to prosecute the same, as Occasion shall offer, until his Majesty in his next Parliament give further Orders therein: And it is declared, That this Act is and shall be but Prejudice of any former Laws and Acts of Parliament, made against the Invaders of Ministers, and of the Pains therein contained; and particularly the Twenty seventh Act of the eleventh Parliament of King James VI. and Seventh Act of King Charles I. his Parliament, in Anno 1633. which Acts his Majesty, with Advice foresaid, doth hereby ratify and approve, and declares the same to stand in full Force, Strength and Effect in Time coming.

Proclamation anent Conventicles, February 3. 1670. N^o. XXXVII.

CHARLES, &c. Forasmuch as We have taken into Consideration the disorderly Carriage of several Heritors, outed Ministers, Tenants, and others of the Commons within this Kingdom, by their keeping of Conventicles, and baptizing of their Children by Persons not publickly authorized and allowed, which not only foments and nourishes Separation and Schism, but tends to Sedition and Disturbance of the publick Peace: We therefore, with Advice of the Lords of Our Privy Council, do hereby require all Sheriffs, Stewarts, Bailies of Regality, and their Deputes, Magistrates of Burghs, in their respective Bounds, and Commissioners of the Militia, to inform themselves where such Conventicles have been kept, since the 19th Day of October last, or shall happen to be kept thereafter, and to call before them the Ministers who have preached, or shall preach at them, the Heritors, and substantial Tenants who have been or shall be present, or have had their Children baptized since the said 19th Day of October, or shall procure them to be baptized by any not allowed or authorized to do the same, and according as they shall find any of them guilty, that they take Caution of them for their Appearance before the Council, whenever they shall be called; and in case any of them be called before the said Sheriffs, Stewarts, Bailies, or Magistrates foresaid, and compear not, or compearing shall refuse to give Caution, that they, with the Advice or Concurrence of the Captain, Lieutenant, or Cornet of any of the Militia Troops of the Shire, seize upon their Persons, and send them to the Lords of Our Council by a Party, which Party shall be paid at 18 Shillings Scots a Day for each Horseman, and Three Shillings Sterling for the Officer who shall command from the Time of their setting forth till their Return, and that they send along with them any Process or Evidence they have received of their Guiltiness, and ordains the said Sheriff, Stewart, Bailie, Magistrate, or Commissioner of Militia from Time to Time, to give an Account of their Diligence to Our Council.

Roths Chancellor,	Halkersoun,
Marishal,	Bellenden,
Hamilton,	Will. Drummond,
Mortoun,	John Nisbet,
Ashole,	Lockhart,
Arly,	Hume,
Tweddale,	Ch. Maitland,
Dundonald,	Wauchop,
Sinclair,	Robert Murray.

Letter to a Minister, 1670. N^o. XXXVIII.

ITake this Occasion very kindly to salute you, and to tell you that I desire to be glad in the Lord, for the most refreshing comfortable Report, after many sad and lamentable ones, that you with your Brethren there are in good earnest at their Work, (as I know some of you have been of a good while) and that a wide Door and an effectual is opened to you of the Lord, though you have many Adversaries, which I nothing doubt but you have laid your Account with, considering, that the serious and suitable Use of such a Mean hath always had a most formidable Aspect on Satan's Kingdom, as threatening to make it fall from Heaven like Lightning, would not miss to meet with the very utmost of his and his Instruments permitted Opposition, which, when met with, will prove but a Confirmation and Encouragement to you,

more strenuously, vigorously, and valiantly to prosecute your Work, your Ancestors Work (sweet Work) so much opposed and maligned by the Devil, and wherein Jesus Christ hath such Complacency and Delight, as that which in ordinary Dispensation he useth to bless for bringing about that which he useth to account as satisfaction for the Travel of his Soul. Who knows, if ye will hold his Stirrup, but he may mount on his white Horse yet once more, with his Crown upon his Head, and his Bow in his Hand, conquering and to conquer, even in *Scotland*, *Immanuel's Land*, sometime the pleasant Land, nay, the Glory of all Lands, where his Adversaries have audaciously and malapertly essayed to dismount him, and pull his Crown off his Head, and his Bow out of his Hand. It seems it is coming to a pitched Battle between *Michael* and his Angels, and the Dragon and his Angels there. O Angels of *Michael*, fight, stand fast, quit your selves like Men, under the Colours and Conduct of such a Captain-general, and so noble and renowned a Quarrel, wherein and in whom it were better (if possible) to be ruined, than to reign with his Enemies, if all *Cesars*. Let none of their Threatnings move you, and if it should come to that, let not your Lives be dear to your selves, in finishing your Course with Joy, and the Ministry which you have received of the Lord Jesus Christ, to testify the Gospel of the Grace of God. Arise as mighty Men of Valour, go out to your Work as under Saviours upon Mount Zion, in the Greatness of his Strength, and in the Zeal of God; and from pure and unbiassed Respect to his Glory, and to the Salvation of immortal Souls, humbly, sincerely, and seriously cry, Where is the Lord God of *Elijah*? where are the more ancient and latter famous and faithful Ministers of Christ in the Church of *Scotland*? where is that Spirit wherewith these Worthies were acted? who knows but he will shew himself to be among you, and restore somewhat of that Spirit again to you? nay, if this be your Mind, he will, without all Doubt, be among you, and act you with another Spirit than we have (alas) for most part been acted with in these fearful and fainting Times; and if you should be imprisoned, exiled, or put to Death, and so should seem (to prejudicate Men) to be overcome, yet ye shall overcome by the Blood of the Lamb, and by the Word of your Testimony, and by not loving your Lives unto the Death; nay, you shall by being thus overcome and conquered, be more than Conquerors through him that loved you. O study to be in case (through close and constant following of that Work) to say to your Adversaries the Prelates, and their inseparable Supporters (against whom in their Course, (if we have not mistaken God his Word and Way) he resolves to have War for ever) in their persecuting you for preaching the Gospel, and because you will not utterly renounce your Master's Commission, and so incur the Hazard of that sad and dreadful Word pronounced against Non-preaching of the Gospel, when he calls to it; I say, study, in following the Lord fully in this Work, and in owning of it, to say to your Adversaries, You think to withstand the Kingdom of the Lord in the Hand of his Son Jesus Christ, and wished well unto by us his poor Servants; with you are, &c. Have you not cast out the Priests of the Lord, the Sons of *Aaron* and the *Levites*, and have made you Priests of such as come to consecrate themselves with, &c. But as for us, he is our God, and we have desired not to forsake him, we are the Priests, the Ministers of the Lord that wait on our Business, and we burn to the Lord every Morning, &c. and we keep the Charge of our God, but ye have forsaken him, if so, then you may say humbly, yet boldly, Behold, God himself is with us for our Captain, and we his Ministers in his Name, by the Trumpet of this Gospel which we preach (and dare not but preach while we have a Commission and Call) cry an Alarm against you: Fight not against God, for ye shall not prosper, nay, if they should prosper yet they shall not prosper. This begun Preaching of the Gospel looks (if suitably followed) to be a Beginning of reviving in our Bondage, and though Bonds and Deaths of Persons should follow it, yet it will be a reviving of his Work. O if poor, wretched, sinful, useless I were in Capacity to share with you in this Work, without its Prejudice and yours, I think I should account it my Glory whatever should follow. I know, my dearest Friend, I might have spared this Labour as to you, on whose Heart this Work is so much, and in whose Heart his precious People are so much, even to live and die with them in following of this Work; yet I say to you what is further in my Thoughts (may I say on my Heart) there hath no doubt been along all these Trials, a Spirit of Fainting and Cowardice among us, whereof we will all think Shame when God shall (if ever he shall) restore that poor Church to the Light and Sunshine of his reconciled Countenance in Jesus Christ; and it seems that he is now opening a Door of some Access to you in a good Measure, to make up that which hath been wanting in some Point of Testimony. O Wonder! that after such wavering and declining of Testimonies, he should ever any more give Access to Testimonies, and not send us off the Stage under the just Reproach, that we have not been valiant for the Truth on Earth. Dear Sir, Alarm all your Brethren to observe, and not to let slip so fair an Occasion, so glorious and golden an Opportunity of a Testimony, lest the holy, much provoked, and jealous God be put to swear, that henceforth there shall be no more Time for a publick and joint Testimony. Again, it would be considered, how much we have of a long Time coveted to have our Trial stated on some clear and uncontroverted Thing: Is there not here a wonderful Condescension of God, in stating it thus, even according to Heart's Wish? What more clear Ground of Suffering for a Minister of the Gospel than this, when the long starved Flocks long for preaching, love preaching, and diligently wait on it: Either utterly quite Preaching, though I gave you a Commission to preach, and tho' my poor Flocks are starved without it, tho' I required (says Christ Jesus) as your great Evidence of your Love to me, to feed my Sheep and Lambs, especially when beaten from their Food, and yet seeking after it, either quite (I say) Preaching, and give Bond that you shall do it no more, or go to Prison, yea, or be a perpetual Prisoner. If this be an unclear Ground of Suffering, or if, being clear, it shall, from Lothness to suffer, and to be shaken out of Ease, be darkened and be mist with new framed and forged Distinctions, I am afraid we shall hardly ever meet with that which shall be accounted a clear Ground of Suffering, and will withal manifest that it is mere Fear and Lothness to suffer that's with us all along, tho' palliated with some special Pretences: But I am hopeful there is not a faithful Minister in *Scotland*, (if not under the Power of a dreadful Temptation) that will come under such an Obligation, he will no doubt make himself a close Prisoner, and put his Soul in Irons, by declining on these Terms to be a Prisoner. Further, it would be considered, that there are several who, though they have their own good Measure of Peace in their Minds, in suffering on some other Accounts, and have some Hopes (that tho' condemned by many Men) yet God will in Christ Jesus graciously accept of them, even as to that Thing, and have withal considerable Acquiescence in, and Satisfaction with their afflicted Lot, they would (had it so seemed to the Lord) wished that their Sufferings had been upon this Account; and if it shall be declined upon this most honourable Account, it may fall to be stated in an Account less for God's Glory, less for his People's Edification and Establishment, less for the

the Adversaries Conviction, and less for their own Peace, than either this, or (it may be) some others would have been. O the Jealousie of God ! Moreover it would be weighed well, whether, beside what the Commission to preach the Gospel. and the People's Need calls, yea, cries for, and the humble Confidence that Ministers (though not the greatest Disputants) may have in the Lord, to defend and justify their Practice in this Matter, having therein more particularly the Promise of how and what to say in that Hour ; I say, it would be well weighed, whether this Piece of good and warrantable Policy may not be used in faithful following the Duty, to put the Adversaries to discover themselves, who will in this Case be either much perplexed what to do, and (it may be) constrained to forbear you, or put, when they have nothing to charge you with, but only preaching the Gospel, in prosecution of your Master's Commission, and out of Compassion to the starved and slain Souls of the People, there being nothing that looks like a Way tumultuary and seditious, and rebellious Motions and Practice, with which odious Imputations they have loaded others, put (I say) to declare themselves to the World, to be on a Design of rooting out all faithful preaching of the Gospel by Noncompliance with this cursed Prelacy, and so put all the Godly in the Nation to a Point, as to what may be looked for in their Days, which may be no small Advantage, especially after so much talking of Indulgence and Liberty ; yet suitable, Christian, and spiritual (not worldly and carnal, which hath much hurt us, especially where Suffering appeared) Prudence and Circumspection would be used, and no needless Irritation would be used, nor Noise made, when a more quiet Way may reach the End better, but the Work would be closely, constantly, (and if it be possible) generally and harmoniously followed, though with all Circumspection, that they may know and be convinced, that it is not a few rash and inconsiderable Persons (as they use to call them) that they have to do with, but the very Body and Generality of the serious, sober, nonconform Ministers and People of the Nation. Finally, it is not unworthy Consideration, what a singular and signal Presence of God did wait first and last upon his dying and suffering Witnesses, and what sweet Hours several of his poor Wanderers have had, even the best and sweetest in their Life, tho' most of them have suffered upon Accounts not so obviously convincing and satisfying to many as this. O stir up one another to this good Work, and to this good Expression of Love to Jesus Christ, and say humbly in much Prayer to God, Behold their Threatnings, and grant unto thy Servants, that with all Boldness we may speak thy Word ; and who knows but he will stretch forth his Hand, that great Things may be done by you, as Instruments in converting and building up of Souls by the Name of his holy Child Jesus ? And if it shall come to Bonds, (honourable and desirable Bonds) it may be, through the mighty Assistance and Presence of God with the first Sufferers, many of the Brethren in the Lord may wax confident through their Bonds to preach the Word more boldly : Now, my dear and faithful Friend, to come to a Close of this Babbling beside my Purpose, let me a poor, out-cast, unfaithful, sinful Wretch, beseech and obtest you for Christ's sake, the Gospel's sake, the poor People's sake, the Posterity's sake, your Peace sake, to take hold of this precious Opportunity, wherein many Defects may be made up.

Mr. John Menzies's Testimony, July 12. 1670. N^o. XXXIX.

THAT which hath sadned the Heart, and been Matter of Lamentation to many, is, That when, through the good Hand of God upon us, through the Goodness of our Laws Civil and Ecclesiastick, and through the Faithfulness and Diligence of the Watchmen of the Lord's House, the Abomination of Popery was almost rooted out of our Land, that that noysom and pernicious Weed hath of late Years gotten a great Footing amongst us again : And while not only the noysom Tares of Popery, (being nothing else but a Bundle of the grossest Heresies, Blasphemies, Idolatry, and antichristian Apostacy) are not only sown and under the Clod, but fair above Ground, overpread many Parts of our Land, as the sad Experience of our Bounds doth testify, but also Profanity of all Sorts abounding amongst all Ranks and Degrees of People ; and while many Godly in the Land are mourning in secret for these Abominations, as being a sad Prognostick of the Lord's departing from us, and a judicial Stroke of his Vengeance, punishing us for some former Apostacies, and Neglect of the Exercise of Religion, that the spiritual Watchmen of the Lord's House, to whom the Care of these Things doth principally belong, and, for any thing known to us, while others are weeping, they are not concerned, lying by secure. It is likewise not unknown to some of you, that albeit, at some of the later Synods, I did regret the Growth of these Ills, and did intreat that some effectual Remedy might be made Use of, preventing the further Increase of the same ; albeit much was promised yet nothing hath been performed. I did likewise often represent and regret to you the Reverend Brethren of the Exercise here, the abounding of these Abominations in most Parishes of this Presbytery, and particularly within the Bounds of my Charge, desiring that such Power as God hath put in our Hands, might be used for stopping of these Ills ; and particularly, the last Day I was at your Meeting, I did desire that by an Act of Presbytery (as once before, tho' afterwards slighted) it might be appointed that every one within the Bounds of their several Charges, should proceed against all professing Popery, to the Close of the Process at least, as against the Profane ; and that they should bring in the particular Lists so soon as any made Detectable, on, but was plainly refused that any such Act should be made thereanent that Day, and rather judged impertinent, it being declared not to be seasonable ; and some of you asserting them to be the Presbytery's useful Friends : In Consideration whereof, as I have not kept with you since, so I conceiving my self bound in Conscience to represent unto you this my Testimony against Popery, in the Roots and Branches thereof, and your not enjoying it as a Duty on every Member, to proceed to Excommunication against the People of these Abominations, and that without any Delay, I shall likewise not conceal from you the reverend Brethren here, that my beholding this your Way, hath occasioned my more serious Thoughts of the Course of Conformity with Prelacy : And albeit that Popery and Profanity may be very accidental to the Course of Conformity with Prelacy ; yet beholding that (which is the Observation of People of all Perswasions) these Two pernicious Weeds thrive so kindly in your Soil, it hath moved me now more nor ever to search what of

God can be in that Way. And being also called of God by his late Dispensations, to a serious and particular Search of my Way, while in the Use of Means I have sought the Lord for Light herein, this is the Result of what I have attained to, that I, through Scripture-light, and other Engagements, (whatever others do) cannot any longer adhere to Conformity with Prelacy, without the grievous Wounding of my Conscience, upon which I dare not adventure ; and that by the former Conformity, I have exceedingly offended God, and have been a stumbling Block in the Way of People : For the which, as I desire to be humbled before God, so I crave Pardon of all his People whom I have offended. This I declare, upon the Account of no worldly Advantage, for no Shadow hereof can be alledged ; but, my Witness is in Heaven, I do it only for the Glory of God, the Edification of his People, and the Exoneration of my own Conscience. And now not knowing when, where, and how long I may be allowed to advise you, or any of the Lord's People in his Name, to that which, in the Lord's Strength, I mind to practise, my humble Advice is, that you would consider your Ways, and ponder that you are to make an Account of the Exercise of your Talents, before it be long, that your Peace may be well bottomed when ye are to step into Eternity. And since much of the Growth of these Ills has its Rise from the Negligence of such as should be the faithful Keepers of his Vineyard, I shall yet once more obtest you, in the Bowels of *Jesus Christ*, as ye love the Glory of God, the Credit of the Gospel, the Salvation of these deluded Wanderers, the Security of your own Peace in a Day of Strait, which the Lord may make you meet with, albeit ye now think he hath made your Mountain stand strong, and as ye would clear your selves of that reigning Scandal of a sensible Compliance with the People of these Abominations ; and that then many of your Brethren are cast out, whom the Lord hath made polished Shafts in his own right Hand, for gaining many Souls unto Christ, that such an Oversight should be indulged to these who have been Destroyers of the Lord's holy Mountain, and have laid his Vineyard waste ; that in this Nick of Time ye would bestir your selves for the reducing of some, convincing of others of their Ways, according to your Place, Power and Calling, separate the Precious from the Vile, that they may no more infect the Weak of the Lord's Flock, or pollute or offend any more upon the Lord's holy Mountain ; otherwise it is much to be feared, the Lord will reckon with you for the Blood of Souls, make you contemptible in the Sight of others, make you to be trampled on as unfavoury Salt, yea, make you become vile in the Eyes of these hardned Ones, whom, albeit they walk with you for the present with the Horns of a Lamb, yet afterward ye may hear them speak with the Mouth of a Dragon, and to prove Pricks in your Eyes, and Thorns in your Sides, in the Day when your greatest Straits and saddest Trials shall come. And finally, Brethren, as for Prelacy, whereupon the Lord hath stamped this Mark of his Displeasure, that under it Truth and Godliness have been under a sensible Decay, so that ye would consider and ponder the same impartially, in the Balance of the Sanctuary ; then, who knows but ye shall discover it to be a Plant not set by the Hand of God, but of Man, and which the Lord, in his own Time, may cause to be plucked out of his own Vineyard again. In all which, as I hope not to be mistaken, as designing any more than is exprest, it being the first Fruits of my Self-conviction ; so it is earnestly desired, that this my sober Testimony may be insert and regitrate in your Books of Presbytery ; and I shall remain

Yours, to serve you in the Lord Jesus Christ,

JOHN MENZIES.

Letter from a Meeting of Ministers, 1670. N^o. XL.

WHat grievous Things do afflict the Church of Christ this Day in these Nations, and among our selves, cannot be unknown, to such at least who have made it their Choice rather to suffer Affliction with the People of God, than to enjoy the Pleasures of Sin for a Season ; and who, but Strangers in our *Israel*, can choose but to be affected with, and lament these Things that have come to pass in these Days? The holy and beautiful House of the Lord, where both we and our Fathers have served him, and all our pleasant Things made waste, the Walls of *Jerusalem* broken down, and the Gates thereof (as if burned with Fire) *Zion* plowed like a Field, *Jerusalem* become Heaps, and the Mountain of the House of the Lord as the high Places of the Forest, the Rod of Wickedness lying upon the Lot of the Righteous, and not a few in Hazard to put forth their Hand to Iniquity, our Pastors removed into Corners, and Strangers in the Habitation of the Lord, Plants sure not of the heavenly Father's Planting, idol Shepherds, feeding themselves and not the Flock, who have eaten up the good Pastures, treading down and defiling the Residue with their Feet, thrusting with Side and Shoulder the tender and faithful of the Flock ; so as now by many the Sacrifices of the Lord are abhorred : Are not the Laws transgressed both divine and human, which formerly were in Vigour in favours of the Church and Spoule of Christ, his Ordinances changed, the Covenant broken and made void, of which sometime it was said, *Come, and let us joyn our selves to the Lord in a perpetual Covenant, never to be forgotten* ? What Restraints have been put upon all, and are still continued, yea, increased upon the most Part of the godly outed Ministry of the Nation, so as they have not only for a long Time been thrust from their particular Flocks, but now are made obnoxious to the greatest Severities, if they shall but dispense the Word in private Families, or any where else, where the Lord in his Providence, by the Hunger and Necessity of his People, may call them to it ? What Impositions are put upon the Consciences both of Ministers and People, by extraordinary and arbitrary Oaths, Subscriptions, and otherwise, as well in the Matter of Hearing as Preaching ? A true and faithful Ministry, suffering (we are bold to say) for the Testimony of *Jesus Christ*, inhibit, under most severe Punishment, to be heard so much as praying, and a Company of profane Intruders commanded to be countenanced in all their Administrations, who have sufficiently verified it in themselves, that the great Shepherd of the Flock never sent them, and yet they ran, and have so far by their Way made it more than palpable, that they shall not profit his People at all. O how hath the Lord scattered us in the Day of his Anger ! How many of his dear Servants and People made Wanderers, chafed from Mountain to Hill, not having where to lay their Head, no Peace now to him that goes out

nor

nor to him that comes in, but rather great Vexations upon all who have any Sense either of the Sins or Judgments of these Times? And what shall be thought of the Case of the poor starved Multitude, who are as Sheep without their Shepherd, yea, of the whole Posterity, while there are so many pregnant Presumptuous of the Lord's leaving the Nations, removing of our Candlestick, and of the quenching of the Light of our *Ishael*? Have not all Ranks corrupted their Way? many poor, and foolish, and have not (though in the clearest Sunshine of the Gospel) known the Way of the Lord, nor the Judgment of their God; and if we take us to the great and mighty of the Nations, have not these altogether broken the Yoke, and burst the Bands? What Inroachments have been made upon the Crown and Kingdom of our Lord and Master *Jesus Christ*, the alone King of, and Lawgiver to his Church, as if he were not so faithful over his own House, as to have appointed and left upon Record in his own Word, the clear Warrant and particular Rules of the spiritual Jurisdiction and Discipline therein, distinct from, and independent upon the Powers and civil Governments of this World? And are not all the Inhabitants of the Lands guilty of Ingratitude and Unthankfulness, and slighting of that inestimable Benefit of the glorious Gospel of the Son of God? for which Sin it was the Imprecation of a faithful Witness and Martyr of Christ in this Nation, that dreadful should our Plagues be. And were there no more, who can sufficiently lament the introducing of that abjured Prelacy once and again among us, the doleful Breed and Product whereof hath ever been, and this Day is the Growth of Popery, abounding of Profanity and Atheism, besides all other Miseries we are under? May not all this be a sufficient Evidence of the just Displeasure of the Lord, gone forth against us in no small measure, and gives just Grounds of Fear of its Continuance, till there be no Remedy? And hence we may say, Who is the wise Man that may understand this, and who is he to whom the Mouth of the Lord hath spoken, that he may declare it for what the Land perisheth? Is it not because we have forsaken his Law, which he hath set before us, and have not obeyed his Voice, nor walked therein, but have walked after the Imagination of our own Hearts? For these Things may not our Hearts be faint, and our Eyes be dim? But, which puts on the Capstone upon all the Sin and Judgment we are under, is it not evident that the Lord hath sent his Plagues upon our Hearts? Being made desolate, do we yet lay it to Heart? Being made desolate, do we yet mourn unto him? Are we as Doves in the Valleys, every one mourning for his Iniquity? Is there a Turning to the Lord with all the Heart, yea, with Fasting in our Mourning, and with Weeping? Are the Priests, the Ministers of the Lord, weeping between the Porch and the Altar, saying, *Spare thy People, O Lord*? Were it thus, then the Lord should be jealous for this Land, and pity his People, but alas, instead of all this, what Impenitency! few so much as reflecting and saying, *What have I done*? How little Kindness or tender Melting of Heart, either as to sad Things threatened, or presently lying on, and yet even this little bewailed or lamented? How little kindly Sympathy with these who bear the Burden and Heat of the Day? Some more ready to censure the Afflictions of others, even for the Gospel's sake, nor to partake themselves with them therein. What Remissness (may it not be feared) will be found in secret Duties? And how few consider one another, to provoke to Love and to good Works, not forsaking the assembling of our selves together, as the Manner of too many is, but exhorting one another so much the more, as we see the Day approaching; and when at some times a Watch hath been set up, and Time set apart for serious Wrestling with God, and Vows and Resolutions renewed, and, it may be, some began Reformation and Amendment of many Things; yet how inconstant have we been in all these, much of our Diligence falling and rising with the Sharpness and Bluntness of our Trials? And when in the Furnace we are scummed as Dross, and in the Fire our Scum goeth not from us, what may we think shall God do to us, but even gather, blow upon, and consume us by the pouring out of his Spirit? Where also is that uniform Zeal for the Cause of God, the Purity and Peace of Godliness? Where is that Christian and tender Sympathy for our suffering Brethren the Lord's Witnesses, to which we are solemnly tied, and which hath been so often both the Profession and Practice of this Church from our first Reformation from Popery, to this Day, that what should be done to one, should be reckoned and accounted as done to all, in this common Cause of Religion, all this being no other than the due Expression of that native Fellow-feeling, which ought to be among the Members of Christ's Body; yet are not now every one left to do for themselves? Some crouching under the Burden, others sinking as much as ever under the Cares of a present Life, and of their temporal Being, some it may be secretly blessing themselves in their Freedom from the afflicting Things of the Time, when others are tossed 'twixt Wind and Wave: This cannot be the Blessedness we were wont to speak of, when we could sooner have plucked out our Eyes (if we would believe it) to see all these and a pure Ministry and lively Ordinances, than thus before our Eyes (if we would believe it) to see all these sacrificed to the Lust of Men, and given up and betrayed to prevailing Wickedness and Irreligion, and to a Mystery of Iniquity, which is now so evidently working. Alas, shall not this imminent utter Confusion and Desolation awake the Lord's poor Church and People of these Nations? O that the Lord would pour out his Spirit upon all his Servants and People, even upon so many of all Ranks within the Land, who have altogether fallen from their Steadfastness, that with more open Eyes they might discern both the Danger this poor Church is in, and the Remedies thereof. Now, dearly beloved in our Lord *Jesus*, some few of his Ministers and Companions with you in the common Tribulation, and in the Patience and Sufferings of *Jesus Christ*, have found it a small Part of that Duty that we owe unto you, to put you in Mind of these Things we have been hinting at, tho' you know them, and to stir you up by Way of Remembrance, and that not only to provoke you and our selves both to a deep Sense of these Transgressions and Sins, whereby we have provoked the Lord thus sadly to threaten us with a Bill of Divorce, to be no more a Spouse to him, but also to establish you, and to comfort you concerning your Faith, that no Man should be moved by these Afflictions which have either happened to you or us, ye our selves knowing that we are appointed thereunto, being even in this set for the Defence of the Gospel: But the Intent of our Letter to you at this Time, is to stir you up to that great Mean and Duty (all that seems now to be left unto us) of serious Prayer, Supplications and Wrestlings with our displeased Lord, both alone and together, as the Lord shall give Opportunity. And because we are not willing to advise any Change of, or Addition to these Times, so many of the Lord's People have been in Use to set apart for that effect hitherto; therefore, we shall only beseech you in the Bowels of Christ, to receive that Exercise upon all Occasions, but now especially upon the Days formerly observed, and to hold more closely and vigorously thereunto, fervent in Spirit, serving the Lord. Need we to recommend such an Exercise unto you, which Christ himself hath so recommended, that we ought always to pray, and not to faint, *Luke 18. 2.* so much practised by the Saints, especially

in particular Exigencies. *Acts* 12. 5. Prayer was made of the Church without ceasing; an Exercise ever followed with a blessed Success, when seriously gone about. *Psal.* 99. 6. *James* 5. 16, 17, 18. Having a sweet Reward in its Bosom; in the mean time, even the Peace of God, which passeth all Understanding, keeping and guiding both Heart and Mind, through Jesus Christ, *Phil.* 4. 7. We forbear farther to trouble you, from our Hearts commending you to the Grace of him in whom we have believed. Farewel.

Act anent deponing, 1670. N^o. XLI.

FOrasmuch as it is the Duty of all good Subjects, to give their best Concurrence and Assistance, as they shall be thereunto required by publick Authority, for Discovery and Punishment of all Crimes against the publick Laws, or which may tend to the Breach or Disturbance of the publick Peace of the Kingdom; and that it is an high Contempt of Authority, and a signal Evidence of Disloyalty and Inclination to Rebellion, to refuse or shift the same when required thereunto: Therefore, His Majesty, with Advice and Consent of His Estates in Parliament, doth hereby Statute and Ordain, That all and every Subject of this Kingdom, of what Degree, Sex or Quality soever, who hereafter shall be called by His Majesty's Privy Council, or any others having Authority from his Majesty, to declare and depone upon Oath, their Knowledge of any Crimes against the publick Laws and Peace of the Kingdom; and particularly, of any Conventicles or other unlawful Meetings, and of the several Circumstances of the Persons present, and Things done therein, or of the resetting and intercommuning with Persons who are, or hereafter shall be declared Fugitives or Rebels, are obliged in Conscience, Duty, and by the Allegiance of Subjects, to declare and depone their Knowledge thereof, and of all the Particulars relating thereunto. And if any shall happen to be so perversly wicked and disloyal, to refuse or delay to declare or depone, being thereunto required as said is; His Majesty, with Advice and Consent foresaid, appoints their Punishment to be Fining and close Imprisonment, or Banishment, by sending them to His Majesty's Plantations in the *Indies*, or elsewhere, as His Majesty's Council shall think fit. Likeas, His Majesty with Advice foresaid, doth require His Privy Council to be careful in Trial of the Crimes above-written, and in the speedy and due Execution of the Pains foresaid, upon all such, without Exception, as shall refuse or delay to declare or depone thereupon, as said is. It is always hereby provided, that no Man's Declaration or Deposition against any other Person, shall infer against himself the Pain of Loss of Life, or Member, or Banishment.

Act anent Field-conventicles, 1670. N^o. XLII.

FOrasmuch as the assembling and convocating of His Majesty's Subjects, without His Majesty's Warrant and Authority, is a most dangerous and unlawful Practice, prohibit and discharged by several Laws and Acts of Parliament, under high and great Pains; and that notwithstanding thereof, divers disaffected and seditious Persons, under the specious, but false Pretences of Religion and religious Exercises, presume to make, and be present at Conventicles and unwarrantable Meetings and Conventions of the Subjects, which are the ordinary Seminaries of Separation and Rebellion, tending to the Prejudice of the publick Worship of GOD in the Churches, to the Scandal of the reformed Religion, to the Reproach of His Majesty's Authority and Government, and to the alienation of the Hearts and Affections of the Subjects, from that Duty and Obedience they ow to His Majesty, and the publick Laws of the Kingdom. For the suppressing and preventing of which for the Time to come, His Majesty, with Advice and Consent of his Estates of Parliament, hath thought fit to Statute and Enact, Likeas they do hereby Statute and Command, That no outed Ministers, who are not licensed by the Council, and no other Persons not authorized or tolerate by the Bishop of the Diocese, presume to preach, expound Scripture, or pray in any Meeting, except in their own Houses, and to these of their own Family; and that none be present at any Meeting, without the Family to which they belong, where any not licensed, authorized nor tolerate as said is, shall preach, expound Scripture, or pray: Declaring hereby, all such who shall do in the contrary, to be guilty of keeping of Conventicles; and that he or they who shall so preach, expound, or pray within any House, shall be seized upon and imprisoned, till they find Caution, under the Pain of Five thousand Merks, not to do the like thereafter, or else enact themselves to remove out of the Kingdom, and never return without His Majesty's Licence; and that every Person who shall be found to have been present at any such Meetings shall be, *toties quoties*, fined, according to their Qualities, in the respective Sums following, and imprisoned until they pay their Fines, and farther, during the Council's Pleasure, *viz.* Each Man or Woman, having Land in Heritage, Liferent, or proper Wadset, to be fined in a fourth Part of his or her valued yearly Rent; each Tenant labouring Land, in twenty five Pounds *Scots*; each Cottar in twelve Pounds *Scots*, and each serving Man in a fourth Part of his yearly Fee: And where Merchants or Tradesmen do not belong to, or reside within Burghs Royal, That each Merchant or chief Tradesman be fined as a Tenant, and each inferior Tradesman as a Cottar: And if any of the Persons above mentioned shall have their Wives, or any of their Children living in Family with them, present at any such Meeting, they are therefore to be fined in the Half of the respective Fines aforesaid, Consideration being had to their several Qualities and Conditions. And if the Master or Mistress of any Family, where any such Meetings shall be kept, be present within the House for the Time, they are to be fined in the double of what is to be paid by them, for being present at a House-conventicle. And it is hereby declared, that Magistrates of Burghs Royal are liable, for every Conventicle to be kept within their Burghs, to such Fines as His Majesty's Council shall think fit to im-

impose ; and that the Master or Mistress of the House where the Conventicle shall happen to be kept, and the Persons present thereat, are to relieve the Magistrates as the Council shall think fit to order the same ; it being notwithstanding free to the Council to fine the Inhabitants of Burghs, for being present at Conventicles within or without Burghs, or where their Wives or Children shall be present at the same.

And farther, His Majesty, understanding that divers disaffected Persons have been so maliciously wicked and disloyal, as to convocate His Majesty's Subjects to open Meetings in the Fields, expressly contrary to many publick Laws made thereanent ; and considering that these Meetings are the Rendevouzes of Rebellion, and tend in a high Measure to the Disturbance of the publick Peace, doth therefore, with Advice and Consent foresaid, Statute and Declare, That whosoever, without Licence or Authority foresaid, shall preach, expound Scripture, or pray at any of those Meetings in the Field, or in any House where there be more Persons than the House contains, so as some of them be without Doors (which is hereby declared to be a Field-conventicle) or who shall convocate any Number of People to these Meetings, shall be punished with Death, and Confiscation of their Goods. And it is hereby offered and assured, that if any of his Majesty's good Subjects shall seize and secure the Persons of any who shall either preach or pray at these Field-meetings, or convocate any Persons thereto, they shall for every such Person so seized and secured, have Five hundred Merks paid unto them for their Reward, out of His Majesty's Treasury, by the Commissioners thereof, who are hereby authorized to pay the same ; and the said Seizers and their Assistants are hereby indemnified for any Slaughter that shall be committed in the apprehending and securing of them. And as to all Heritors and others afore said, who shall be present at any of these Field-conventicles, it is hereby declared, they are to be fined, *toties quoties*, in the double of the respective Fines appointed for House-conventicles ; but prejudice of any other Punishment due to them by Law as seditious Persons, and Disturbers of the Peace and Quiet of the Kirk and Kingdom. And seeing the due Execution of Laws is the readiest Means to procure Obedience to the same ; Therefore, His Majesty, with Consent and Advice foresaid, doth impower, warrant and command all Sheriffs, Stewarts of Stewartries, Lords of Regalities, and their Deputes, to call before them, and try all such Persons who shall be informed to have kept, or been present at Conventicles within their Jurisdictions, and to inflict upon these who shall be found guilty, the respective Fines expressd in this Act ; they being always countable to the Commissioners of His Majesty's Treasury, for the Fines of all Heritors within their Bounds. And His Majesty, for the Encouragement of the said Sheriffs, Stewarts and Lords of Regalities, to be careful and diligent in their Duties herein, doth allow to themselves all the Fines of any Persons within their Jurisdictions, under the Degree of Heritors ; and requires the Lords of His Majesty's Privy Council to take exact Trial of their Care and Diligence herein : And if the Sheriffs, Stewarts and Bailiffs shall be negligent in their Duties, or if the Magistrates within Burghs shall be negligent in their utmost Diligence, to detect and delate to the Council all Conventicles within their Burghs, that the Council inflict such Censures and Punishments upon them as they shall think fit. And the Lords of His Majesty's Privy Council are hereby required to be careful in the Trial of all Field and House-conventicles kept since the first Day of *October*, One thousand six hundred and sixty nine, and before the Date hereof, and that they punish the same conform to the Laws and Acts of State formerly made thereanent. And lastly, His Majesty being hopeful that His Subjects will give such cheerful Obedience to the Laws, as there shall not be long Use of this Act, hath therefore, with Advice foresaid, declared, That the Endurance thereof shall only be for Three Years, unless his Majesty shall think fit that it continue longer.

Act anent Baptisms, 1670. N^o. XLIII.

FOrasmuch as the disorderly Carriage of some Persons, in withdrawing from the Ordinances of the Sacraments in their own Parish-churches, and procuring their Children to be baptized by Persons not publicly authorized or allowed, is highly scandalous to the Protestant Religion, and tends exceedingly to the Increase of Schism and Profanity : Therefore the King's Majesty, with Advice and Consent of His Estates in Parliament, doth statute and prohibit all His Majesty's Subjects, that none of them, of whatsoever Degree or Quality, presume to offer their Children to be baptized by any but such as are their own Parish-ministers, or else by such Ministers as are authorized by the present established Government of the Church, or licensed by His Majesty's Council, upon a Certificate from the Minister of the Parish, if he be present, or in his Absence, by one of the neighbouring Ministers ; and declares, that the Father of any Child which shall be otherwise baptized, shall be liable to the Pains and Penalties following, *viz.* Every Heritor, Liferenter, or proper Wadsetter, shall be fined in a Fourth part of his valued yearly Rent ; Every Person above the Degree of a Tenant, having a personal, but no real Estate, in One hundred Pounds *Scots* ; Every considerable Merchant in One hundred Pounds ; Every inferior Merchant, or considerable Tradesman, and every Tenant labouring Land, in fifty Pounds ; Every meaner Burghers, Tradesman, Inhabitant within Burgh, and every Cottar, in Twenty Pounds *Scots* ; and every Servant in Half a Year's Fee. And His Majesty, with Advice foresaid, requires the Sheriffs, Stewarts, Lords of Regalities and their Deputes, and Magistrates of Burghs Royal, within their several Bounds and Jurisdictions, to be careful to put this Act in Execution ; and that upon Information from the Bishop of the Diocese, or any other, they call before them, and judge the Persons Contraveners thereof, and uplift the Penalties foresaid. Likeas, His Majesty, for the further Encouragement of the said Sheriffs, and others foresaid, to do their Duty herein, doth allow them to retain for their own Use, the Fines of the several Persons abovementioned, except these of the Heritors, for which they are to be countable to the Commissioners of His Majesty's Treasury.

Act anent Separation, 1670. N^o. XLIV.

FOrasmuch as it is the Duty of all His Majesty's good Subjects, to acknowledge and comply with His Majesty's Government, as it is by the Laws of the Kingdom established in Church and State, and in order thereunto to give their cheerful Concurrence and Countenance to such Ministers, as by publick Authority are, or shall be admitted in their several Parishes, and to attend all the publick and ordinary Meetings of Divine Worship in the same; and seeing the Laws of the Kingdom have declared a withdrawing, and not keeping off, and joyning in these Meetings, to be seditious, and of dangerous Example and Consequence, His Majesty conceives himself also bound in Conscience and Duty to interpose His Authority, that the publick Exercises of God's Worship be countenanced by all His good Subjects, and that such as upon any pretext do disorderly withdraw, be by the Censures of the Law made sensible of their Miscalriages, and by the Authority of the Law, drawn to a dutiful Obedience to it: And therefore, His Majesty, with Advice and Consent of His Estates in Parliament, Statutes, Ordains, and Commands all His good Subjects of the Reformed Religion within this Kingdom, to attend and frequent the ordinary Meetings appointed for Divine Worship, in their own Parish Churches, declaring hereby, that every such Person who shall Three Lord's Days together, withdraw and absent themselves from their own Parish Churches, without a reasonable Excuse, to be allowed or disallowed by the Judges and Magistrates aftermentioned, shall, *toties quoties*, be liable to the Pains and Penalties following, *viz* Every Person having Land in Heritage, Liferent, or proper Wadset, in the Eighth Part of his or her valued yearly Rent; Every Tenant in six Pounds Scots; Every Cottar or Servant in forty Shillings Scots; Every Person above the Degree of a Tenant, and who hath a personal, but no real Estate, in Twelve Pounds Scots; Every considerable Merchant, in Twelve Pounds Scots; Every inferior Merchant, and considerable Tradesman, in Six Pounds Scots; Every other meaner Burghers, Tradesman and Inhabitant within Burgh, in forty Shillings Scots. And His Majesty, with Advice and Consent foresaid, doth commit the Execution of this Act, and the raising the Penalties above mentioned to the Sheriffs, Stewarts, Lords of Regalities and their Deputes, and to Magistrates of Burghs within their several respective Jurisdictions, and doth hereby authorize and require them to be careful to see this Act put in due Execution; and in order thereunto, that they examine upon Oath such Persons in every Parish as they shall think fittest, for Discovery of such as shall withdraw, and thereby incur the Penalties above mentioned. And for their Encouragement herein, His Majesty, with Advice foresaid, doth hereby allow to themselves the Fines of all Persons within their respective Jurisdictions, below the Degree of Heritors, they being always countable for the Fines of the Heritors to the Commissioners of His Majesty's Treasury. And in case any Heritor, Liferenter, or proper Wadsetter, shall be so froward and obstinate, as to withdraw from their Parish Churches for the space of one Year, notwithstanding of their being fined as aforesaid; it is ordained, That the Sheriffs and other Judges aforesaid, within their several Jurisdictions, delate them to His Majesty's Privy Council, who are hereby authorized to call the said Persons before them, and to require them to subscribe the Bond following. *I oblige my self, that I shall not upon any pretext or colour whatsoever, rise in Arms against the King's Majesty, or any having His Authority or Commission, nor shall assist nor countenance any who shall rise in Arms.* And if any Person so called and required, shall refuse or delay to subscribe the Bond, That the Lords of His Majesty's Privy Council secure, or banish them, as they shall think fit. And it is hereby declared, that upon such Refusal or Delay to sign this Bond, the single Escheat and Liferent Escheat of the Refusers or Delayers shall fall and appertain to His Majesty, and is to be intromitted with, and disposed of for his Majesty's Use. Likeas, the Lords of his Majesty's Privy Council, are hereby required to call, from Time to Time, for an Account from the Sheriffs, and others foresaid, of their Diligence in putting this Act in Execution; and if they be found negligent, that they inflict such Censures and Punishments on them, as they shall judge fit. And it is further declared, that this Act is to endure only for the Space of Three Years, unless his Majesty shall think fit it continue longer. And it is further hereby provided, That this Act is to be without prejudice of the Censures of the Church, to be used against such who shall be absent from the publick Meetings for God's Worship, conform to the former Acts and Practices of the Church thereanent.

Bishop Leightoun's Proposal at Paisly. N^o. XLV.

I. That if the dissenting Brethren will come to Presbyteries and Synods, they shall not only not be obliged to renounce their own private Opinion anent Church-government, and swear or subscribe any Thing thereto, but shall have Liberty at their Entry to the said Meeting, to declare and enter it in what Form they please.

II. That all Church-affairs shall be managed, in Presbyteries or Synods, by the free Vote of Presbyters, or the major Part of them.

III. If any Difference fall out in the diocesan Synods, betwixt any of the Members thereof, it shall be lawful to appeal to a provincial Synod, or their Committee.

IV. That Intrants being lawfully presented by the Patron, and duly tried by the Presbytery, there shall be a Day agreed on by the Bishop and Presbytery, for their meeting together for their solemn Ordination and Admission, at which there shall be one appointed to preach, and that it shall be at the Parish-church, where he is to be admitted, except in the Case of Impossibility, or extreme Inconveniency; and if any Difference fall in touching that Affair, it shall be referable to the provincial Synods, or their Committee, as any other Matter.

V. It is not to be doubted, but my Lord Commissioner his Grace will make good what he offered, anent the Establishment of Presbyteries and Synods; and we trust his Grace will procure such Security to these Brethren for declaring their Judgment, that they may do it without any Hazard, in contravening any Law, and that the Bishop shall humbly and earnestly recommend this to his Grace.

VI. That

VI. That no Intrans shall be engaged to any Canonical Oath or Subscription to the Bishop, and that his Opinion anent that Government, shall not prejudice him in this, but that it shall be free for him to declare.

Counter-propofal to the former. N^o. XLVI.

I. **T**HAT Episcopacy being reduced to a fixed Presidency in Presbyteries, Synods, and General Assemblies; all Church-matters be managed, decided, and determined by the Plurality of the Votes of Presbyters convened in the said respective Meetings, and that Bishops act nothing, neither in Ordination or Jurisdiction; but by moderating in the said Meetings without a Negative.

II. That it shall not be in the Bishop's Power to refuse to concur in the Ordination of any Persons lawfully presented by the Patron, and duly tried and approved by the Presbytery; and that the Ordination be publickly done by the Concurrence of Bishop and Presbytery at the Parish-kirk; and in case the Bishop, by some intervening invincible Impediment, cannot keep the Day and Hour agreed upon, that a new Day be appointed, and that as soon as possibly can be thereafter, for the said Ordination; and in case the Bishop shall refuse or delay to concur in the Ordination, the Lords of his Majesty's Privy Council shall, upon Complaint of the Patron, Parish, or Presbytery, direct Letters of Horning, charging him for that Effect.

III. That as General Assemblies, Synods, and Presbyteries are razed and quite taken away, by Act of Parliament for Restitution of Bishops 1662. and the Act for a National Synod, so they be also revived again by Act of Parliament, the Indiction of the General Assembly being reserved to the King, and the moderating in the Synods to the Bishops, as also in Presbyteries when they are present, and, in their Absence; by other Moderators chosen by the Synod.

IV. That outed Ministers, not yet indulged, shall enter into Charges as freely as they who are indulged.

V. Because many godly Ministers cannot be satisfied in their Consciences, silently to concur with a Bishop or a fixed President in the Exercise of Government, that it shall be leifom to them at their first entering into the said Presbyteries, Synods, and General Assemblies, and as oft thereafter as they shall think fit, to protest.

VI. That Intrants to the Ministry have the same Liberty, and be free of the Oath of Canonical Obedience.

VII. That the Oath of Allegiance be cleared, and the King's Power and Supremacy in Ecclesiastical Matters, to be only *potestas civilis*.

VIII. And lastly, because the Intervals betwixt General Assemblies may be long, to the effect Bishops may be censurable for their Lives and Doctrine, that there be a Meeting yearly of the whole Bishops, with Three or more Ministers, to be chosen by the free Votes of the several Synods, who shall have Power to depose, suspend, and otherwise censure the Bishops, but have no Power to meddle in any other Ecclesiastical Matter.

Decreet King's Advocate, against Mr. Duncan and the Countess of Wigton, July 27. 1672. N^o. XLVII.

Apud Holy-rood-house, vicesimo septimo die Julii, 1672.

ANent our sovereign Lord's Letters, rais'd at the Instance of Sir John Nisbet of Dirletoun, Knight, his Majesty's Advocate, for his Highness's Interest, in the Matter underwritten, making Mention, That where by the Fifth Act of the second Session of his Majesty's second Parliament, it is statute and ordained, ' That no outed Ministers, who are not licensed by the Lords of Privy Council, and no other Persons not authorized or tolerate by the Bishop of the Diocese, presume to preach, expound Scripture, or pray in any Meeting, except in their own Houses, and to these of their own Family to which they belong, where any not licensed, authorized nor tolerate, as said is, shall preach, expound Scripture, or pray, declaring thereby all such who shall do in the contrary, to be guilty of keeping Conventicles; and that he or they who shall so preach, expound Scripture, or pray within any House, shall be seized upon and imprisoned till they find Caution, under the Pain of Five thousand Merks not to do the like thereafter, or else to enact themselves to remove out of the Kingdom, and never return without his Majesty's Licence; and that every Person who shall be found to be present at such Meetings, shall be fined, *toties quoties*, according to their respective Qualities, in the respective Sums following, and imprisoned till they pay their Fines, and further during the Council's Pleasure, *viz.* each Man or Woman having Land in Heritage, Liferent, or proper Wadset, in a Fourth Part of his or her yearly valued Rent; each Tenant labouring Land, in Twenty five Pounds Scots; each Cottar in Twelve Pounds Scots, and each Servant Man in a Fourth Part of his yearly Fee; and where Merchants or Tradesmen do not belong to, or reside within Burghs Royal, that each Merchant or chief Tradesman be fined as a Tenant, and each inferior Tradesman as a Cottar; and if the Master or Mistres of any Family where any such Meeting shall be kept, shall be present within the House for the Time, they are to be fined in the Double of what is paid by them for being present at a House-conventicle: And further, it is statute and declared, That whosoever, without Licence or Authority, shall preach, expound Scripture, or pray in any Meetings, in the Field, or in any House, where

there be more Persons than the House contains, so as some of them be without Doors, (which is declared to be a Field-conventicle) or who shall convocate any Number of People to these Meetings, shall be punished with Death, and Confiscation of their Goods. As to all Heritors and others aforesaid, who shall be present at any of these Field-conventicles, it is to be declared, that they are to be fined, *toties quoties*, in the Double of the respective Fines appointed for House-conventicles, but Prejudice to any other Punishment due to them by Law, as seditious Persons, and Disturbers of the Peace and Quiet of the Kingdom, as the said Act of Parliament at more Length proports. Notwithstanding whereof, it is of Verity, That the Persons underwritten, viz. Mr. James Duncan Indweller at Duplin, Thomas Ogilvie late Merchant in Perth, now in the Carse of Gowrie, John Balfour Portioner in Kinloch, John Howison Gun-smith in Perth, James Hay in the Milltown of Abernethy, Patrick Crie Glover there, Mr. John Moneman sometime in Abernethy, now in Dundee, Robert Henderson in the Mains of Balaskie, John Moncrief in wester Grange Muir, Mr. John Moncrief in St. Andrews, Andrew Kinnier there, James Howison there, Anthony Dow there, John Strunks there, and John Davidson there, were present at divers Field-conventicles, at least at several private Conventicles, and particularly at Glending and the Bridge of Ern, upon one or other of the Days of the Months of May, June, or July last bypast, where they heard divers outed Ministers take upon them to preach and pray, and exercise the other Functions of the Ministry: As also Anna Countess of Wigtoun, James Crichtoun in Biggar, John Kello there, James Brown there, James Brown Wright there, John Dalziel there, John Henderson there, John and Lawrence Tait there, John Tod Mason there, Alexander Gardner Taylor there, John Nisbet there, James Paterson in Carwood, James Crichtoun in Wester-rav, William Cleghorn in Edmonstoun, Alexander Story there, William Thomson in Boghall, Malcolm Brown in Edmonstoun, James Cuthbertson there, Peter Gilles Walker in Skirlin, John Robertson Procurator in Lanerk, John Watson Notar in Carrnath, Thomas Crichtoun in Worslyd, James Glasgow in Whitecastle, Alexander Smith in Biggar, John Tweeddy in Edmonstoun, Robert Lohean in Skirlin, William Forest there, John Newbigging in Carstairs, John Hutchison in Harelaw, John Lockie in Ranstruther, Malcolm Gibson in wester Pittenweem, Ronald Spence in Hankertoun, James Thomson in Muirhouse of Ranktoun, and James Adam in Nether-warn-hill, were present at divers Field-conventicles; at least at several private Conventicles, and particularly they were present at Two several Conventicles, held and kept at the House of Boghall, in the Month of June last, where they heard divers outed Ministers take upon them to preach, pray, and exercise other Parts of the Ministerial Function, and thereby have contravened the Tenor of the foresaid Act of Parliament, and therefore ought to be proceeded against conform to the Tenor thereof: And anent the Charge given to the forenamed Persons, to have compeared personally, upon the 25th of this Instant, to have answered to the Premises, and to have heard and seen such Order taken thereanent as appertained, under the Pain of Rebellion, &c. and as the said Letters, Executions, and Indorsations thereof at length proport; which being called upon the said 25th of this Instant, and the Pursuer compeared personally, and the said haill Defenders compearing also personally, except the said Thomas Ogilvie, John Balfour, John Howison, James Hay, Patrick Crie, Mr. John Moneman, Robert Henderson, John Moncrief, Mr. John Moncrief, Andrew Kinnier, James Howison, Anthony Dow, John Strunks, John Davidson, Alexander Gardner, Alexander Smith, and Ronald Spence, the Lord Commissioner his Grace, and Lords of his Majesty's Privy Council, having called and examined the said Mr. James Duncan and John Robertson Procurator in Lanerk; and the said Mr. James Duncan having confessed, that he was at the said Conventicle kept at the Bridge of Ern, and the said John Robertson having confessed, that he was at the said Conventicle kept at Boghall, and they being required to give their Oath anent the Persons who were present, and, what further should have been enquired at them anent the said Matter, they refused to give their Oath; whereupon the said Lords did ordain them to be carried to Prison until they should proceed till further Sentence, and did recommend to the Earls of Murray, Linlithgow, and Dumfries, to examine the rest of the Persons compearing, with Power to them, to imprison such of them as should refuse to give their Oath, and to report against this Meeting; which being again this Day called, the said Lords having heard and considered the said Libel, with the Defenders own Confession, and the Depositions of several Witnesses, led and adduced for proving of the said Libel, with the Report of the said Committee, who did make Report that they had imprisoned the Persons following, who had refused to give their Oath, viz. James Crichtoun in Biggar, John Dalziel there, James Paterson in Carwood, William Cleghorn in Edmonstoun, Malcolm Brown there, Peter Gilles Walker, Thomas Crichtoun in Worslyd, James Glasgow in Whitecastle, James Lindsay in Nether-warn-hill, James Thomson in Muirhouse, James Forest in Edmonstoun, John Newbigging in Carstairs, John Hutchison of Harelaw, and Malcolm Gibson in wester Pittenweem, have fined, and fine the said Mr. James Duncan in the Sum of Two thousand Merks, for being present at the said Field-conventicle kept at the Bridge of Ern, whereat he acknowledged he was present, and in regard he refused to give his Oath, and ordain him to make Payment thereof to Sir William Sharp his Majesty's Cash-keeper, for his Majesty's Use; as also fine the said Anna Countess of Wigtoun in the Sum of Four thousand Merks, for being present at Two Field-conventicles, kept at the House of Boghall, conform to her own Confession, and ordain her to make Payment thereof to Sir William Sharp his Majesty's Cash-keeper, who is hereby ordered and warranted to deliver the said Sum to William Earl of Wigtoun, so soon as the same shall be paid unto him, and of all other Fines which shall be imposed upon any of these Persons, who were present at the said Conventicles kept at Boghall; and recommend to the former Committee to meet and call before them the rest of the said Defenders compearing, and to examine them further anent the said Conventicles, and inform themselves of their several Conditions and Estates, with Power to them to commit to Prison such of them as they shall think fit, and to discuss such of them as shall enact themselves not to go to Conventicles thereafter; with Power also to examine any other Persons who are Prisoners for Conventicles, who are not yet examined, and to dismiss them if they see Cause, and grant Certification against these haill Persons not compearing; ordain Letters to be direct to denounce them to the Horn, and ordain the rest of the Persons who are imprisoned for refusing to depone, to continue in Prison until the Council take further Course with them.

Act against unlawful Ordinations, 1672. N^o. XLVIII.

OUr sovereign Lord, considering, That the true and regular Way of Ordination to the holy Calling and Imployment of the Ministry is of great and necessary Importance to the Constitution, Peace and Unity of this Church, and for preserving the Reverence and Interest of the reformed Religion profest in it, and for the preventing of the Growth of scandalous Schism and Confusion, arising from various and different Ordinations, doth therefore, with Advice and Consent of his Estates of Parliament, statute and ordain, That no Person or Persons whatsoever, presume to appoint or ordain any Person to the Office and Work of the Ministry, except these who have Authority approven by the Laws of the Kingdom for that effect, and that no Person take Ordination from any but such as are thus lawfully authorized to give the same; declaring hereby, all pretended Ordinations of any Persons, since the Year 1661. which have not been, or hereafter shall not be, according to the Appointment of the Law, to be null and invalid; and all Persons who, since the said Year, have received pretended Ordination, or shall receive the same any other Manner of Way than as is settled by Law, to be no Ministers. And his Majesty, with Advice foresaid, statutes and ordains, That both the pretended Ordainers, and these who shall pretend to have received Ordination, be seized upon by the Sheriff or other ordinary Magistrate of the Place, and committed to Prison until they be delated to the Lords of the Privy Council, who are hereby authorized and ordained, after Trial, and finding the said Persons guilty, to sentence them by Confiscation of all their moveable Goods, and banishing them, and to cause them find Caution not to return to his Majesty's Dominions. And in case they shall refuse to find Caution, or, being banished, shall afterwards return to this Kingdom, that they shall suffer perpetual Imprisonment, and not be released, except by a Warrant under his Majesty's own Hand. And further, it is hereby statute and declared, that whosoever shall be married within this Kingdom by the foresaid Persons, or by any other Person not lawfully authorized, they shall amit and lose any Right or Interest they may have by that Marriage, *jure mariti, vel jure relicta*, and that by and attour the Pains and Penalties provided by the Act of Parliament in Anno 1661. against disorderly and clandestine Marriages; which Act is hereby ratified and renewed.

Act anent Baptisms, 1672. N^o. XLIX.

THe King's Majesty, considering, That divers disaffected Persons in this Kingdom, being unwilling to have their Children baptized in an orderly Way, do either delay to baptize them, or pretend that they are not baptized, thinking thereby to escape the Punishment which, by former Acts of Parliament, is appointed to be inflicted upon such as are guilty of disorderly Baptizing, doth therefore, with Advice and Consent of his Estates in Parliament, statute and declare, That such Parents, who shall hereafter keep their Children unbaptized, for the Space of Thirty Days together, or shall not produce a Testificate under the Hand of the Minister of the Parish, bearing that the Children were baptized within the said Space, shall incur, and be liable to the Pains and Penalties following, *viz.* Every Heritor, Liferenter, or proper Wadsetter, shall be fined in a fourth Part of his valued yearly Rent; every Person, above the Degree of a Tenant, having a personal but no real Estate, in One hundred Pounds Scots; every considerable Merchant in One hundred Pounds; every inferior Merchant, or considerable Tradesman, and every Tenant labouring Land, in Fifty Pounds; every meaner Burghers, Tradesman, Inhabitant within Burgh, and every Cottar, in Twenty Pounds Scots; and every Servant in Half a Year's Fee. And it is hereby declared, That, where Kirks are vacant, the Parents shall, within the said Space of Thirty Days, be obliged to go to the next adjacent Parish-kirk which is planted, and obtain their Children baptized there, under the foresaid Penalties. And his Majesty, with Advice foresaid, requires the Sheriffs, Stewarts, Lords of Regalities and their Deputes, and Magistrates of Burghs Royal, within their respective Bounds, to put this Act in Execution, by calling before them, and judging the Contraveners, and uplifting the Fines abovementioned; and for their Encouragement, they are hereby allowed to retain the Fines of all the said Persons, for their own Use, except these of Heritors, for which they are to be countable to the Commissioners of his Majesty's Treasury.

Act anent the Twenty ninth of May, 1672. N^o. L.

THe Estates of Parliament, considering the great Blessing of almighty God, in restoring his Majesty to the Throne of his Royal Ancestors, and thereby liberating these Kingdoms from the Thralldom and Bondage under which they did so long grone, in Acknowledgement of their Thankfulness to God, and of their Duty and Loyalty to his Majesty, and that the Memory of so great a Mercy may never fall in Oblivion or Neglect, do humbly offer to his Majesty, that the anniversary Solemnity be yearly and perpetually kept by all the People of this Kingdom, upon the 29th of May, being the Day of his Majesty's Birth and Restoration. Therefore his Majesty, with Consent of the Estates of Parliament, statutes and ordains, that the anniversary Solemnity, for his Majesty's happy Birth and Restoration, shall, in all Time coming, be kept up on the 29th Day of May yearly; and that ringing of Bells, throughout the whole Kingdom, and other E-

videntes of Joy, be observed the said whole Day, with Bonfires at Night; and that all Ministers within the Kingdom, shall preach yearly upon the said Twenty ninth of *May*, that they, with the whole People, may give Thanks to God Almighty, for his so signal Goodness to these Kingdoms: Certifying, that whosoever shall fail in observing this present Act, they shall be fined, and otherwise punished by his Majesty's Privy Council, and other Judges ordinary, according to their Condition and Estate. And his Majesty, with Advice foresaid, declares that this present Act shall be the Rule and Warrant for the said Anniversary, in all Time coming.

Act against Conventicles, 1672. N^o. LI.

FOrasmuch as the Act past by his Majesty and Estates of Parliament, upon the 13th of *August* 1670. against Conventicles, and the other Act past in the same Parliament, upon the 20th Day of the said Month of *August* 1670. against Separation and withdrawing from the publick Meetings of divine Worship, were appointed to endure only for the Space of Three Years, unless his Majesty should think fit to continue them longer: And his Majesty, considering that these Acts have not hitherto received that Obedience which was due unto them, and that the Execution thereof hath not been so duly prosecuted as by the Tenor of the same is prescribed, and that therefore the Continuance thereof will be necessary for some longer Time, doth, with Advice and Consent of his Estates of Parliament, statute and ordain, That the Two Acts of Parliament above mentioned, against Conventicles and withdrawing from publick Meetings of divine Worship, are and shall endure and continue Acts of Parliament, and publick Laws of the Kingdom, for the Space of Three Years after the expiring of these Three Years abovementioned, and longer as his Majesty shall be pleased to appoint. Likeas, his Majesty considering, that by the said Act against Conventicles, it is statute, That no outed Minister, not licensed by his Majesty's Council, nor other Person not authorized nor tolerated by the Bishop of the Diocese, presume to preach, expound Scripture, or pray in any Meeting, except in their own Houses, and to these of their own Family; and since there may be some Questions and Doubts concerning the Meaning and Extent of that Word *Pray*, his Majesty doth, with Advice foresaid, declare, That it is not to be understood, as if thereby Prayer in Families were discharged by the Persons of the Family, and such as shall be present, not exceeding the Number of Four Persons besides these of the Family; it is always declared, that this Act doth not give Allowance to any outed Minister to pray in any Families, except in the Parishes where they be allowed to preach. And further, his Majesty, with Advice foresaid, doth hereby also authorize the Magistrates of the Royal Burghs, to call before them all such of their Burgeses as shall be guilty of keeping Conventicles, and to proceed against them by Fining and otherwise, as is at length expressed in the said Act; and that they make Account and Report of the Fines to the Commissioners of his Majesty's Treasury, and of their Diligence to his Majesty's Council. And his Majesty considering the slow Progress hath been made, in putting these Acts in Execution for the Time bygone, doth therefore, with Advice foresaid, statute and command, that all Sheriffs, Stewarts, Lords of Regalities and their Deputes, and Magistrates of Burghs within their respective Jurisdictions, shall from henceforth be careful in putting these Acts to due Execution against Keepers of Conventicles, and Withdrawers from publick Worship, conform to the Power and Trust committed to them thereby, and that they return an Account of their Proceeding to his Majesty's Council yearly, on the first *Thursday* of *July*, under the Pain of Five hundred Merks, to be paid by each Sheriff, Stewart, Bailiff, and Magistrates of Burgh, for each Year's Failure, in not giving an Account of their Diligence, as said is.

Declaration of his Majesty's Favour, or English Indulgence, March 15. 1672. N^o. LII.

Our Care and Endeavours for the Preservation of the Rights and Interests of the Church, have been sufficiently manifested to the World, by the whole Course of Our Government, since Our happy Restoration, and by the many and frequent Ways of Coercion that We have used for reducing all erring or dissenting Persons, and for composing the unhappy Differences, in Matters of Religion, which We found among Our Subjects upon Our Return: But it being evident, by the sad Experience of Twelve Years, that there is very little Fruit of all these forcible Courses, We think Our self obliged to make Use of that supreme Power in Ecclesiastical Matters, which is not only inherent in Us, but hath been declared and recognized to be so by several Statutes and Acts of Parliament: And therefore, We do now accordingly issue this Our Declaration, as well for the quieting the Minds of Our good Subjects in these Points, for inviting Strangers in this Conjunction, to come and live under Us; and for the better Encouragement of all to a cheerful following of their Trade and Callings, from whence We hope, by the Blessing of God, to have many good and happy Advantages to Our Government; as also, for preventing for the future, the Danger that might otherwise arise from private Meetings and seditious Conventicles.

And in the first place, We declare Our express Resolution, Meaning and Intention to be, That the Church of *England* be preserved, and remain entire in its Doctrine, Discipline and Government, as now it stands established by Law; and that this be taken to be, as it is, the Basis, Rule, and Standard of the general and publick Worship of God; and that the orthodox conformable Clergy do receive and enjoy the Revenues belonging thereunto; and that no Person, though of a different Opinion and Perswasion, shall be exempt from paying his Tithes, or other Dues whatsoever. And further, We declare, That no Person shall be ca-

pable

pable of holding any Benefice, Living, or Ecclesiastical Dignity, or Preferment of any Kind, in this Our Kingdom of *England*, who is not exactly conformable.

We do, in the next Place, declare Our Will and Pleasure to be, That the Execution of all, and all Manner of penal Laws in Matters Ecclesiastical, against whatsoever Sort of Nonconformists, or Recusants, be immediately suspended, and they are hereby suspended; and all Judges, Judges of Assize and Goal-delivery, Sheriffs, Justices of the Peace, Mayors, Bailiffs, and other Officers whatsoever, whether Ecclesiastical or Civil, are to take Notice of it, and pay due Obedience thereunto.

And that there may be no Pretence for any of Our Subjects, to continue their illegal Meetings and Conventicles, We do declare, That We shall, from Time to Time, allow a sufficient Number of Places, as they shall be desired, in all Parts of this Our Kingdom, for the Use of such as do not conform to the Church of *England*, to meet and assemble in, in order to their publick Worship and Devotion; which Places shall be open and free to all Persons.

But to prevent such Disorders and Inconveniencies as may happen by this Our Indulgence, if not duly regulated, and that they may be the better protected by the Civil Magistrate, Our express Will and Pleasure is, That none of Our Subjects do presume to meet in any Place, until such Place be allowed, and the Teacher of that Congregation be approved by Us.

And lest any should apprehend, that this Restriction should make Our said Allowance and Approbation difficult to be obtained, We do further declare, That this Our Indulgence, as to the Allowance of the publick Places of Worship, and Approbation of the Teachers, shall extend to all Sorts of Nonconformists and Recusants, except the Recusants of the *Roman Catholick Religion*, to whom We shall in no ways allow publick Places of Worship, but only indulge them their Share in the common Exemption from the Execution of the penal Laws, and the Exercise of their Worship in their private Houses only.

And if, after this Our Clemency and Indulgence, any of Our Subjects shall presume to abuse this Liberty, and shall preach seditiously, or to the Derogation of the Doctrine, Discipline or Government of the established Church, or shall meet in Places not allowed by Us, We do hereby give them Warning, and declare, We will proceed against them with all imaginable Severity; and We will let them see, We can be as severe to punish such Offenders, when so justly provoked, as We are indulgent to truly tender Consciences.

Given at Our Court at Whitehall, this Fourteenth Day of March, in the Four and twentieth Year of Our Reign.

Act I. anent the Indulgence, Holy-rood-house, September 3. 1672. N^o. LIII.

THE Lord Commissioner his Grace, and the Lords of his Majesty's Privy Council, considering the Disorders which have lately been by the frequent and numerous Conventicles, and being willing to remeedy so great an Evil, in the greatest Manner that could be thought on, and his Majesty's Commissioner being sufficiently instructed herein, they do order and appoint the Ministers afternamed, outed since the Year 1661. to repair to the Parishes following, and to remain therein confined, permitting and allowing them to preach and exercise the other Parts of their Ministerial Function, in the Parishes to which they are or shall be confined by this present Act, and Commission afterspecified, *viz.*

In the Diocese of Glasgow.

In *Eglisham* Parish, with Mr. James Hamilton Mr. Donald Cargill.
Paisly, with Mr. John Bairdy, Mrs. William Eccles, and Anthony Schaw.
Neilsoun, Mrs. Andrew Miller and James Wallace.
Kilmacollm, Mrs. Patrick Simpson and William Thomson.
Kilbarchan, Mrs. John Stirling and James Walkinshaw.
Killiallan, Mrs. James Hutchison and Alexander Jamison.

Irwin.

Newmills, Mrs. John Burnet and George Campbell.
Phinick, Mrs. Thomas Wylie and William Shiel.
Stewartoun, Mrs. William Castledaw, Andrew Hutchison, and Andrew Morrison.
Dun'op, Mrs. Gabriel Cuninghame and William Mein.
Larges, Mrs. John Wallace and Alexander Gordon.
Kilbride, Mrs. Robert Boyd and Gilbert Hamilton.
Comray, Mrs. Archibald Porteous and John Rae.
Kilwinning, with Mr. Ralph Roger, Mr. Robert Fleming.
Irwin, with Mr. George Hutchison, Mr. John Law.
Kilmarnock, with Mr. Alexander Wedderburn, Mrs. James Rowat and William Hays.
Kilmawers, with Mr. George Ramsay, Mr. John Park.
Dreghorn, with Mr. John Spalding, Mr. James Donaldson.
Beith, with Mr. William Maitland, Mr. William Crichtoun.
Kilbirnie, with Mr. William Tillidaff, Mr. Patrick Anderson.
Ardsossine, with Mr. John Bell, Mr. James Bell.

Air.

Culcoun, Mr. William Fullerton.
Riccourtoun, Mrs. Hugh Campbell and Hugh Crawford.

Dundonald, Mrs. *John Osburn* and *John Hutchison*;
Mauchline, with Mr. *James Veitch*, Mr. *Robert Archbald*.
Ochiltree, with Mr. *Robert Miller*, Mr. *Patrick Peacock*.
Gastoun, with Mr. *Alexander Blair*, Mr. *Adam Alison*.
Cräigie, with Mr. *David Brown*, Mr. *Robert Maxwell*.
Dalgairie, with Mr. *Andrew Dalrymple*, Mr. *John Campbell*.
Symontoun, with Mr. *John Gemil*, Mr. *Francis Irvine*.

Kirkcudbright.

Carsfairn, *John Semple* and Mr. *William Erskine*.
Kelles, with Mr. *Cant*, Mr. *George Wauch*.
Dabry, with Mr. *John M'Michan*, Mr. *Thomas Thomson*.
Balmackellan, Mr. *James Lawrie*, and *Thomas Vernon*, in place of *John Ross*, when he shall be transported to *Sony-kirk*.

Hamilton.

Avendale, Mrs. *James Hamilton* and *Robert Young*.
Glasford, Mrs. *William Hamilton* and *James Nasmyth*.
Shoes, Mrs. *James Currie* and *Alexander Barton*.
Dalserf, Mrs. *Thomas Kirkaldy* and *John Carmichael*.
Stonehouse, with Mr. *John Oliphant*, Mr. *Matthew M'Kell*.
Cambusnethan, with Mr. *William Violant*, Mr. *Robert Lamb*.
Dalziel, with Mr. *John Lawder*, Mr. *Thomas Melvil*.

Lanerk.

Carlouk, Mrs. *Alexander Livingstone* and *Peter Kid*, now at *Carlouk*.
Carmichael, Mrs. *John Hamilton* and *William Somerwel*.
Culter, Mrs. *Anthony Murray* and *Robert Lockhart*.
Lammingsoun, with Mr. *John Crawford*, Mr. *William Baikie*.
Leshmahago, with Mr. *Thomas Lawrie* a regular Incumbent, Mr. *James Brotherstones*.
Carstairs, Mrs. *James Kirkcoun* and *John Greg*.

Linlithgow.

West-culder, Mrs. *John Knox* and *William Weir*.
Burrowslouness, Mrs. *Robert Humer* and *John Inglis*.

Lothian, &c.

Lintoun, with Mr. *Robert Elliot*, Mr. *Robert Elliot* his Son.
Oxnam, with Mr. *John Scot*, Mr. *Hugh Scot*.
Hounam, with Mr. *John Stirling*, Mr. *Ker*.

Argyle.

Killern, Mrs. *John Cumminson* and *Alexander M'Lean*.
Kilsannan, Mr. *John Cameron*.
Campbeltoun, Mrs. *Duncan Campbell* and *Edward Keith*.
Kilchattan in *Lorn*, Mrs. *John Duncan* and *Alexander M'Lean*.
Knapdale, with Mr. *Dugal Campbell* a regular Incumbent, Mr. *Duncan Campbell*.
South Kintyre, Mr. *David Simpson*.

And yet notwithstanding of the said Confinement, the Lord Commissioner his Grace, and the Lords of his Majesty's Privy Council, give full Power, Warrant, and Commission to the Lord Chancellor, the Lord Duke of Hamilton, the Earls of Argyle, Tweddale, and Dundonald, the Lords President of the Session, and Register, Treasurer-depute, and Justice-clerk, with the Bishop of the Diocese, wherein the said Ministers are confined, or any Four of them, within the Space of Six Months after the Date hereof, to alter and change any of the Persons foresaid, from any of the said Parishes to another of those Parishes, or to allow or confine other Persons in their Place, they always pitching in the first Place upon some outed Ministers, from that Diocese wherein the Parishes to which they are to be confined, do lie; and allowing none to preach who were outed before the 1662. or being outed since the Year 1661. are under Certifications or Sentences of any Court of this Kingdom; with Power to the said Commissioners and their Quorum, to confine to, and allow outed Ministers, as said is, in the Parishes of *Tarbolton*, *Barnwel*, *Stewenson*, *Lochgumnoch*, *Inchinnen*, and *Mearns*; and that so soon as the present Incumbents in these Parishes shall be provided, and transported to other Kirks, recommending to Patrons to give them Presentations at Kirks that shall vaik; and particularly to
Patron of the Kirk of *Galashiels*, to give a Presentation thereto to Mr. *Alexander George*;
to Patron of the Kirk of *Burghouton*, to present thereto Mr. *William Nasmyth*; to
Patron of the Kirk of *Maclue*, to present thereto Mr. *Robert Kincaid*; to Patron of *Gartne*, to
present thereto Mr. *Stuart*: And for the Entertainment and Maintenance of the Ministers foresaid,

said, confined and allowed by this Act, and of these formerly indulged by the Council, the said Lords do think fit, that the Half of the Stipend of the respective Parishes wherein they are confined, of the Crop and Year of God 1672. be paid to the Ministers formerly indulged therein, and that the other Half of the said Stipend be equally divided amongst or betwixt those formerly, and now allowed to preach in the said Parishes; the said whole Stipends receiving in the future Division proportionably, according to the Number of Persons formerly, and now allowed to preach therein; and where there was no Person formerly indulged, the Third Part of the Stipend of the Year 1672. is to be paid to these confined and allowed by this present Act, in the respective Parishes foresaid; and in case any of the Ministers foresaid shall not serve as they are allowed by this Act or Commission foresaid, their Proportion of the said Stipends are to be holden as vacant, and to be employed conform to an Act to be made in this Session of Parliament, anent the Disposal of the vacant Stipends; and ordain Letters to be directed at the Instance of the several Ministers foresaid, serving, as said is, against these liable for Payment of their Proportions of the said Stipends. And the Lord Commissioner's Grace, and the Lords of his Majesty's Privy Council, considering the Extent of the Indulgence given by this Act, and that if the same should be any further enlarged, the regular Ministers might be discouraged, and the orderly and peaceably disposed People of this Kingdom disquieted, do declare, that hereafter they are not to extend the said Indulgence in favours of any other People, or to any other Parishes than to those mentioned in this Act, nor to allow outed Ministers to preach in any Kirks not herein exprest, and wherein there are not already Ministers allowed to preach by this Act.

Act II. about the Indulged, September 2. 1672. N^o. LIV.

WHereas by an Act of the Date of thir Presents, and by former Acts of Council, divers Ministers; outed since the Year 1661. have been and are warranted and licensed to preach at certain Kirks therein specified; and it being necessary for the better keeping of good Order, that the Rules following be observed by these Ministers, indulged by an Act of the Date of thir Presents, and those indulged by former Acts of Council; therefore the Lord Commissioner's Grace, and the Lords of his Majesty's Privy Council, do enjoin the punctual and due Observance thereof to the said Ministers, as they will be answerable.

I. That they presume not to marry or baptize, except such as belong to the Parish to which they are confined, or to the neighbouring Parishes vacant or wanting Ministers for the Time.

II. That all Ministers indulged in one and the same Diocese, celebrate the Communion upon one and the same Lord's Day, and that they admit none to their Communions belonging to other Parishes, without Testificates from the Ministers thereof.

III. That they preach only in these Kirks, and not in the Church-yards, nor in any Place else, under the Pain to be reputed and punished as Keepers of Conventicles.

IV. That they remain within, and depart not forth of the Parish to which they are confined, without Licence from the Bishop of the Diocese only.

V. That in the Exercise of Discipline, all such Cases as were formerly referable to Presbyteries, continue still in the same Manner; and where there is no Presbyterial Meeting, that these Cases be referred to the Presbytery of the next Bounds.

VI. That the ordinary Dues payable to Burfars, Clerks of Presbyteries and Synods, be paid by the said Ministers, as formerly.

And that the said Ministers may have competent Time for transporting of their Families, and disposing upon their Goods, the said Lords suspend their Confinement for the Space of Three Months, to the effect in the mean Time they may go about their Affairs, providing, that during the Time of the foresaid Suspension, they do keep and observe the rest of the Orders and Instructions foresaid, and other Acts made anent outed Ministers.

Act III. Holy-rood-house, September 3. 1672. N^o. LV.

THe Lord Commissioner's Grace, and the Lords of his Majesty's Privy Council, considering, That by the Act of the Date of thir Presents and former Acts of Council, certain Ministers outed since the Year 1661. are confined in Manner therein contained, and that there are remaining divers of that Number not dispensed on by the said Act, it ought also to be provided, that these may not give Scandal to any, by withdrawing themselves from the publick Worship in the Kirks of these Parishes where they reside, nor en- snare others to do the like by their Practice and Example, do therefore give Order and Warrant to Sheriffs, Bailies of Regalities, Bailies of Bailiaries, and their respective Deputes, and Magistrates within Burghs, to call and convene before them all outed Ministers since the Year 1661. and not dispensed on, as said is, and who are not under a Sentence or Censure of State, residing in the respective Jurisdiction or Bourds, or who shall in any Time thereafter reside therein, to require them to hear the Word preached, and communicate in the Kirk of those Parishes where they dwell or repair to; or dwell in some other Parishes where they will be ordinary Hearers, and communicate, and to declare their Resolution herein, and condescend upon the Parishes where they intend to have their Residence, and hear the Word, and communicate; with Power to the said Sheriffs, and other Magistrates foresaid, to seize upon and imprison their Persons, within the Space of a Month after they should be so required: And in case any of the said Ministers shall reside in the Parish where there are Ministers indulged by the Council, they are hereby warranted and allowed to preach in the Kirks of these Parishes where they reside, upon the Invitation of the Minister therein confined and allowed, and not else.

And whereas some within the Kingdom, without any lawful Authority or Ordination, take upon them the Calling of the Ministry, preach, and do other Acts peculiar to those of that Function, and considering, that such Presumption and Intrusion upon the sacred Office, tends to the disordering and disquieting of the Church and Kingdom; therefore the Lord Commissioner's Grace, and the Lords foresaid of his Majesty's Privy Council, do enjoin the said Sheriffs, and other Magistrates foresaid, within the respective Bounds, to make Search for, and seize upon, and imprison such, upon Trial that they have exercised the Office of a Minister, to acquaint the Council of their Names, and Place of their Imprisonment, that such Course may be taken with them as they shall think fit: And further, the said Sheriffs are ordained and commanded to enquire how the Ministers confined and allowed to preach in their several Jurisdictions, do obey the Rules prescribed to them, and contained in another Act of Council, of the Date of this Presents, and whereof Extracts are to be sent to the several Magistrates foresaid, who are hereby appointed to report to the Council thereanent every Six Months, and betwixt and the First of *June* next, their Diligence in the Execution of the Order contained in the Act; certifying them, that if they shall be negligent or remiss in the Execution of the Orders given to them herein, or failing to give in the said Account, they shall be proceeded against and censured according to their Demerits.

Grievances as to the Indulgence. N^o. LVI.

I. **WE** the Ministers of *Jesus Christ*, who have been debarred from our respective Flocks, over which the Holy Ghost has made us Overseers, and restrained from the free Exercise of our Ministry these many Years bygone, do, with all Thankfulness, acknowledge his most excellent Majesty's Royal Favour, in granting to some of us the publick Exercise of our Ministry, there being nothing under the Sun more dear and desirable to us, nor the free Liberty thereof: Yet considering the offered Indulgence, as contrived in the Complex, and cast in its present Mould in Three Acts of Council, to be clogged with many Inconveniences, contrary to our Principles and Consciences, and with many Inconveniencies as to our Persons and Families, and to the Congregations both from which we are separated, and to which we are assigned; we are exceedingly straitened in our Liberty to accept of the same, and that because the whole general Draught of the Three Acts anent this Affair, appears to us to be nothing else but the actual Exercise of *Erasianism*, in so far as the Council is pleased not only to dispose on Persons and Places, but to make Application of Persons to Places, for the Exercise of their Ministry, as if it were proper to the Magistrate to judge of the spiritual State and Condition of the People, of the Qualifications and Abilities of Ministers, and of the Suitableness of their Gifts and Parts to labour in the Work of the Gospel, among such and such a People; and not only so, but also to form and prescribe Rules to Ministers, relating to the Exercise of their Office, and thus inance and take out of the Hands of the Ministers of Christ, all that Power, and the Exercise thereof, which Christ has committed to them, except what they have *precario* from the Civil Powers; so that the embracing and yielding to these Acts, may be interpreted to be an homologating with, and subjecting our selves to *Erasianism*, contrary to our known Judgments in these Matters.

II. Though we disallow all tumultuary and seditious Meetings, of which Sort the Meetings of the Lord's People, for hearing of his Word, cannot be reputed; and, being convinced of the Lord's Blessing attending his People in them, we are not a little grieved that the Narrative of this present Act seems to involve the Accepter into an interpretative Condemning of the same, which we dare not.

III. Albeit there be a very great Necessity of a free Call from the People, both in regard of Ministers themselves, who may judge it necessary, antecedently for the Exercise of their Ministry, among a People, lest they seem to be Intruders, running unsent; and also in regard of the People, who will acknowledge none for their Ministers, nor willingly subject themselves to their Ministry, who want their Call; yet the Indulgence, as contrived, deprives the People of the Liberty of free Election, in so far as Ministers are designed for them, and, by the Council's Act, peremptorily confined to the Parishes, without so much as the previous Knowledge of the People; and so a Necessity is laid upon the People, either to call the Confined, or to want a Minister.

IV. This Way offers great Violence to that special Relation and Union that is betwixt Pastors and People of their peculiar Oversight; so that Ministers formerly by Violence pulled away from their Flocks, and Flocks violently separated from their Pastors, are still kept in a Way of Divorcement one from another, and yet this Union and Relation, being made up only by *Jesus Christ*, acting in and by his Church, can never be regularly dissolved by any other Authority and Power, than that which made them up.

V. This Contrivance will prove grievous to the most Part of the Kingdom, 1. In that their own Pastors are, without Necessity, shut up from them in a Corner, at such a Time as this, wherein Profanity, Atheism, Popery and Quakerism are so fast springing up and spreading through the Land, by which their Ministers are put out of a Capacity to inform and guard them against the Evils and Errors of the Times: Next, it will prove burdensom to the People they are assigned to, in that they will have several necessary Duties to perform, in order to the Accommodation and Encouragement of Two, which they will judge needless, one being sufficient for the Charge; and 'tis well enough known, that the overburdening of the People in these Things, will render the Gospel wearisom to many Persons, and so mar their Benefit, and beget in them a Loathing both of the Instruments and Means of their Salvation. 3. It will prove afflictive to many Brethren, in that, by it, they are obtruded upon other Mens Labour, without a Necessity, and occasion their Brethren, who have been a long Time under a suffering Lot, to be deteriorated in their necessary Maintenance for them and their Families, and will put all the indulged Intrants to domestick Straits and Difficulties; which Thing being obvious to any considering the Case, we shall not insist on it, being, through the Grace of God, fixed in our Spirits, in preaching of the Gospel, not to seek our own Things but the Things of Christ.

VI. We do acknowledge, that the Magistrate hath the Power of Confinement, and of all other bodily and external Punishment *in actu signato*, to execute Wrath upon him that doth Evil, for he beareth not the Sword in

in vain; but when he is to apply that Power *in actu exercito*, to any particular Person or Persons, we humbly conceive that the Law of God, the Law of Nature, and Law of Nations, and the Law of the Land requires an orderly Procedure, and allows the Party the Benefit of Defence. But here, 1. This Sentence contains Punishment against Persons without Citations, without a previous Charge bearing Defences, without Demerit, without Conviction of any Crime and Guilt, the like whereof is not done to the grossest of Ill-doers. 2. This Sentence is drawn out not against one Person or Two, but against all the Presbyterian Ministers in the Kingdom, a very few only excepted; and the Number being so great, makes the Practice to be without a Parallel or Precedent in any reformed Church. 3. The Acts carry not only a Confinement of our Persons, (which is hard enough Measure) but a Confinement of our Ministry, the Imprisonment whereof should be, and is sader to us nor any Bondage or Suffering our Persons can be brought under, because hereby the Propagation of the Gospel is obstructed. 2. And we are, to the Grief of our Hearts, bound up from the Discharge of these Duties we owe to our National Church, by virtue of the Relation we stand in thereto. 3. We are deprived not only of all Benefit of mutual Converse, either in the Exercise of Doctrine and Discipline in Presbyteries, but also in more private Communion with one another, for mutual Edification and strengthening of others Hands in the Work of the Lord. All which Evils are so much the more grievous to us, as they are trysted at such a Time, when Papists and Quakers are so vigorously driving on their Designs, without at all being confined, or any real or effectual Restraint put upon them, to the obstructing of such in their Work, which we may, without Hesitation, call the Works of Darkness. 4. Though we know the Confinement will put no Stain upon us in the Account of many precious People in the Land, yet the Nature and Tendency of the Punishment in it self, is weakning of the necessary Reputation and Authority of Ministers of Christ among the People, in that, by the same Breath, Ministers are permitted and allowed to preach, and yet sentenced as Evil-doers: And as this is the proper and native Tendency of the Deed, so *de facto* it will be found not a little to embolden the more stubborn, loose, and licentious, to cast at our Ministry, when with Freedom we shall speak against their Sin; all which Evils cannot but prove obstructive to the thriving and Propagation of the Gospel, as said is. 5. As these who are appointed to make Choice of Parishes to live in, so all these who are confined to Parishes to preach, *viz.* all such as get not a Call from the People, who, we suppose, will prove the greatest Number, will be exposed to far greater Difficulties and Sufferings, than formerly, being forced to leave the Place of their present Settlement, whether among Friends or Acquaintances, or where the Place of their Interest is, or where they had fallen providentially, upon the Way of using some lawful Means for the Maintenance of their Families, and forced to go to Places where they are deprived of all these Advantages.

VII. The Declaration in the Close of the first Act, will prove a grievous and disquieting Stroke to the peaceably disposed People of the Kingdom, who have been no less longing for their Pastors, nor these to whom the Favour is extended, when by it they shall see all Hopes cut off of ever recovering them again.

VIII. We will not fall on a particular Consideration of the Rules of the Second Act, only, besides that there is a framing and making of Rules, formerly Ecclesiastical, proper to Church-judicatories, and imposed on us by the Council, which we cannot approve of except we would renounce our Principles, every one of them carries sad Grievances along with them, both to Ministers and People, and all of them appear to be framed in favours of the conformed Party, and to the Disadvantage both of Ministers and People of Presbyterian Perswasion, and some of them will prove very obstructive even to the thriving of the Gospel, and a ready Mean for driving of tender Christians upon the Precipice of a total Separation of Anabaptism, Quakerism, &c. And the Second Rule, enjoining the Communion to be given by all in one Diocese, in one and the same Day, as it is a bad Preparative, so considering the different State and Condition of Parishes, tis altogether impracticable. All which Things, if it were not to shun Tediousness, we would clearly make out; but that which at least may be palpable to all, is this, That as the whole Draught involves us in a Compliance with, or at least interpretative Subjection to *Erastianism*, so the fifth and last Rules, but especially the fifth, thrusts us under a direct and formal Subjection and Subordination to Prelacy, contrary to our known and avowed Judgment, and, we suppose, contrary to his Majesty's Design in the Indulgence, which is to permit the Presbyterians the Exercise of their Ministry, with a Reservation of their Principles, and Freedom of their Judgments, otherwise it can be no Indulgence.

And it is not a little grievous to us, that, by the Fourth Rule, the Keys of our Prisons should be put in our Prelates Hands only, by which Means, we being straitned by our Principles for making Application to the Bishop for any such Liberty, our Confinement becomes in effect absolute and perpetual, and so attended with the greatest Inconveniencies that may befall a Man either in his Interests, or dearest Relations, or greatest Concerns in a World.

IX. We shall not mention how this Way is disrelieved by the most Part of serious Professors, who understand their Principles, and adhere to the pure Government of the Church of Christ in Scotland; but we may notice that the peremptory Order and Command, given to Sheriffs and Magistrates to enquire how the Ministers, confined and allowed to preach, do observe the Rules, shows that the Ministers who fail in the due and peremptory Obedience to the foresaid Rules, and other Acts made anent outed and indulged Ministers, will be undoubtedly censured according to their supposed Demerits, in contravening the Canons and former Acts; and we, being straitned in our Conscience to give Obedience to these Canons, judge it will be but a further provoking of the Magistrate, prejudicial to the People, and not a little hurtful to our selves, to step in, and, within a short Time, to be thrust out again for our Contravention.

Having thus, in my Singleness of Heart, and (we trust) without any just Ground of Offence, given this short and sober Representation of some of the many Grievances that straiten us in this Matter, for removing whereof we must humbly supplicate, That the most honourable Lords of his Majesty's Privy Council, will be pleased simply to take off all former penal Statutes and Restraints put upon our Persons and Ministry, that we and all other our outed Brethren may have Access to our former Charges, and other Congregations, as the Lord shall grant the Opportunity of a free Call from the People, and that we may have free Liberty to meet with our Fellow-presbyters of our Judgment; for the free Exercise of Discipline, and for trying and licensing qualified Persons, and that our Ministry may not be burdened with After-imposition in the Matters of Christ, and we shall ever pray, &c.

Proclamation against Conventicles, April 2. 1673. N^o. LVII.

CHARLES, by the Grace of GOD, King of Great Britain, France, and Ireland, Defender of the Faith; To
 Macers, or Messengers at Arms, Our Sheriffs in that Part, conjunctly and severally, specially constitute, Greeting: Forasmuch as by several Laws and Acts of Parliament, and specially by the 5th Act of the 2d Session of this current Parliament, all unwarrantable Meetings and Conventicles, either in Houses or in the Fields, upon pretence of Religion and religious Exercises, are prohibited and discharged, under certain great Pains and Penalties; which Act hitherto hath not received that Obedience which was due thereunto, in regard the Lords of Our Privy Council, the Sheriffs of Shires, and other Judges to whom the Execution thereof is committed, have not had that Information from the Heritors, in whose Bounds these Conventicles were kept, and others, which was necessary, that the Persons guilty might be proceeded against according to Law: And seeing We are fully resolved to use all possible Means for making the said Act effectual, being of great Concernment to Religion, and the Peace of this Church and Kingdom: And it being the Duty of all Our good Subjects, not only to give Obedience to Our Laws, by their own peaceable and orderly Deportment, but likewise in these Places where they have Power and Interest, to use their Endeavours for preventing and suppressing such unwarrantable and disorderly Practices, as Conventicles are, being so far contrary to Law, and destructive of the publick Peace; and in order thereto, to give timely Notice of any such Meetings kept within their Bounds, when the same comes to their Knowledge. OUR Will is herefore, and We charge you straitly and command, that, incontinent these Our Letters seen, ye pass, and in Our Name and Authority command and charge all Heritors, Liferenters, and proper Wadsetters of Lands in this Kingdom, to be careful that no House or Field-conventicle, upon pretence of, or for religious Exercise or Worship, be kept within the Bounds of the respective Lands belonging to them; and in case any shall be kept in any Part of their Lands, so soon as they shall have Notice thereof, that they immediately give Information of the same, of the Persons present thereat, and other Circumstances thereof, so far as consists in their Knowledge, to one of Our Privy Counsellors, or to the Sheriff of the Shire, Stewart of the Stewartry, Lord or Bailie of the Regality or Royalty, or their Deputes, within whose Jurisdiction the Lands or Houses where the Conventicle was kept, do ly; certifying such Heritors, and others foresaid, who shall know of any Conventicles kept upon any Part of their Lands, or in any Houses therein, and shall not discover the same, and what they know thereof, to the Sheriffs and other Magistrates aforesaid, or their Deputes, within the Space of Three Days after the same comes to their Knowledge, that they shall be fined for each Conventicle not delated by them, in the Fourth Part of the yearly valued Rent of the whole Lands belonging to them in Heritage, Liferent, or proper Wadset, within the Shire where the Conventicle shall be kept: And We do hereby strictly require the Sheriffs of Sheriffdoms, Stewarts of Stewartries, Lords and Bailies of Regalities or Royalities, and their Deputes, upon Delation made of Conventicles by the Heritors, or Information given by any other Persons thereant, to proceed to the Trial thereof, and to put the foresaid Act of Parliament to due and vigorous Execution. And We do hereby authorize and require the Sheriffs and other Magistrates foresaid, and their Deputes, to call before them such Heritors, Liferenters and proper Wadsetters, who shall know of any Conventicles kept in their Lands, and shall not discover the same within the Space foresaid, and (their Knowledge thereof being proven either by their own Oaths, or other legal Probation) to inflict upon them the foresaid Fine, whereof one third Part to be applied for the Use of the said Judges, another third Part to the Person who shall give Information concerning these Heritors, and a third Part thereof to be uplifted for Our Use. And it is hereby declared, that if the said Sheriffs and other Judges foresaid, and their Deputes, shall be remiss and negligent in performance of their Duty in the Premises, they shall be called before Our Privy Council, and severely punished. And it is hereby declared, that as for any Conventicles that shall happen to be kept within Burghs Royal, the Magistrates of the Burghs shall be liable to such Fines for every such Conventicle, as Our Council shall think fit to impose, and that the Master or Mistress of the House where the Conventicle shall be kept, and the Persons present thereat, shall relieve the Magistrates, as Our Council shall order the same, conform to the foresaid 5th Act of the 2d Session of this present Parliament, intituled, *Act against Conventicles*. And We ordain these Presents to be printed, and published at the Market-cross of Edinburgh, and at the Market-crosses of the Head-burghs of the several Shires; and that likewise the Sheriffs and other Magistrates foresaid, and their Deputes, cause intimate the same at the several Parish-churches within their respective Jurisdictions, that none pretend Ignorance. The which to do, We commit to you, conjunctly and severally, Our full Power, by thir Our Letters, delivering them by you duly execute, and indorsed again to the Bearer.

Given under Our Signet at Edinburgh, the Second Day of April, and of Our Reign the 25th Year, 1673.

A. L. GIBSON Cl. fecit. Concilin.

GOD save the King.

A true Narrative concerning the Carriage of some Ministers who appeared before the Council in July last, written in answer to a Friend who desired to be informed about that Affair, and what Truth and Falshood was in that Paper scattered up and down among People concerning the same. N^o. LVIII.

Sir,

I Do very kindly thank you for the News you sent me of these Papers scattered up and down, concerning the Proceedings of the Brethren, who appeared before the Council in July last, and for that Copy of one of them, tho' yet I must confess that the Subject Matter is sad, and will be sad to those who are chiefly reflected upon in that Paper, not so much (I suppose in Charity) upon their own Account, (whom

I have known for many Years with Serenity, to endure through Grace such Assaults) as upon the Account of this poor Church, and Remnant in it, who are broken with Breach upon Breach, till they are become a contemptible insignificant Company to their very Enemies, and put out of a Capacity (if sovereign Grace prevent it not) to improve a Mercy, were it put in their Hands : But I forbear to insist upon this Subject, which is one of the sadest Prognosticks we do groine under in the Times that pass over us ; and (in Compliance with your Desire, who may command me in more than this) I shall offer you a brief Narrative of that Affair, yet with an Eye to the Mistakes in the Paper now sent me, the Author whereof seems (I shall not say upon any malicious Design, and intentionally) to misrepresent the Brethren, and that he hath taken his Information at some Second Hand, which Kind of Relations are seldom just.

It is true, That upon *Thursday July 3.* a considerable Number of Ministers, who have obtained Liberty from the Magistrate to preach publicly, without Hazard of that legal Restraint under which they lay before, did appear (being cited) before the Council, to answer for their not observing the 29th of *May*. It is not easy nor necessary to tell what was said to, or by every one of them, they being called in one by one : But this is certain, that all of them (except Two or Three, who were dismissed upon their declaring they had preached on that Day only, because it fell to be their Lecture Day) declaring they had not preached on that Day, and did agree in Substance upon this Ground of their Forbearance, that it d.d not flow from any Disloyalty or Disaffection to Authority, but that they had no Freedom to observe any solemn fixed Anniversary for religious Worship, beside the Lord's Day.

This Harmony, in the Conclusion, and in private Conference about the Way of giving in the Answer, did open a refreshful Door of Hope, of more Harmony, and a better Understanding, till an Incident which lay not in the Way of the most of them, did breed very troublesome Exercise.

For after the Brethren were removed, Four of them were called in together upon particular Summons, for baptizing of Children of other Congregations ; to which, among other legal Defences (whereof I can give no particular Account) they gave this Answer, That these Acts relating to that Matter were never intimate to them ; upon which they were told by my Lord Chancellor, that they should get them, and so they were removed ; and all the Brethren were cited by a Macer at the Council-door, to appear on *Tuesday* next.

In the Interval they did meet daily almost, to consult what they should do at their next Appearance, in case these Acts (called Rules) should be intimate to them : A Paper is produced by some appointed thereto, (which the Writer of the Information calls a Testimony) but it was only relative to the Instructions or Rules, with a Touch of their Reason, for the not observing the 29th of *May*, to which afterward was prefixed a pretty large Introduction concerning Christ's Power in and over his own Church, and asserting the Magistrate's just Right about Ecclesiastical Affairs, as amply as any Thing Mr. *Hutchinson* spake, and denied him no more when it was finished than he denied unto him.

The Information tells this Matter very succinctly, they resolve on a Testimony, draw it up, &c. but had the Informer been present, or (being present) resolved to deal candidly, he would have told his Friends, that when that unqualified Clause, that we would not receive from the Magistrate any Instructions to regulate us in the Exercise of our Ministry, was read in the first Draught of the Paper ; it was upon *Friday, Saturday, Sunday, Monday*, (I remember not if upon *Tuesday* on the Forenoon also) debated against by several of the Brethren as an Assertion, which being so generally and indistinctly expressed, would not hold Water, nor be found agreeable with the Word of God, or Concessions even of our own orthodox and *anti-erastian* Divines, concerning the Magistrate's just Right. The Arguments *pro* and *contra*, together with the sliding of the Debate from the general Question (which some suppose was determined in the Concessions in the introductory Part of the Paper, wherein the Magistrate's Power objectively Ecclesiastical is asserted) into a Question concerning the Magistrate's antecedent Judgment, &c. here too tedious to repeat, nor is it needful, seeing in Conclusion, upon the Motion of some other of the Brethren, than those who debated against the unlimited Assertion, the Assertion was with common Consent, so far as could be discerned, thus qualified, that we could not receive from the Magistrate Instructions, formally and intrinsically Ecclesiastical, to regulate us, &c. and was also transposed into a siter Place than it stood in the first Draught. This Paper thus drawn up, the Information says, That they could not agree in the presenting of it ; and so it was answered ; thus he puts a wrong Face upon the Matter. The *res vere gesta* was this : The Question being put concerning the Paper, Whether it should be made Use of as a Direction when they should be called to speak before the Council, (as was made of another Paper they drew concerning the 29th of *May*) or if it should be subscribed by all, and given in as their Answer and Sense of these Matters ; the Generality were indeed for the subscribing of it, others not, and so that Resolution was laid aside. The Reasons that prevailed with several for Forbearance of subscribing that Paper, were these in part, 1. That beside their own Unclearness for it, there was one of their Number withdrawn from their Meeting since the *Thursday*, about some necessary Affairs, who had declared, that upon Reasons ponderous to him, he was not free in his Mind to subscribe any such Paper at that Time, and so they judge it not safe, but prejudicial to the Cause and Unity, to break Bulk, and act in a divided Way, when all were ready to concur in the Matter, though they differed in the Form and Manner ; and how inconvenient it was, that Differences about the Manner should be seen in publick, when they were one upon the Matter. 2^{do}. Had they been free to subscribe Papers at that Time, yet they could not look upon that Paper, as it was hastily and crudely patched up, as befitting so many Ministers of the Gospel, to give in to the States as their mature and formed Thoughts, the Introduction taking up near the Half of the Paper, and the rest concerning the Instructions, being mostly huddled up under the Name of Grievances, and but a very little said to them particularly ; and therefore the Draught seeming so rude and so indigested, they were unwilling to present it, as that that was to be a standing Thing for Friends and Foes at home and abroad, to discant upon for Matter and Manner. 3^{io}. There being such a Clashing among Ministers and People, some being for utter Refusal of any Benefit of the late Liberty, and others being free to make Use of it, having given a Testimony in their Station, and that Paper relating only to these Instructions, and not to the whole Cause, they would not but foresee, that the giving in of that Paper could be looked on as a Testimony ; and therefore being so defective, relating only to these Instructions, and not speaking to other Cases, it would raise greater Debates and higher Differences ; and this they were confirmed in, when a Brother coming in among them told them expressly, That Testimony (as it was called) was defective, and would do more Hurt than

Good, except it were fuller, yea, certified us upon good Grounds, that if that Paper had been given in, more Tongues and Pens had been awaked, and set on Work against it, than now are against the Forbearance of it: In which Case, albeit I could have heartily wished a full, free, general, and unanimous Testimony were given, yet I cannot see how their Prudence can be blamed, for forbearing that which would certainly have ministred Fuel to that Fire, which is like (if Mercy prevent it not) to consume this poor Church, and may perhaps burn their Fingers who are so eager to kindle and blow at it.

It is true (as the Information tells) that Thoughts of subscribing the Paper being laid aside, it was resolved, that one should be Mouth for the rest, to speak the Sense of these Impositions, in case they were intimate to them, holding him to the Matter agreed upon in the Paper; and the Man (so far as could be discerned in that Haste, they being immediately to dissolve their Meeting, and go to the Council) was (by the Plurality) agreed upon to be Mr. *Hutchison*, on whom the Informer, as he seems to bear but an ordinary Kindness for the Generality of these Brethren, as the mocking Close of this Paper shows, so he seems to stretch far enough (to say no worse) to reach a particular Blow unto him, and he fallily asserts, that all the Brethren concluded, that he should be the Man first called on, before any of them should be called to receive their Instructions, and then adds, that in the mean time it is presumed, that he went to the President, and got himself to the last Man in that Roll to be called upon. It is like Mr. *Hutchison* will thank the Informer for so much Equity, that he insinuates, that he does not think he was bound to speak in that Affair, till himself was called upon, while others did condemn him, that he did not speak at the very first, not considering, that besides this Time of speaking was not determined to him by his Brethren, but left to Prudence, which dictated, his own Name being called upon, whensoever it might be, to be God's Opportunity, Season, and called to speak what he had to say; the Thing also it self, and the usual Practice in the like Cases, says it was the most fit Time to speak to the Cause, when all had been gone through, and then when he had spoken his Light in the Matter, the Brethren (as he willed them to do when they named him) might add, diminish or alter as they thought fit, so that it is wondrous that any quarrel him so highly for the Time of speaking, which in all Reason seemed not unfit, had not that sad Accident fallen out that prevented and marred all.

But as for the Informer's presuming, That Mr. *Hutchison* went to the President for the end above said, I wish he had given some Shew of Probability for that Presumption, lest he be guilty of taking up and spreading a false Slander, and groundless Reproach against his Neighbour; for though I be no Doter on Mr. *Hutchison*, yet I must do him the Justice to tell you upon good Assurance, that he is not a little wronged in the rash and presumptuous Alledgance, yea, upon as certain Information as Men can have, I can tell you, that he dare not only refer to all the Members of the honourable Council, but, in humble Sincerity, appeal the highest Tribunal, that he never solicited any for any particular Favour to himself in that Cause, whatever he did for others when their particular Case required it, and who of all the Brethren summoned, present, once dream, let be conclude, that he should be first called on, since all of them knew he was last in the Roll, or at least near the last, and had been called on in that Order in the *Thursday*, it being so (in Providence) ordered by reason of the Messenger's Return of his Executions, or of the Clerk's writing up the Return of the Executions, or some such providential Occasion, so that there was no Need of Mr. *Hutchison*'s soliciting to be last that Day in the Roll, nor any Ground to expect that he should be among the first; and if it had been otherwise, yet sure I am, he could have had no Occasion to speak to any Statesman at that Time, for that or any other purpose, he being named by the Brethren to that Employment, only at their last Meeting, which was immediately before their Appearance, and going with his Brethren forthwith to the Council, and was never out of their Company till they were called in one by one, till they were all together before the Council.

They thus appearing upon the *Thursday*, their Sentence, for not preaching the 29th of *May*, was read unto them; after the reading whereof, Mr. *Hutchison*, addressing his Speech to my Lord Chancellor, did declare, that his Brethren and he did very cheerfully submit to any outward Prejudice they might sustain in following their Light, yet humbly desiring, that the true State of their Case might be remembred by their Lordships, and that they were brought under that Sentence, not upon the Account of any Disloyalty to Authority, but upon a Scruple of Conscience concerning that particular Way of expressing it; withal, not knowing whether these Instructions were to be presented, but rather to obviate them, he added another Desire, that their Lordships would be pleased not to burden them with Impositions in the Matter of their Ministry, wherein they were the Servants of Christ, and they being Men who demeaned themselves as became loyal Subjects.

They being (as they thought) dismissed, the Chancellor forthwith called them again, as they were turning their Faces to the Door, and told them. That seeing some of their Number had said these Papers were not given them, that the Clerk was now to give every one of them a Copy, which accordingly he went about to do. But the Information which you sent me is so brief in this, and seems only to design a Reflection upon some, if not the most Part of these Ministers, I judge my self obliged to rectify his Mistakes, and prevent your being abused by it, by a more exact Account of it.

I confess, he saith Truth when he declares, that near Half of the Brethren, (if not more) viz. all the Brethren cited out of *Clydsdale*, *Renfrew*, and some of *Kyle* were spoken to, and received their Paper, (if they had not gotten them before) or ever Mr. *Alexander Blair* his Turn came; and I believe they were a few Number (if any at all) of those behind him, that resolved to speak any Thing till Mr. *Hutchison*'s Turn should come, and he begin, as they had agreed upon, Mr. *Alexander Blair* consenting thereunto as well as they, if Mr. *Alexander Blair* his speaking had not drawn some of those who had been spoken to before, and others as they were called to thereafter, to speak somewhat; but all stood still in one Body, waiting till it should come to Mr. *Hutchison*, who was to be their common Mouth to speak their Mind, and they to homologate, add, or alter as they should think fit.

As for that reverend Brother Mr. *Alexander Blair* his speaking, (as I hope in Charity) his Motive was Zeal and Forwardness, so I wish heartily it had been forborn till its due Season, for *hinc illa lacryma*, untimous Spurring spills the Speed; and the rather I wish he had not first filled the Field, because that lax Assertion, of which I told you before, of receiving the Instructions from the Magistrate, &c. (albeit it had been qualified and limited by common Consent) yet he, I know not how, repeated it to the Chancellor in *terminis*, telling, That he would not receive Instructions from them for regulating him in the Exercise of his Ministry, and

added

added this Reason, that if he did so, he should not be Christ's Ambassador, but theirs; which Reason, if it do not as strongly militate against Ministers receiving of Instructions and Rules (for the Prescriptions in that Paper get both these Names) from Church-judicatories, as well as from the Civil, and strike equally at the diatactick Power of both, I leave it to you to judge. After this and some Speeches betwixt my Lord Chancellor and him, (which I remit as not relating to the Cause, though yet he confessed the Council might confine him, which was one of these Rules, and so overturns his own universal Negative) he was committed to a Macer till the rest should be called upon. The Brethren being surprized with his speaking unexpectedly, (beside the common Agreement) and with the Assertion that dropped from him, and affected with the Apprehensions of the said Issue, began to be much afflicted in their Spirits.

The Author of the Information huddlith up the Matter so, as if there had been nothing spoken before the Council anent these Papers, except by Mr. *Alexander Blair*, till Mr. *Hutchison* was called upon last of all, but I must help his Memory a little, by telling you, that upon Mr. *Alexander Blair's* Commitment to the Macer, one Minister told my Lord Chancellor, That he believed divers Ministers of that Company were, upon the Matter, of Mr. *Alexander Blair's* Judgment, whereof himself was one; another declared, that one of these Rules did bring Ministers into direct Subjection to Prelacy: Mr. *Hutchison* also thought his Time was not come to speak, yet slept in with them, to see what he could do to remove Mistakes, whose Speech did not contain any Thing of Acknowledgment of Ministers Liberty to preach, nor yet did meddle only with the Magistrate's Right in the Church-matters, as the Information bears, but he spoke according to the Tenor of the Paper agreed upon to that Purpose. He humbly desired their Lordships not to misunderstand his Brother Mr. *Alexander Blair*, as for Rules intrinsically Ecclesiastical, (I suppose the present Jumble occasioned the forgetting of the other Term *formally*) for regulating Ministers in the Exercise of their Ministry, he hoped their Lordships intended not to impose any such upon them, who were the Servants of Christ, in those Matters, but for the Magistrate's Power objectively Ecclesiastical, whereby they might judge of Matters of Religion, in order to their own Act, whether they would approve or not of any such a Way, he knew no reformed Divine that denied it to them, judging that was his Brother's Sense in what he spake, did again desire he might not be mistaken. After Mr. *Hutchison* had spoken this, some, who narrowly marked it, do positively assert, that Mr. *Blair* was offering to speak somewhat, but was interrupted by a Macer who took him by the Arm and hindered him: It is judged, he purposed to declare his Assent to Mr. *Hutchison's* Declaration, as a Commentary of his Words, partly because he had assented to the same, as an Explanation of that general Assertion in the Meeting with his Brethren, and partly because Two of the Brethren who visited him in Prison ere they came out of the Town, do declare, that he did declare unto them, he meant no other Thing than what they had agreed upon in that Paper, albeit he happened to express it otherwise; but I being uncertain whether himself will own any such Thing, I leave it in Suspence whether or what he intended to speak, albeit ever since I am informed by Persons worthy of Credit that spoke with him since, that he continues of the same Mind. I do not remember of any Thing spoken by the rest of the Brethren, who were called after this, (except one that told, he could not receive any Ecclesiastical Canons from their Lordships,) but as for civil Significations of their Pleasures under the Hazard of civil Penalties, he would say nothing to that; which Speech another, when called, did homologate. At last, when it came to Mr. *Hutchison*, who did not (as the Informer tells) receive any of these Instructions publicly, as having seen them before, but spake a Second Time, resuming what he had spoken formerly, concerning a formal Ecclesiastical Power, which could not be allowed to the Magistrates, and a Power objectively Ecclesiastical, which was allowed to him, intimating that the Brethren would either observe, or not observe their Directions, according as they judged of them in their Consciences, upon their Peril. Unto which my Lord Chancellor answered, (as he had also done before) That the King gave them these Instructions by his Council, and if they did not observe them, the Council would punish them. Mr. *Hutchison* answered, That for the Matter of civil Punishment, they had never denied the Magistrate's Right in them, and that he took Notice from that Answer, their Lordships acted in a civil Way, only competent to them in this their Dealing with Ministers, which they could not decline, hoping their Lordships designed not to stretch their Power beyond their civil Line. After this they were dismissed, and Mr. *Blair* (being removed a little with the Macer) was thereafter committed to Prison.

I have now at your Desire given you an Account of that Affair, wherein, I assure you, I have made Conscience not to make Lies my Refuge, nor (which at least hath been the Way of this Informer, whose Information ye sent me) have I taken Stories upon Trust to use or to serve any Design of mine own.

As for what he narrates of what followed upon all this, I can say the less to it, that I was not privy to many of these Things whereof he gives an Account, yet I shall offer to speak my Thoughts concerning what he saith of several Parties.

That the honest People of *Edinburgh* were alarm'd (I shall add, afflicted) with Mr. *Blair's* Imprisonment, was unquestionably their Duty, and a Duty wherein these Ministers (whom this Informer would reproach) did heartily joyn with them, and did also lay forth themselves to the utmost for his Deliverance from that Trouble; but I can say from certain Knowledge, that not all nor most of the honest People in *Edinburgh* did judge of the Brethrens Carriage, as this Informer did characterize them; and for others either there or elsewhere, who (being prepossessed by such Informers as this, or otherwise biased) do so judge of them, I wish they may be more busy at home and within Doors, (which I speak not without Ground as to divers) before they be so much abroad about others, that they may pray and repent more, which will lead them to censure these Men less, who are engaged in that same common Cause with them, and are sincerely for God; and designing nothing in their Way but to promote his Kingdom, and want not his Approbation in their Way and Work, and that they may search and examine Matters narrowly, what they say, and whereof they affirm, before they give out their definitive rigid Sentences against honest Ministers; for they cannot but see that these Ministers are reaping none of the visible Encouragements of the Time to bias them, but are looked down upon as others are, and their Liberty to preach is attended with so many Tossings and Disadvantages, that did they consult their own Ease, and were not refreshed with the simple Liberty to preach the Gospel-publickly, so long as they can do it without Sin, it were their outward Advantage many ways to lay it aside: They cannot also but consider, that though these Ministers do dearly love and respect them, and so cannot but be sorely grieved when Mistakes arise, yet being Men led by a Principle of Conscience in what they do, or may be called to suffer, and being bound to maintain the Credit of their Cause by just and

rational Means, to the Conviction of their Adversaries, they cannot in those Matters spread their Sails to every Gust of People's Inclinations, were they otherwise never so dear to them, nor dare they cross their own Light nor wrong their Cause, to gratify their dearest Friends, who, by reason of Prejudices, Misinformations and other Causes, may mistake their Proceedings; and therefore good People should be ware lest Satan have an Hand in all this, and get Advantage of them, to learn them to stumble and cast off their faithful Watchmen by Piece-meal, first some, then more, (as he will not be wanting to create Prejudices enow when once that Humour is aloft) till at last they cast off all of them, and turn wild.

That a Minister indulged, but not yet entred among them, should have spoken as this Informer narrates, I can neither affirm nor deny, not having heard it. This I know indeed, that more than one in that Condition spoke somewhat not very edifying, which yet I will not trouble you with, since I know that a Man in Heat and Pang of Passion and Temptation, may speak that which Love ought to cover, and which themselves in cold Blood will not justify; that the Two Ministers that were concerned in that Affair, (as this Informer saith) motioned that one of them did highly resent their Treachery, and wrote that he would not return to his Charge, but would tear his Licence if he had it; that others of them did wish that he had not accepted of the Indulgence; and all of them did hang their Heads for Shame, till at last they conclude to take the Odium off themselves, and to prevent the People's stumbling, by spreading a Report concerning the Fulsness of their Testimony, equal to that of Mr. Blair's, the Incivility of his delivering it being excepted. These are Stories *ad faciendum populum*, to make out at his Leisure. I know the Brethren were generally dissatisfied with what had fallen forth, and some did desire a new Address to be made in Writing to the Council, when others thought it too late, and did also gather together what had been spoken by any one before the Council; and sure had this Informer consulted these Notes, his Misrepresentation might have been prevented, nor do I know of any other Reports spread by the Brethren in the Country; but that Men do tell simply *rem gestam*, the true Story, (as here I have done to you) when put to it, to vindicate themselves against Calumnies, Forgeries, Misconstruction, and Misreports, raised by such as this Informer is, which I think is a Duty to which they are bound by the Ninth Command; and for that Brother, who, he says, wrote to his People, that he would return to them no more, but would tear his Licence if he had it, his Regrets and fixing in a settled Way in the Exercise of his Ministry among them, doth plainly declare, that either this Information is slanderous in this, or that the Brother spake it in his Haste, and finds no Ground in his Conscience to bide at it.

But being wearied with being an Historian, and of wiping off the Dirt cast on Brethrens innocent Proceedings, who, in the Integrity of their Heart, studied to approve themselves to God and Man, so far as human Frailty would permit, I hope ye will allow me, in the Close, to speak a little to the Ground of all this Clamour, which is Mr. Hutchison's Speech, in Name of all the rest, to which little was added by any. In it you may perceive an Assertion of an Ecclesiastick Power, to make Rules for regulating Ministers, which was not yielded to the Magistrate, with a Concession of his Power objectively Ecclesiastical, and a Declaration of their receiving Papers from him under that Notion, did not oblige them to observe these Directions, but they were to do therein upon their Peril. In all this, I can see no such Heterodoxy or Novelty, as to give Occasion to the Informer's reflecting Remark, that Mr. Hutchison gives to the m all that the godly Divines give to the most godly and reforming Magistrates on Earth, or that Ministers receiving these Papers upon these Terms, should warrant honest People to think that they gave up the Right of the Church with their own Hand, to the Civil Magistrate, or that any Ministers should highly resent their Treachery, as he tells the Story. I shall not enquire how agreeably he speaks to the Paper that the Brethren agreed on for Directory, since, it seems, the Informer's Design seems to reflect upon the Generality of them. But whoso will read our *anti-erastian* Writers, will find that they yield to the Magistrate as a Magistrate, (and consequently to all Magistrates be what they will, good or bad, though upon his Peril, and as he shall answer to God for it, if he determine wrong,) a publick, politick, definitive Judgment concerning Matters of Religion, in reference to his own Act about them, or (for they diversify the Phrase) a Power of judging his own Act about spiritual or religious Things, to be observed or not observed by their Subjects; and to make out this, to name no others, you may take one of unquestionable Authority in this Church, the Author of CXI Propositions, who, in his Thesis or Proposition 9th, hath these expresse Words. *As to each Member of the Church respectively, so unto the Magistrate belongeth the Judgment of such Things, both to apprehend and judge of them; for although the Magistrate be not ordained and preferred of GOD, that he should be a Judge of Matters and Causes Spiritual, of which there is a Controversy in the Church, yet he is questionless Judge of his own civil Act about spiritual Things, namely of defending them in his own Dominions, and of approving or tolerating the same; and if in this Business he judge and determine according to the Wisdom of the Flesh, and not according to the Wisdom which is from above, he is to render an Account thereof before the supreme Tribunal.* This Confession of so famous an *anti-erastian* Divine, doth (I conceive) so fully homologate what Mr. Hutchison yielded to the Magistrate, (and that even upon Supposition that he is such a Magistrate as is ready to determine Wrong) that I hope no Man in Reason can alledge his receding from the Principles of this Church in that Matter; and for the Orthodoxy of it, so much is printed to the World on that Subject, as may save me a Labour to insist on it with you, who are so well acquaint with, and studied in that Controversy: But one Thing I wonder at, that the Informer was so bold as to hint the Injustice of not using divers Weights and divers Measures, to the good and bad Magistrate, in defining the Limits of their Power and Office, when our Confession of Faith, Chap. 23. Art. 4. defineth the contrary, agreeably to Scripture and Reason, as you know how dangerous it is, if once Stories of Matters of Fact, scattered by nameless Authors, get place and Credit among People, to the prejudice of honest Men; for so, a very Jesuit may step in, and act his Part, and play his Game, for the Behoof of the See of Rome, as they did of late among the *Seſſaries*; and the deceiving of honest Ministers (tho' but a few at once) and sowing of Differences is no small Part of that Jesuitical Interest; so I confess it is no less troublesom to me to be engaged in examining of such Stories, wherein one Person may make Work for enow, and tell more Stories at Random, than many Men can search into to discuss them; and therefore I shall here close. Only, I wish Ministers, and People otherwise minded than we, may look about them, lest, under Colour of pursuing our common Cause, there be a Turning aside from former sound and sober Principles, and lest we be (by Strickling and Faction) incapacitated, or rather incapacitate ourselves more and more for any Proof of the Lord's Favour, unless it be to cast us into an hotter Furnace, (were it by suffering Popery to prevail) to make any good Metal in us to run together, and unite in sober

Serious-

Seriouſneſs by melting, while we divide and ſcatter in the ſmalleſt Blink of Sunſhine, through our Peeviſhneſs or ſpiritual Wantonneſs, and alſo leſt ſober Men going on for a Time, in Compliances with inſtable Humours, be neceſſitated to make a ſad Retreat, at leaſt with a *Non putavi*, when they ſee the lamentable Conſequences and Reſult of Matters. And for the Brethren who ſuffer by this Informer's Narration, and others like minded, I wiſh ſuch Uſage may be a Call to be near their Maſter, following their Work cloſely through Honour or Diſhonour, through evil Report and good Report, and keeping up their due miniſterial Authority, and a due Reſpect to People, as believing that Integrity and Uprightneſs will preſerve them, and that the Way of the Lord will be Strength to them till their Integrity deliver them; and that if God ſhall have Pleaſure in us, Judgment ſhall yet return to Righteouſneſs, and all the People in part ſhall ſeek after it. *So be it.*

Dear Sir,

Farewel in the LORD.

A ſhort Account of Affairs from Scotland, November 1673. N^o. LIX.

THe preſent Shew of Things with us, may be taken up in its Civil, and next in its Religious or Eccleſiaſtical Parts: In the Civil we may again conſider, *1mo*. The Body of the People. *2do*. The Courts of Judicature. *3tio*. His Maſteſty's Revenues. *4to*. The Commerce or Trade. As for the firſt Head, touching the Body of the People, our Nobility here do make the greateſt Name, for they are numerous, above a Hundred, but withal ſo generally broken through Miſgovernment, that the full Payment of their Debts would deliver us at leaſt of the one Half; and of the other, there are not Thirty that can be reckoned ſingly to 500 *L. per annum*, of free Eſtate, and almoſt all of them alſo under great Burdens; now, that our high Titles and low Fortunes muſt incline them to Vanity and Oppreſſion, is too evident: 'Tis true, their Number gives them a greater Sway in our Parliaments, but as we are all at preſent ſtated, under his Maſteſty's Abſence, in place of being ſerviceable to him, their Decay and Poverty doth render them obnoxious to the Will and Pleaſure of the Favourite; ſo that all Things being weighed, it may be truly affirmed, that their Want of Eſtates, and their real Intereſt, makes them uſeleſs and unprofitable to the King and Country; and that therefore the Penſions paid to them out of our Exchequer, is a mere Profuſion.

As for our Gentry, tho' many of them be under the common Calamity of Debt, and moſt of them but of ſmall Eſtates, yet it is among them, that the moſt may be found capable of his Maſteſty's Service, if they were not debarred therefrom, by ſome late unlucky Reſtraints.

After this Deſcription, I ſhould proceed to our Courts of Judicature, were it not that *Lawderdale* ſtands in the Way; and therefore I muſt tell you, that this Man, under the pretext of being his Maſteſty's ſole Secretary, and having the Advantage of reſiding at Court, is, and hath been, thir Years bygone, not ſo much his Miniſter as our Maſter; for he, being the King's Informer in our Matters, excluding all others with a ſevere Jealouſie, and having the abſolute Diſpoſal of all Places, Gifts, and other Things that concern us, 'tis evident, that not only Perſons, but our Courts alſo muſt depend entirely on his Pleaſure. It is not my Purpoſe here to give you an Account of his Malverſations; his very Place and Power is in effect ſo extraordinarily exorbitant, that we cannot bear it. I might tell you, that a Deputy-king is as abſurd as a Deputy-father in Nature; but this is not the worſt of our Caſe. If *Lawderdale* did reſide amongſt us, he even would be more tolerable; but he, being for moſt Part abſent as well as the King, doth exerciſe the Power of his own Creatures, ſo that they moving them according as they pleaſed to ſuggeſt, all Men are ſo expoſed to their clandeſtine and partial Informations, that 'tis very certain, that the meaneſt of his Favourites are courted by the greateſt of our Nobles: And, if I may ſay it with Reverence, the Kindneſs of his *Valet de Chambre*, is more fought after than his Maſteſty's Grace and Favour. If ye demand Evidence for this Allegation, the Proof and the Remedy are the ſame Thing; and all we crave, if without *Lawderdale's* Leave we dare crave any thing, is, That his Maſteſty would graciously ſignify, that he will receive our immediate Addreſſes.

The Second Head is that of our Judicatories, and, under it, I do only notice the King's Privy Council and the Seſſion, which are the ſupreme Courts of Juſtice: For the Lords of Council, there are ſome of them very weak Men, who are partially put in by *Lawderdale*. I ſhall only now add, that, conſidering how that *Lawderdale* doth all at Court, and leaveth nothing to the Council ſave only an obſequious Execution to be managed by his Brother *Haltoun*, it matters not how our Council be conſtitute. 'Tis well known to all, that *Lawderdale*, theſe Years bypaſt, doth, by himſelf, without aſking their Advice, *1ſt*. Appoint principal Officers of State, Biſhops, General Commanders, Privy Counſellers, Lords of Seſſion. *2dly*. Levy and diſband Forces. *3dly*. Call and keep on this Parliament now theſe Four Years, and, in fine, doth all Things at his Will; ſo that the Council, though it hath the Name of his Maſteſty's Council, yet in effect is not ſo much his as *Lawderdale's*.

In the next Place, I am to ſpeak of the Seſſion, which, having the Adminiſtration of Juſtice, is certainly of the greateſt Import to this Nation. This Court conſiſts of Fifteen ordinary Lords, whereof one is conſtant Preſident, Four extraordinary Lords, and the Lord Chancellor. When it was re-eſta bliſhed in the Year 1661. Things went pretty fair, until of late that the Evil is become quite inſupportable: For, *1ſt*. *Lawderdale*, to the ignorant Men that were before, hath added worſe, ſuch as his Brother *Haltoun*, and the Provoſt of Edinburgh, a Merchant, one *Maitland* of *Pitrichie*, a mean Country Gentleman, and Mr. *Robert Preſton*, an old Country Collector, Men all of them ſo unſkill'd in Law, that if the very Examination ordained by Act of Parliament, had been ſeriously gone about, it would have debarred them in their Entry. But *2dly*. *Haltoun*, weak as he is, ſeconded by *Lawderdale's* Power and the Aſſiſtance of the Preſident, who is alſo of *Lawderdale's* making, and by his Place hath an Influence too great for any Court, hath in a Manner an abſolute Sway; and, by his evil Example, Favour, Bribery, and other indirec't Practices, doth ſadly prevail

vail to the unsettling of Right and Property; for Proof and Remedy whereof, if it would please his Majesty to call for some of our Lawiers, I am sure that not only what I affirm would be verified, but at least Six or Seven of these Judges rejected, and the Country greatly eased and gratified. The granting of Protection to Debtors against Law, is also an heavy Grievance against Justice, for tho' the Act of Parliament so severely prohibits them, declaring the Lords of Council and Session, who shall presume to grant any such thing, liable to pay the Debt; yet 'tis ordinary at present for insolvent Debtors, to deal by Money with *Lawderdale's* Servants, and obtain the King's Protection; so that in a manner they are become current for Five Pounds *Sterling* Price.

The Third Head is that of his Majesty's Revenue, which taketh in our Court of Exchequer. When King *James* went to *England*, he willingly distributed the *Scottish* Revenue, being then very small, among the Lords and others, whose active and unquiet Spirits he thought fit to oblige; but since that Time, both the Condition of Things is quite altered, and the Revenue greatly increased, and yet his Majesty hath no Benefit by it. The King may have a Revenue in *Scotland* yearly, one Way and other, betwixt Eighty and a Hundred thousand Pounds *per annum*: To this may be added the great Sums uplifted by the general Fining, in the Year 1665. the Taxation granted the same Year for Five Years thereafter, and Two Years Assessment, one in 1667. and another in 1672. which Assessment alone did amount to above 144000 *L. Sterling*, and yet of all the said Sums what Account hath his Majesty got? 'Tis true, that since his Return we have had a standing Troop or Two of Horse, and some Companies of Foot, to which were added for about a Twelve-month, in the Year 1666 and 1667. Two thousand Foot and Five Troops of Horse. I allow also honourable Pensions to his Majesty's principal Officers, and other deserving Persons; but 'tis evident that all these Particulars fall short of so great a Charge; and, in effect, when *Tweddale* and Sir *Robert Murray* did manage the Treasuries, they, in a short Time, made up to the King a good Cast; but all that is now dissipated, and the whole Revenue expended, which I am sure doth at least merit an exact Search. For Direction whereof, it may be considered, 1. That there are a great many Pensions granted and continued, either without Merit or above Proportion, and, which is yet worse, merely on *Lawderdale's* Pleasure. Thus there was Five hundred Pounds *Sterling*, of yearly Pension, given to the Countess of *Dyffart*, before she was either Countess or Dutches of *Lawderdale*; for the rest I shall not name them. I have told already, what is the Condition and Deserving of many of our Lords who have Pensions, and that may satisfy; only, there is amongst them a Complaint, that severals, who have indeed suffered for the King, are least noticed. 2dly. *Lawderdale's* Allowance as Commissioner, is a most gross Abuse. Ye know that he called this Parliament in order to a Treaty of Union with *England*; and it is also true, that the Parliament did end, in a little more than Two Hours, all that they did about it; and yet he hath kept it up now above these Four Years, and under this pretext gets vast Sums, Sixteen thousand Pounds *Sterling* for his Equipage, when first made Commissioner; next, Fifty Pounds *Sterling per diem*, during the first Two Sessions, and Fifty Pounds *Sterling per diem*, during the Third, as long as he shall please to continue this fourth Session of Parliament, and Ten or Fifteen Pounds *Sterling per diem*, during all the Time of its Recesses; which Sums being duly calculated make up the Sum of — and will be found to amount to more yearly than our ancient Kings had in Revenue. 3dly. There are great Gifts granted by no other Rule than for Favour, as a Gift of Casualty, due before the King's Return, to *Lawderdale* and others, and Gifts of all Wards and Marriages, for the Space of Three Years, to the Earl of *Kincardin*, which Gift is lately renewed, and continued for more Years; a Gift of *ultimus heres* of the Earldom of *Dundee* to the Lord *Halton*, and many others of the like Nature which cannot be reckoned. But the Sum of all is, that when his Majesty's Revenue and Casualties shall be exactly stated, and all necessary Deburfements discounted, I am confident there will remain a Superplus of Balance, at least Three or Four thousand Pounds *Sterling per annum*, whereof no good Account can be given. I wish his Majesty be not, in plain Terms, defrauded. Thus you see how his Majesty's Revenue is inverted, neither is it to be expected that the Commissioners of the Treasury and Exchequer should provide a Remedy, all of them being at *Lawderdale's* Reverence by reason of their Pensions, and severals of them Sharers of the Spoils. It is also a great Abuse, that there is not a Gift or Signature that passes his Majesty's Hand at *Whitehall*, which is not first transacted for in *Scotland*, and Money paid for it to *Halton* before it be sent up; and so being thus satisfied, and got to be recommended, his Majesty's Advantage or Detriment is little more minded.

The Fourth Head, is that of Commerce and Trade, for which the Laws lately made have been so grossly perverted, that they seem rather to have been designed for the Benefit of particular Persons, and the Ruin of the Publick, than for any other End. Thus it being declared, in the Parliament 1663. that the Regulation of Trade belongs to his Majesty's Prerogative, which was done for the better composing of Differences with *England*, his Majesty is lately moved, by virtue of this Act, to prohibit all foreign Salt, and then to grant a Monopolis of inland Salt to the Earl of *Kincardin*, contrary to the express Advice of the Lords of the Exchequer, and to the great Hurt of the whole Country. 2dly. By virtue of the same Warrant, there is an Imposition of Eight Penies per Pound, laid on Tobacco, and immediately the Gift granted to Sir *John Nicolson*, and with him both *Halton* and others are Partakers. 3dly. There being an Act made for the importing of Brandy and Mum, the Gift of licensing them is lately conferred on the Lord *Elphinstoun*, *Halton's* Son in Law; and this Gift was impetrate, so that 'tis openly reported that his Majesty was informed of the Thing, as worth no more than Eighty or a Hundred Pounds yearly, whereas it truly renders above Three thousand Pounds. It is also a great Abuse, that since *Halton* was made General of our Mint, the Country hath been filled with a light Copper-coin, and likewise the Fineness of our Silver-coin hath been debased below the old Standard, for both which, it is said, that he hath secured himself by his Majesty's Discharge and Indemnity. As also the Leg-dollars being current for Fifty eight Pence, were usually imported by our Merchants to the great Good of the Country, and yet of late they have been cried down to Fifty six Pence, for no sufficient Reason, except that they might be brought in for Bullion to the Mint-house, for *Halton's* Benefit. To conclude this civil Part, I might subjoyn severall Heads of *Lawderdale's* Malversation, but it would be tedious to reckon them. I only cannot pass, 1. An Act made in 1663. by his Procurement, wherein, under a Pretext of a loyal Offer of our Service to his Majesty, the Country is obliged to have in Readiness at his Majesty's Command, Twenty thousand Foot, and Two thousand Horse, to serve in any Part of his Majesty's Dominions, which, as it may occasion an heavy Burden to us at home, so it hath been and is still to continue a Ground of Division and Jealousie to the Kingdom of *England*; neither hath it any real

real Import for his Majesty's Interest, seeing that his undoubted ancient Prerogative, together with his own old Law, doth give his Majesty sufficient Assurance; so that this late Act can have no other Construction, than that it was devised by *Lawderdale*, to insinuate into his Majesty's Favour, and render his Grandeur more formidable in the *English* Court. 2^{dly}. As to more private Concerns, he makes an Act of the last Session of Parliament, about Coats of Arms, in favours of *Sir Charles Erskin* Lord Lyon, and his Kinsman, which conduceth to the Country's great Trouble of superfluous Expence. 3^{dly}. He moves the King to buy an useless Rock in the Sea, with a small Fort called the *Bass*, and to give for it an exorbitant Price of Four thousand Pounds *Sterling*, to his Friend *Sir Andrew Ramsay*; and then he takes the Keeping and Profit of it, by a new Gift, to himself. Nay further, and upon this Notion, and the bare Pretence that *Lawderdale* had obtained from the King a certain Gift of the Excise of the Town of *Edinburgh*, *Sir Andrew* being then Provost, very gratefully moveth the Town to give to *Lawderdale* Five thousand Pounds *Sterling*. 4^{thly}. Within these Two Months, he moved his Majesty to write a Letter to the Town-council of *Edinburgh*, commanding them to put out the Clerk, and choose another in his Room; and so depriving him of his Office and Rights, without ever being heard, and for no known Reason, save that his Friend *Sir Andrew* was desirous to have the Clerk removed. And further, the Letter containeth an overawing Insinuation to the Council, for keeping in the said *Sir Andrew* to be Provost, by a new Election, notwithstanding of the universal Dissatisfaction of the City against him. These are a few Instances of *Lawderdale's* Abuses and arbitrary Courses, and 'tis certain that a particular Enquiry would not only discover many more, but also satisfy all Men, that there was never a Person of such Quality in Trust, more vexing and disobliging to the Country, and more generally disliked.

Sir, You have here a short Account of our Affairs, which as I do offer only for Direction to a more accurate and full Enquiry, so I am far from expecting, as Things are at present circumstantiated, a thorough and adequate Reformation. All my Wishes are, that this may prove at least an useful Incitement to move Men to adjust Things in some more reasonable and equal Way, for the necessary Relief of a distressed Country; for producing whereof, I shall not presume to offer any other Advice, than that his Majesty would be pleased to call some of the Lords and others of his Council, who are known to be most sufficient, and free of any *Lawderdelian* Dependence, to give their Opinion both of the Evils, and of their Remedies.

Doctor Burnet's Letter to Lawderdale, December 15. 1673. N : LX.

May it please your Grace,

THE unusual Coldness that appeared in your Looks and Words, when I had the Honour to wait on your Grace last, made me not presume on a nearer Address to ask what I now adventure, and in this Way which I hope shall offend least, which is to know, what is my Crime that hath rendred me so guilty in your Esteem. To serve your Grace, as it was left upon me by my old Father, so was it ever natural to me, that, as in the poor Sphere wherein I have moved these Ten Years since I had the Honour first to know your Grace, it hath been my constant Care, so I made Account of your Grace's Favour as my Birthright; and yet I never pretended to any other Advantage by it, being rewarded by the Pleasure I find in it; but when I find I am of a sudden, and I hope without any great Guilt, fallen not only from any Room I perhaps flattered my self I had in your Grace, but am represented in the blackest Characters, that is a new, though a malicious Proof of the Instability of human Things; yet though I am told I may give up your Goodness for me as irrecoverably lost, I shall with the sinking Man catch hold of every Thing may buoy me up, and do therefore beg once to be heard, before I be for ever condemned. When I went last to *London*, it was purely the Desire of the Duke and Dutches of *Hamilton*, and my own Readiness to serve them in publishing the Memoirs that made me go; nor did I see or speak with any but them about my Journey, which I carried so secretly from all others, that only my being gone told I had set out. While I was at *London* I corresponded with none but Duke *Hamilton*, and if his and his Dutches their vindicating me to your Grace, from being an evil Instrument; or corresponding to your Grace's Prejudice, do not clear me, I am sure I need not expect it, though I can give many Evidences, how that ever since I had the Honour to know them, I used all my poor Endeavours to preserve in them all just and deep Impressions of your Friendship for them, and to allow no Resentments. My Stay at *London* was occasioned by your Grace, who found not a Conveniency for some Weeks of proposing the Business I was sent for to his Majesty, and though that Delay was heavy for me, yet I refused to accept of the Offers of some great Persons who were willing to make my Address, and was resolved rather to lose the Journey than to have that Matter proposed by any but your Grace. All the while I was at *London* I studied on all Occasions to do your Grace Right, which made me pass under the Character of your Agent, which my Lady *Myner* told me a few Days before I left *Whitehall*, and my Lord *Haltoun* the last Night I was there; this seems an Evidence that I did, and spake nothing to your Grace's Disadvantage. And having very clear Expressions of your Favour when you left *Whitehall*, I did not doubt to find them the same at the Abbey, nor did I perceive any Change till being above Stairs; I was kept waiting above Three Quarters of an Hour in my Boots, and no Access given, though twice desired; I was also told from many Hands, that both your Grace and Lady Dutches had given very diminishing Characters of me, at which I had no Reason to complain, for I desired to lessen my self in my Opinion more as any other can, and so must acknowledge the Justice of undervaluing me; but finding my self out of the Posture I once stood in with you, I resolved to get me quickly home, and saw very few Persons. I well remember with whom I spoke. I am told my Crime is, That I said to some, your Grace durst not return to *London*. I know well from whom this comes, and with whom these Discourses were, who, if they had as faithfully related all, as they told the worst Part of the Discourse, I needed not apprehend any Censure. Some asked me, How ye stood in *England*. I told them, As well with King and Duke as ever, but that many in the Court and House of Commons were angry with you, who designed to drive you from his Majesty, but added, My Fears that the Bustling at this Time in *England* was an Evidence they were neither

neither fixed in their Duty to King nor Duke, so that my representing you odious to them, did your Grace as great a Right as I could do. My Error in this could not amount to more than Indiscretion, and so deserves a milder Censure than Traitor and Rogue: But if your Grace and Lady Dutcheffs would remember, I did to both give Hints of my Fears of Rubs ye might meet in *Scotland*, and told you of the Particulars, but saw my self laughed at as a Fool for my Advertisements and Advices; but sure if you both reflected on all that ever I presumed to say to you, you will not find that ever I abused you in a Tittle, either by giving false Characters of Persons or Things, or by offering to put any Trick upon you: It may be, my too much Freedom hath, if not offended, yet been less acceptable; but when you set all together, you will, it may be, see Reason to mitigate the Severity I have met with from you both against me. As I can attest God, that I neither knew of any Design to oppose you in any Thing before I came to *Scotland*, so I had no Manner of Accession to it directly nor indirectly, and shall never fail, be it accepted, or not, to render in Spite of Calumny and Jealousie, all the dutiful Service in the Power of

Directed on the Back, For his Grace the
Duke of *Lawderdale*, his Majesty's High
Commissioner for *Scotland*.

Your Grace's most humble, most faithful,
and most obedient Servant,

GILBERT BURNET.

Proclamation, June 18. 1674. obliging Heritors and Masters for their Tenants and Servants. N^o. LXI.

CHARLES, by the Grace of GOD, King of *Great Britain, France, and Ireland*, Defender of the Faith; To
Our Lyon King at Arms,
and his Brethren, Heralds, Macers, Pursevents, Messengers at Arms, Our Sheriffs in that Part, conjunctly and severally, specially constitute, Greeting: Forasmuch as the keeping and being present at Conventicles in Houses, or in the Fields, are most unwarrantable and disorderly Practices, expressly prohibited and discharged by several Laws and Acts of Parliament, and specially, by the Fifth Act of the Second Session of Our Second Parliament, under certain great Pains and Penalties: Notwithstanding whereof, many Persons continue so disloyal and disobedient, as to frequent these unlawful and seditious Conventicles and Meetings, to the great Scandal of the reformed Religion professed within this Kingdom, and great Reproach and Contempt of Our Authority and Laws, and Disturbance of the publick Peace; and seeing the due Observance of the foresaid Act of Parliament is of great Import and Consequence, (Field-conventicles being declared by the Law to be the Rendevouzes of Rebellion, and House-conventicles the Seminaries of Separation; and both of them tending to the Subversion of all Peace and Order in the Church) and that it might prove an effectual Means for suppressing these Disorders, if Heritors, Masters of Families, and Magistrates of Burghs Royal, would employ that Interest, Power, and Authority, which they have over their Tenants, Servants, and Inhabitants, in procuring their Obedience to the Law. We therefore, with Advice of the Lords of Our Privy Council, do hereby require and command all Masters of Families, that they cause their domestick Servants, Chamberlains, Griefes, and others entertained by them, give Obedience to the foresaid Fifth Act of the Second Session of Our Second Parliament, in abstaining from all Conventicles, either in Houses or in Fields, and that they retain none in their Service, but such for whom they will be answerable; and in case of their Disobedience, that they remove them out of their Service. As also, We do hereby require and command all Heritors, Landlords, and Liferenters in the Country, to require their Rentallers and Tenants, as well these who have Tacks yet standing unexpired, as moveable Tenants, to subscribe the Bond hereto subjoynd: And (in case there be Necessity) the said Heritors and Liferenters, are hereby warranted to raise Letters under the Signet of Our Privy Council, to charge their Rentallers and Tenants, whose Rentals and Tacks are not expired, to give the said Bond upon a Charge of Six Days, and in case of Disobedience, to denounce them to Our Horn, and registrate the same; for which End, Warrant is granted to direct Letters in their Name against all and sundry their Tenants and Rentallers. And We, with Advice foresaid, do declare, that We will be careful, that the Escheats falling to Us by the said Hornings, shall be gifted and bestowed upon the Landlords and Setters of these Tacks and Rentals, in so far as may be extended thereto; recommending hereby to the Lords Commissioners of Our Treasury, or to Our Treasurer-principal, or Treasurer-depute, (for the Time being) and others of Our Exchequer, to grant the same accordingly; and in case the Tenants be removeable, and refuse to give Obedience, that they warn and pursue them to remove, and obtain Decrees of Ejection against them; and that no Heritor, Landlord, or Liferenter, set their Lands hereafter to any Person, by Word or Writ, but to such as they will be answerable for, as said is; and that they take Surety from them by Provisions to be insert in their Tacks, or otherwise by Bonds apart, (in case there be no Writ) that the said Tacksmen, Rentallers, and others, their Hynds, Cottars, and Servants, who shall live under them upon the said Lands, shall give Obedience in manner foresaid, otherwise, that their Tacks, Rentals, and their whole Interest, Right and Possession shall be void, and expire *ipso facto*, as if they had never been granted; and that without any Declarator or further Process, and then as now, and now as then, that they shall renounce all Right that they shall have thereto, and shall remove themselves without any Warning; or in case of Failie, the Landlords and others are to charge and denounce them in manner foresaid. And in regard, by the foresaid Act of Parliament against Conventicles, Magistrates of Burghs Royal are declared liable, for every Conventicle to be kept within their Burghs, to such Fines as Our Council shall think fit to impose; therefore the said Magistrates of Burghs Royal, are hereby required to take special Care and Notice, and to be answerable, that their Burgeses and Inhabitants be obedient to the foresaid Act of Parliament; and that they cause charge such of them as they shall think fit, and are suspected, to give Bond, as said is, for the Magistrates own Relief, in case they contravene, and if they fail, to denounce them in manner foresaid. And it

it is hereby declared, that all Masters of Families, Landlords, Heritors, and Magistrates of Burghs, who shall not give punctual Obedience, in manner above written, that they shall be liable in the same Pains and Penalties due to the Contraveners, but prejudice always of proceeding against the Contraveners themselves, and inflicting upon them the Pains contained in the said Act of Parliament: And it is likewise hereby declared, that if any Cottars or Servants, for whom Tenants or Rentallers shall be bound, shall be found guilty of transgressing the foresaid Act of Parliament against Conventicles, and that thereupon the Tenants shall be found liable upon the Bonds to be given by them, that they shall have their Relief from the Contraveners for whom they are bound. And to the effect these Presents may be known by all Persons concerned; Our Will is, and We charge you traitly and command, that, incontinent these Our Letters seen, ye pass to the Market-cross of *Edinburgh*, and other Places needful, and thereat, with all due Solemnities, in Our Name and Authority, by open Proclamation, make Publication hereof: And for the better Execution of these Presents, require the several Sheriffs and their Deputes, with all possible Speed, to cause read and publish the same upon a Sabbath-day, at the several Parish-kirks, which ly locally within the Bounds of the Sheriffdom, albeit any of these Parishes do belong to other Jurisdictions, intimating to the Heritors, that they cause their Tenants subscribe the said Bonds, and report them to the respective Sheriffs or their Deputes, who are hereby ordered to return to Our Council an Account of their Diligence, with the Bonds reported to them by the Heritors, within the Times following, *viz.* The Sheriffs of the Sheriffdoms of *Edinburgh, Haddingtoun, Berwick, Roxburgh, Selkirk, Peebles, Lanerk, Linlithgow, Stirling, Fife, Perth, and Forfar*, betwixt and the last *Thursday* of *July* next, and the Sheriffs of the rest of the Sheriffdoms of this Kingdom, betwixt and the first *Thursday* of *September* next: And ordain these Presents to be printed, that none pretend Ignorance, according to Justice, as ye will answer to us thereupon. The which to do, We commit to you conjunctly and severally Our full Power, by these Our Letters, delivering them by you duly execute, and indorsed again to the Bearer.

Given under Our Signet at Edinburgh, the Eighteenth Day of June, One thousand six hundred and seventy four Years, and of Our Reign the Twenty sixth Year.

Per actum Dominorum Secreti Concilii.

AL. GIBSON Cl. Secr. Concilii.

Follows the Tenor of the Bond.

I bind and oblige me, that I, my Wife, or any of my Children in Family with me, my Cottars or Servants, shall not keep, or be present at any Conventicles, either in Houses, or in the Fields, as the same are defined by the Fifth Act of the Second Session of his Majesty's Second Parliament, under the Pains therein contained, being for ilk House-conventicle, Twenty five Pounds Scots, for each Tenant labouring Land, Twelve Pounds, for each Cottar, and for each Servant Man a fourth Part of his Year's Fee, and the Husband the Half of these Fines; for such of their Wives or Children as shall be at any House-conventicle, and the Double of the respective Fines for each of the said Persons that shall be at any Field-conventicles. And for the more Security, I am content, and consent these Presents be insert and registrate in the Books of Privy Council, Books of Council and Session, or other Judges Books competent, that Letters and Executorials may pass thereupon, in Form as effects, and constitute my Procurators, &c.

GOD save the King.

Act of Council for apprehending the Rebels, June 16. 1674. N^o. LXII.

FOrasmuch as the keeping of Field-conventicles, and the intruding upon and invading of Pulpits, are most unlawful and disorderly Practices, tending to the Disturbance of the Peace, and to the Affront of his Majesty's Authority; and notwithstanding the Laws and Acts of Parliament prohibiting the same under high Pains therein mentioned, the Ring-leaders, Promoters, and other Persons guilty of the said Disorders, are emboldned to commit the same, presuming that they will not be discovered and brought to Trial and Punishment: Therefore, the Lords of his Majesty's Privy Council, for the Encouragement of all his Majesty's good Subjects to discover and apprehend all such Persons as are after mentioned, do hereby offer, declare and give Assurance, that if any Person, being of his Majesty's standing Forces, or of the Militia, or any other his Majesty's Subjects, shall seize upon, and apprehend any Person or Persons, who, since his Majesty's late gracious Proclamation, of the 24th of *March* last, hath convoked any Number of persons to Field-conventicles, or at any Time hereafter shall convocate any persons thereto, or shall apprehend any Heritors or others being at Field conventicles, while the said persons are present at, or coming from the same, so that the said persons apprehended shall be brought to a Trial, and shall be found guilty, and convict of the said Offences, that the Apprehenders of such persons shall have the Gift of the Fines of the said persons given to them: And in case any person or persons be cited for the said Crimes and Offences, and, after Certification is granted against them for their Contumacy and not appearing, shall be apprehended, the Apprehenders of such persons shall have the Gift of their Escheats, and Benefit arising from the said Certifications. And whoever of the standing Forces, Militia, or others his Majesty's good Subjects, shall apprehend any Minister or other Person preaching at any Field-conventicle, or who hath preached since the said Proclamation, or shall at any Time hereafter preach at Field-conventicles, or any of them; and whatsoever person or persons shall apprehend and seize upon any outed Minister, who are not licensed by the Council, or any other person not authorized nor tolerate by the Bishop of the Diocese, who, since the Time foresaid, have invaded or shall invade any pulpit or pulpits, the person or persons apprehending any of the Ministers, or other persons foresaid, guilty of preaching at Field-conventicles, or invading of pulpits, shall, for their

Reward, have paid to them the Sum of One thousand Merks; and for the persons afternamed, *viz.* Mr. John Welsh, Mr. Gabriel Semple, and Mr. Samuel Arnot, the Apprehenders shall have the Sum of Two thousand Merks paid to them. And his Majesty's Subjects are not only warranted to seize upon, and apprehend the said disorderly persons in manner foresaid, but it is further declared by the said Lords of Council, that upon Consideration of the Condition of the persons who shall be apprehended, according as they have been more stickling and active in the said Disorders, and the pains and Diligence of the Apprehenders and other Circumstances, they will also consider what further Reward shall be given to them for their Service. And ordain these Presents to be printed, that none pretend Ignorance.

THO. HAY Cl. secr. Concilii.

King's Letter to the Council, against Conventicles, June 23. 1674. N^o. LXIII.

CHARLES R.

Right trusty and well-beloved Cousins and Counsellors, right trusty and well-beloved Counsellors, and trusty and well-beloved Counsellors, We greet you well: We did, by Our Proclamation in *March* last, grant a most full, free, and general Pardon of all penal Statutes, which We did extend so far towards the Breach of penal Laws, relating to Church-matters, that We at least expected more Moderation, and Temper, and patient Waiting for Our Grant of further Ease towards peaceable Dissenters; but, instead thereof, We find that a desperate and implacable Party, have taken the Boldness to rise to greater Height of Insolence, by invading of Churches, keeping of seditious and numerous Field-conventicles, tumultuous and irregular Petitions, and that in open Contempt of Our Authority, as if it were to brave Us, and those that are in places of Trust under Us. Of all these Disorders We had a full and particular Account, though it was not by any solemn Address, (which was wisely waved by the major Part of Our Council in *May* last:) And, upon the true Account We had of them, We wrote Our positive Commands, that you should use Our utmost Authority for vigorous suppressing and punishing the Ringleaders of these insolent seditious Practices. This Letter of Ours ye received, upon the opening of Our last Commission for Our Privy Council; and We are well satisfied with the Committee you named, with the Oath of Secrecy they took, and with the Orders were given, as also with the Diligence of some in the Execution of them. We have heard of that seditious Petition of many Women, and of their tumultuary Carriage at the delivering of it: And We have likewise since been informed, that some of Our Guards of Horse were resisted with Arms in *Fife*, and that some of these armed Rebels had been marked, by which Means, We hope, you will find out who they were; and although We doubt not of your Diligence in discovering and punishing these unparalleled Insolencies, yet We have thought fit to renew again unto you Our positive Commands, That you do vigorously, in the first Place, prosecute the Trial and punishing of these Contemners of Our Authority: We doubt not but they are fomented and encouraged by some who do not appear; and We know that Endeavours are used to alarm Our good Subjects of this Kingdom, as if a present Rebellion were to be expected in *Scotland*, which We do not at all apprehend, because We are sure you have Authority and Power enough to suppress any such Attempt: Yet, for the better Encouragement of Our good Subjects, We have given Orders for divers Companies and Troops of Our Protestant Subjects in *Ireland*, to be drawn down to the Sea-side in *Ulster*, ready to receive Our further Commands: We have also ordered Troops to march to *Berwick*, to be ready if there shall be Occasion; nor shall We leave any other Means unattempted, for Maintenance of Our Authority, and the Peace of that Our ancient Kingdom. We know that the Ringleaders of those late rebellious and seditious Courses are Enemies to the Church-government established in *Scotland* by Law, and yet it is not for their Opinions but their traitorous Practices that We intend to punish them. We hope that the greatest Part of the Dissenters from the Church-government, are far from the countenancing such Practices, and if those other had forborn those Ways of Violence and Sedition, the peaceably inclined had found the Effects of Our Grace and Clemency before this Time; but We will not endure a seeming Force to be put upon Us. The whole Kingdom shall see that it is not seditious and tumultuary Attempts, but only Our own Grace and Goodness can move Us to any Indulgence. Let the Ringleaders of these Disorders, which look too like Rebellion, be once brought to punishment, and that seditious Spirit be quelled, and then these that are and will be peaceable, shall quickly find how gracious We are to indulge as far as may consist with preserving the present Government, and may not tend to the perpetuating of the Schism. These Our Intentions We thought fit to declare unto you, to the end you may make them known in such Ways as you shall judge most convenient, for undeceiving the simple, and preventing the peaceable from running into the same Guilt with those who are desperate and implacable. In the mean time, We do again and again require you, to use your utmost Rigour, in finding out, and bringing to just punishment the Ringleaders of the aforesaid seditious and insolent Practices, and for quelling that mad Spirit. We expect your ready Obedience, and a constant Account to Our Secretary of what passes, or what you think fit to offer further for the Ends aforesaid; and so We bid you heartily Farewel. Given at Our Castle at Windsor, the 23d Day of June 1674. and of Our Reign the 26th Year.

By His Majesty's Command,

LAWDERDALE.

Act of Council anent these pursued for Field-conventicles, July 16. 1674.
N^o. LXIV.

THe Lords of his Majesty's Privy Council, considering his Majesty's Letter, give Order and Warrant to his Majesty's Advocate, to cause cite before the Council such Persons as are informed to have been at Field-conventicles, to give their Oaths thereupon; with Certification they shall be holden as confest: Also they give Warrant to the Advocate, to refer the Libel to the Defenders Oath, and restrict the same to an arbitrary Punishment; and declare, That any Person or Persons, who, being pursued before the Council, shall declare, or be holden as confest, for being at Field-conventicles, or for hearing or respecting of outed Ministers, or others not authorized by Law, or forfeited, excepted, or declared Fugitive, shall never be forfeited or questioned before the Justiciary, or any other Judicatory, for any such Deed referred to their Oath before the Council, or for any Circumstance of the same; but prejudice to his Majesty's Advocate to pursue such Persons before the Justices, before they give their Oath, or be holden as confest before the Council, as the Lords shall give Order thereanent.

Mr. James Mitchel's Libel, March 2. 1674. N^o. LXV.

MR. *James Mitchel* Prisoner in the Tolbooth of *Edinburgh*, you are indicted and accused, That forasmuch as, by the common Law, and by the Laws and Acts of Parliament of this Kingdom, Rebellion against his Majesty's sacred Person or Authority, and the rising in Arms in Rebellion, and joyning and keeping Correspondence with these who are in Rebellion, and all accessory to the same, are Deeds and Crimes of high Treason and Lese-majesty, and punishable with the Pains of Treason, and Forfeiture of Life, Lands, and Goods; and by the common Law and Laws of Nations, and by the Laws of this Kingdom, Murder, and the assaulting and attempting upon any Person or Persons, by way of firethought Felony, & per infidias & industriam, of purpose and design to kill, are most atrocious and detestable Crimes, and destructive and against the Being of human Society, and that Security and Confidence which is the Foundation of all Society, and is severely punishable; but especially when the same is committed upon the Persons of Counsellors, and other Officers who do represent Authority, and are liable to Mistake; or, when the same are committed upon the Persons of Counsellors and other Officers who do represent Authority, and are liable to Mistake and Malice of wicked Persons, for doing their Duty; or, when the same are committed upon the Persons of Churchmen, Bishops and Ministers who are of the sacred Function, and by the Laws of all Nations are privileged and secured, as much as can be, from the Malice and sacrilegious Attempts of wicked Persons. And particularly it is statuted by King James VI. in his 16th Parliament and 4th Act thereof, That whatsoever Person invades, or pursues any of the Lords of Session, secret Council, or any other his Majesty's Officers for doing his Majesty's Service, should be punished with Death. And by the 17th Act, Parliament 111, of his Majesty's Royal Father, in anno 1633. entitled, *Anent invading of Ministers*, it is statuted, That the same should be extended to all Archbishops and Ministers whatsoever. And by the 4th Act of his Majesty's 2d Parliament, and 2d Session of the same, it is itatuted, That whatsoever Persons shall be guilty of the assaulting of the Lives of Ministers, that they should be punishable with the Pain of Death and Confiscation of their Moveables. And by the Laws and Acts of Parliament of this Kingdom, the Mutilation and dismembering of any of his Majesty's Subjects, by way of forethought Felony, is an high and capital Crime, and punishable with the Pain of Death.

Nevertheless, having shaken off all Fear of God, and Conscience and sense of Duty, Loyalty, and Allegiance to your sovereign Lord and King, and of Humanity itself, you have presumed to commit the Crimes foresaid, in so far as a great Number of disloyal and seditious Persons in the West, having, in the Year 1666. risen and appeared in Arms, in a most desperate and avowed Rebellion against his Majesty's Government and Laws, and having joyned and modelled themselves in an Army, under Colonel *Wallace* and others, and having had the Boldness to march through the Country in a military and hostile Manner, towards and near *Edinburgh*, the chief City of the Kingdom, and to encounter and fight his Majesty's Forces, until the said Rebels were subdued and suppressed; you was involved and enjoined with them in the said Rebellion, and in the Year aforesaid, 1666. and in one or other of the Months of the foresaid Year, and upon the several Days of the same, or one or other thereof, having had Notice from the said Colonel *James Wallace*, being in *Edinburgh* for the Time of that Rebellion, you, and the said Colonel *Wallace*, and Captain *Arnot*, and divers others, went out of *Edinburgh* about Eight a Clock at Night, and immediately rode towards *Air*, and joyned with those who were in the Rebellion in the said Burgh of *Air*, and stayed and went along with them in Arms, until the said Rebels came near *Pentland*; and, the Night before the Defeat at *Pentland*, you came to *Edinburgh*, at the Desire of Captain *Arnot* an Officer, and a Person eminent in that said Rebellion, and thereafter forfeited and executed for his Accession thereto, to speak, as you pretended, with one Mr. *James Sirling*, and Mr. *Robert Fergusson*, who were then in *Edinburgh*, and were noted and known to be Persons disaffected to his Majesty and his Government, and that anent and in order to an Address, to be given in to the Council, in behalf of these in the Rebellion; but truly of purpose to propagate and promote the same, by your seditious Practices and Endeavours with those of the same Principles, and that you might deprave and induce to joyne with you therein.

His Majesty having, by his Proclamation, upon the first Notice given to his Privy Council of the said Rebellion, declared all these who had appeared in the said Rebellion, to be Traitors, and having discharged all his Subjects to assist, resist, correspond with, or supply any of them, under the Pain of Treason: And thereafter, in the Year 1666. after the said Defeat at *Pentland*, his Majesty, by another Proclamation emitted

by the Advice of the Privy Council, having discharged and inhibited all his Subjects, that none of them offer to harbour, refect, supply, or correspond to hide or conceal the Persons whose Names are therein exprest, and in special, *Maclellan of Barscob,* *Cannon of Mardrogat,* Mr. *John Welsh,* and you yourself, as appears by a Proclamation, of Date 4th of December 1666. And likewise his Majesty, by a Proclamation dated 1st October 1667. having, out of his Royal Clemency and Tenderneſs, and of his ſpecial Grace and Favour, granted his full and free Pardon and Indemnity to theſe who were engaged in the ſaid Rebellion, excepting always from the ſaid Pardon the Perſons therein mentioned, and in ſpecial the ſaid *Cannon of Mardrogat,* Colonel *Wallace,* and *Robert Chalmers* Brother to *Gadgirth,* *Cannon of Mardrogat* younger, and Mr. *John Welsh,* with you yourſelf.

Nevertheless you, though declared Traitor, and a Perſon excepted from his Majesty's Pardon by the Proclamation foreſaid, and whom his Majesty's Subjects were thereby diſcharged and inhibited to harbour, refect, ſupply, or correſpond with, under the Pain of Treason, you had the Boldneſs, and did preſume to repair and come to *Edinburgh,* and after the ſaid Proclamations in the ſaid Years 1666 and 1667. and ſubſequent Years, you did ſtay within the ſaid City and Town of *Edinburgh* divers Months, at leaſt Days, and did converſe, not only with Perſons of your Principles, and who had been in the Rebellion, but with others of his Majesty's Subjects, involving them with the Contagion of your Company and Converſation, and bringing them under the Compaſs of the Certifications contained in the ſaid Proclamations, as Favourers of the ſaid Rebellion, and acceſſory thereto, and guilty of the ſame.

Though you had a long Time for breathing and for repenting of your Rebellion, and treaſonable and wicked Practices foreſaid, and was not brought to condign Punishment for the ſame, by a ſtrict and exact Search and Enquiry which might have been uſed upon you, a notorious and declared Traitor, and excepted, as ſaid is, from all Pardon, yet you was ſo far from making that Uſe which you might and ought to have made of the ſaid Forbearance, that on the contrary you perſiſted in your Wickedneſs, and proceeded to another Step of your Impiety and barbarous Cruelty and Inhumanity, and conceiving a deadly Malice and Hatred againſt the reverend Father in God *James* Archbiſhop of *St. Andrews,* a Perſon who had never known or ſeen you, ſo as to take any Notice of you, much leſs had given you any Offence, without any Ground or Warrant, and upon account, only that he was promoted and advanced by his Majesty to be Archbiſhop, and to be of his Privy Council, and did ſerve God and his Majesty faithfully in the ſaid Stations and Offices, you did contrive, reſolve, and deſign the Murder and Aſſaſſination of the ſaid Archbiſhop, and in order thereunto, having bought and provided yourſelf of a Pair of long *Scots* Iron Piſtols, near Muſket Bore, you did upon the Day of 1668. proceed, and did take the Opportunity to execute and go about your horrid and cruel Deſign, when the ſaid Archbiſhop in the Afternoon of the ſaid Day, did come down his own Stair, and was going into his own Coach, being to go abroad upon his Occaſions, with the reverend Father in God *Andrew* Biſhop of *Orkney,* and you having a charged Piſtol with Powder and Ball, did moſt cruelly and feloniously aſſault the ſaid Biſhop, and did fire, diſcharge, and ſhoot the ſaid Piſtol on them, being within the ſaid Coach; and God of his Goodneſs having preſerved the ſaid Archbiſhop, whom you intended to murder, you did by the ſaid Shot grievouſly wound the ſaid Biſhop of *Orkney,* to the great Hazard and Danger of his Life, ſo that having for a long Time with a great Pain and Torture, and Expence of Blood, languiſhed of the ſaid Wound, being in a moſt dangerous Place, in the Joyning of his Hand and Arm, where there is a Confluence of Nerves and Fibres, he is not recovered, nor ever will recover his Health to that Meaſure and Vigour that he had and might have, if he had not gotten the ſaid Wound, and is mutilate and diſmembred as to his Arm and Hand, ſo that he can make no Uſe of the ſame: And after you had attempted and committed the ſaid Aſſaſſination and Villany, *tanquam inſidiator, & per induſtriam,* and by way of forethought Felony, you did go away, and eſcaped through the Multitude and Throng that had gathered upon the Noiſe of the ſaid Shot, having another charged and bended Piſtol in your Hand, of Purpoſe and Deſign to have killed any Perſon who ſhould have offered to take and apprehend you. The foreſaid Attempt being without any Parallel, the Circumſtances of the ſame being conſidered, that it was committed by one who profeſſed to be of the Reformed Religion, and who did pretend to be and ſerve as a Chaplain in divers Families, that it was committed upon Perſons of the ſacred Function, and Fathers of the Church, and that it was committed to the great Scandal and Diſadvantage of the Chriſtian Religion, and in ſpecial of the Proteſtant reformed Religion, the Profeſſors and Preachers of the ſame having ſo much declared againſt, and by their preaching and writing having expreſſed their Detestation of ſuch Attempts and Practices committed by Perſons, and owned by Writers of the *Roman* Profeſſion, and that it cannot be inſtanced, that any of the Proteſtant Religion was guilty of the like Attempt, upon the account of Religion, and that the worſt of Men being aſhamed to commit the Villanies, for covering of the ſame, and for their Security, do take the Opportunity of Darkneſs and Solitude, in Corners and ſolitary Places; your Malice was ſo implacable, that you was prodigal of your own Life, to be Maſter of the Life of the ſaid Archbiſhop, and in the high Street of *Edinburgh,* in Day-light, and in the Face of the Sun, and before many Perſons near about the ſaid Coach, or about a little Diſtance from it, where you could not but expect to be preſently ſeized upon, you did devote yourſelf, and did adventure to commit the ſaid moſt villanous and wicked Attempt: Yet notwithstanding all the ſaid Aggravations and Circumſtances of Horror, which might and ſhould have poſſeſſed your Conſcience with Horror and Remorſe, you did continue in your implacable Malice, you did converſe and keep Correſpondence with the ſaid *Robert Cannon of Mardrogat,* and with *Welſh of Cornley,* and *McClellan of Barscob,* declared and excepted Rebels and Traitors, and had divers Meetings with them, and upon Diſcourſe concerning that Attempt, every one of the ſaid Perſons putting it upon one another, when it was put to you, you ſaid and uttered theſe and the like Speeches, *Shame fall the Miſs,* and that you ſhould make the Fire hoter; and after the Time and Attempt foreſaid, in the ſaid Year 1666. and ſubſequent Years, Months and Days of the ſaid reſpective Years, and on one or other of them, your guilty Conſcience diſquieting and purſuing you, you did rove and go abroad ſeveral Times to *Holland, England,* and *Ireland,* until divine Juſtice did drive and bring you back to this Kingdom, that Juſtice might be ſatisfied and vindicated in ſome Meaſure, where you had committed ſuch great Villanies.

After your Return, you did proceed to that Height of Boldneſs and Confidence, or rather Impudence, that you did repair to, and live in *Edinburgh,* and was married there with your Wife, who is yet living, by Mr.

Mr. *John Welsh*, who is not only declared an excepted Traitor by the Proclamations abovementioned, but is forfeited for his Accession to the said Rebellion; and your Boldness was so great in outdaring both God and Authority, that for a long Time you have been lodged, and has kept a Shop near that Place where the said Archbishop doth and useth to lodge when he is at *Edinburgh*, until at length you was discovered and apprehended, having upon you when you was taken the same Pistol which you shot when you committed the said Attempt, which was found under your Coat charged with Powder and Three Ball, of purpose to attempt again and execute your bloody Design against the said Archbishop, at least against any Person who should offer to take you.

From all which Premises it is evident, that you are guilty of the said atrocious Crimes of Treason, Murder, and Assassination, by way of forethought Felony, and is a *Percussor* and *Sicarius*, and of Mitulation, and other Crimes abovementioned, and that not only as to single Acts of Treason and Rebellion, but of a Complication and a continued Tract and Course of habitual Rebellion and Treason, and you are Art and Part of the same, and of one or other of the said Crimes, and therefore the said Punishments ought to be inflicted upon you as a Traitor and Murderer, and as guilty of the Crimes foresaid, in an exemplary Way, to the Terror of others.

The Copy of a Paper which Mr. Thomas Forrester offered to present to the Brethren of the Exercise at Stirling, containing the Reasons of disowning the present Church-judicatories, and separating himself from them. N^o. LXVI. A.

IT is evident by the present standing Acts touching Religion and Church-government, at and since the overturning of the established Presbyterian Government of this Church, that all Power and Jurisdiction in the present Church-assemblies, either diatactick, critick, or dogmatick, is fountained in, derived from, and ultimately referable to the Magistrate's civil Power; for whereas *Anno 1661.* the Exercise of Presbyterian Government was declared merely precarious during his Majesty's Pleasure, thereafter *Anno 1662.* all Church-meetings were discharged, till authorized by the Archbishops and Bishops then nominate by his Majesty, upon their entering into the Government of their respective Sees; the Presbyterian Frame thus razed, as the Foundation of the new Structure, the Disposal of the Government is declared to be the Crown Right, and inherent perpetual Prerogative, and thereupon the Bishops are restored not only to their Places in Parliament, and accustomed Dignities civil, (as in *Anno 1612.* their spiritual Power by them acclaimed, being by the Magistrate one way or other compassed by packed Church-meetings, which that Act of the Magistrate, of the foresaid Date, doth but suppose and ratify) but likewise to their Episcopal Function, Precedency in the Church-power of Ordination and Censures, and all Church Discipline to be performed by them, with Advice (only) of such of the Clergy, (such) as they shall find (they themselves only being Judges) of known Loyalty and Prudence; and it is expressly declared, that there is no Church Power, Jurisdiction, or Government in Church-office-bearers or Meetings, but what dependeth upon, and is subordinate unto the Civil Power and Supremacy, and is authorized by the Bishops, who are accountable to his Majesty for their Administration. In the publick Act for the National Synod, the Members constituent, Matters to be treated on, whether Doctrine, Discipline, or Worship, the Ratification of the Constitutions, and enlivening them into Church Canons, is solely in the Magistrate's Power, their Work being only to give Advice to the Magistrate without any decisive Suffrage, except what is precarious; and in the Act for the High Commission, the Power of Excommunication is put into the Hands of persons merely civil: Thus all spiritual Power proceedeth from the civil, and is imparted to such persons, and by such Communications as his Majesty pleases. Now, this being the Frame of all the present Church-judicatories, it is infallibly clear that it is merely *Erasian*, and by our Divines who have written against that Way, convincingly proven unlawful from the Word of God. Amongst many convincing Arguments largely insisted on by them, I hint only these, That these Two Powers Civil and Ecclesiastick, are distinct *totò genere*, both as to the Original, the Subject Matter, the Manner of working, and the nearest End designed, consequently that they are co-ordinate, not subordinate one to another. 2^{dly}. That these were kept always distinct, distinct Limits being put betwixt them, both in the Old and New Testaments: Under the Law, a standing Priesthood and spiritual Sanhedrim established, who were to meddle with Matters of the Lord, distinct from Matters of the King; that the Judgment on *Saul* and *Uzzias*, was for going beyond their Limit: And that under the New Testament, the Lord Jesus, the King, Head, and Lawgiver of his Church, hath a visible Kingdom which he exerciseth in and over the Church visible, by its spiritual Office-bearers given to it as a Church; and therefore distinct from, and independent upon the Civil Power, the Keys of the Kingdom of Heaven being by him committed not to the Magistrate, but to the Apostles Successors in the Work of the Ministry, *Matth. 16. 19.* *Jo. 18. 36, 37. 1 Cor. 12. 28. Eph. 4. 10, 11, 12.* The Incompatioleness of which Two Jurisdctions in one and the same Subject, and *a fortiori*, the Absurdity of monopolizing of Supremacy, as to both in one Person, is abundantly clear, both from that Obedience required of all, without Exception, within the Church, to Church-rulers; as likewise the Prohibition of civil Power and Greatness to these Church-rulers, and our Lord, the Head of his Church while in this World, exercising Supremacy in the Government thereof, his peremptory Refusal so much as to give Advice by another Arbiter in a civil Cause, as a Thing inconsistent with his Office. 3^{dly}. That as 'tis clear that this spiritual Power was at first committed to Church-officers, when no Magistrate was so much as a Member thereof, and consequently to be exercised then independently upon him, so 'tis as clear that our Lord hath commanded the Exercise of this Power as intrinck in the Church, whether the Magistrate be Friend or Enemy, upon moral perpetual Grounds, till he come again, in the same Manner it was exercised at first, the Grounds insisted on by our Lord, in his Epistles to the Churches, 1 and 3 of the *Revelation*, as also by *Paul* in his Epistles, in pressing the Exercise of this Power, being taken from the Vindication of Christ's Honour

Honour, and guarding his Ordinances from Contempt, and keeping and transmitting them pure and entire, the correcting, shaming, and recovering of the obstinate, and the Danger of infecting others, &c. which Grounds are perpetually binding, and no where is the Want of a Christian Magistrate, (which *Erasmians* lay was the great Ground of the Exercise of this Power, independently by Church-officers at that Time) so much as in the least hinted at, although, according to this Opinion, it had been at that Time a most pertinent pungent Argument. 4thly. The many dangerous Consequences and Absurdities, which they evidently shew, following on the contrary Doctrine, and owned by the chief Patrons of it, as 1. the denying the divine Right of a distinct Gospel-ministry, and of Excommunication. 2dly. That the Magistrate may, *pro libitu*, dispose of Church-meetings and Matters, as falling within the Compass of his Dominion, which the Apostle expressly disclaims, and is by our Lord discharged to Church-officers, it being clear from Scripture, that the Magistrate's Power is called properly a Dominion, and, according to this Opinion, he is a chief Church-officer. 3dly. That no Church-judicatory hath, in Doctrine, Discipline, or Worship, any inherent, spiritual, decisive Suffrage, being merely called by the Magistrate for Advice, as the Act for the National Synod expressly bears, which cuts the Throat of all Church-judicatories. 4thly. That the civil Power should reach, as being the primary and proper Subject of the Keys, to perform immediately by it self, all Acts of the spiritual Office-bearers, dispensing the Word, administering the Sacraments, yea, to stop any Censure, to introduce any Form of Worship, to handle by its own proper elicite Acts, all spiritual Matters in civil Courts, and lay aside all Church-judicatories, subjecting the Ordinances of Christ's perfect Testament, sealed with his Blood, to the arbitrary Disposal of the Powers, to cut and carve upon, according to their worldly Interest. There and many such like Absurdities, striking at the Root of Religion and Reformation, do clearly follow the forementioned Way. Now, the attending these Exercises, as they are called, being expressly required as a Badge and Acknowledgment of this Power in the Magistrate, and his Ecclesiastick Government, as being contrary to the Word of God, the Confession and Doctrine of this Church, acknowledgeth no Authority or Judgment in or over the Church, but what Christ hath committed to Church Office-bearers under himself; which Judgment of our Church had the civil Sanction added to it in Parliament, the King himself being present, *Anno 1640, 41*. Therefore, this Attendance cannot but, in these Respects, be sinful and unlawful.

II Reason. I find this Nation and Church, since our Reformation, hath taken on, and is yet under many publick, solemn, sacred Oaths and Vows, against the Episcopal Frame of Government; for whereas the second Book of Discipline, which overturns the Government of the Church by Bishops, was approved in *Anno 1577, 1578*. by the General Assembly, and the then Bishops, who had embraced the Reformation, ordained to attend as Pastors one Flock, and not to usurp the Power of Presbyteries: And in the Assembly at Dundee, in *Anno 1580. Sess. 4* The Office of Bishop was condemned and abolished by a particular Act, declaring it unlawful and void of Warrant in the Scripture, ordaining, under Pain of Excommunication, such as brusk the said Office, to leave off the same, as an Office to which they are not called of God, and cease from Preaching, and Administration of the Sacrament, under Hazard of the same Censure, or using the Office of a Pastor, till they receive de novo Admission from the General Assembly. Which Policy of the Church, thus owned by the Assembly, and contained in the forementioned Book, the King and Council were supplicate by the Assembly to establish, till a Parliament were holden to confirm it by a Law: Thereafter, in the same Year 1580. the national Covenant was sworn, in which Confession and Covenant, we profess to detest, in general and particular Heads, all Kind of Popistry; and as to Discipline, we engage to renounce the Antichrist's worldly Monarchy, and wicked Hierarchy, joining our self to this reformed Church, in Doctrine, Faith, Religion, and Discipline, swearing by the great Name of GOD, That we shall continue in the Discipline of this Church, and defend it all Days of our Life. In the Assembly 1581. it was subscribed by all its Members, and the Act of the Assembly at Dundee was further explained, declaring expressly that the Church did thereby wholly condemn the Estate of Bishops as they were then in Scotland: And then the Confession of Faith sworn before in the Year Eighty is presented to the Assembly by the King and Council, the King, the State, and the Assembly hereby fully agreeing as to this Judgment in Church-government, and this Oath for its Maintenance; for at this very Time the King's Letter to Noblemen and Gentlemen was presented for complete erecting of Presbyteries, and Dissolution of Prelacies. I find this Oath renewed again *Anno 1590* and *1591*. Again I find it renewed *Anno 1638*. by that Assembly, and its striking against Prelacy fully cleared from the Tenor of the Church's Proceeding before it, and after the taking thereof, as the Narrative of their explanatory Act fully clearereth, that the Assembly 1639. did enjoyn its Subscription, according to this its genuine Sense by their Authority, and supplicate the Privy Council for an Ordinance for its Subscription, which was granted August 30. And *Anno 1640*, the Parliament by their Act 5th did ratify this Act of the General Assembly, their Supplication, and the Council's Act thereupon, which was ratified by the King in the large Treaty, and thereafter by his personal Presence at the next Session of Parliament, where all was ratified. I find that thereafter *Anno 1643*. in that Oath called the Solemn League and Covenant, the whole Kingdom doth again swear to the Preservation of the Reformed Religion of the Church of Scotland, in Doctrine, Worship, Discipline, and Government, to extirpate Popery and Prelacy, and engaging to continue therein all Days of our Life. I find also that this Oath hath been subscribed by all Authority, both civil and sacred, and supreme Judicatories of Church and State. Now the Matter standing thus, when these sacred, solemn, often renewed, publick, and every way confirmed and authorized Oaths of God, both by Assemblies, Kings, Parliaments, and all Ranks, should be loosed and dispensed with, I profess I see not; seeing in these Engagements, beside the Truth, Morality, and Necessity, objective of the Matter sworn, there is a subjective Necessity of many connected Ties, both of an Oath, a Vow, a Covenant with God and Man, and likewise of a Promise, a Promise (which is a rational Act, whereby a Man declareth and ordereth his Purpose to another, called *lex privata*, obliging the Soul, morally virtuous and religiously good, to a strict Performance, as it is described by the Schoolmen and Casuists) is clearly included in these Oaths, the Stile of the National, specially the solemn League, being clearly promissory, as we shall endeavour the Extirpation of Popery, Prelacy, &c. an Oath also, (which is defined a religious Act, wherein, for further Security to others of what we believe, have done, or engaged to do, God is called on for a Witness, the Formality whereof lies in the Invocation of his dreadful Name, to attest the Sincerity of our Intent as to the Matter sworn, and future Performances, if the Oath be promissory, which Invocation, as a Piece of divine Worship, addeth highly to the Promise its Obligation) that

an Oath (I say) is clearly included in these Engagements; is most evident, there being in the National Covenant express Mention made of our swearing by the great Name of God, to continue in the Discipline of this Church, and defend it, &c. and in the Solemn League the Preamble is concluded thus, With our Hands lifted up to the most High God, we do swear; and the Clause of the last Paragraph thus, And this Covenant we make in the Presence of the Almighty, the Searcher of all Hearts, &c. Allow also (which is by Divines ordinarily described, *sponsio facta Deo in rebus Dei*, thus differencing it from a naked Promise which is made to Man in his Matters, in which God is not only invoked as a Witness and Judge, as in an Oath, but is the proper Correlate and Party) that these Engagements (I say) do include, it is also evident by the whole Stile of the National and Solemn League, importing a Promise touching Religion and Reformation, which is to God in the Things of God. A Covenant also (including a Promise for these Things on our Part, which his Word revealeth to be our Duty, as they made with God, when, on the Promulgation of the Law by *Moses*, they said, Whatsoever the Lord speaks we will do; on which Ground, in the Violation of the divine Law, they are so often charged with Breach of Covenant) the Rule of Righteousness being now, God speaking from Heaven to us, our Engagement to these forementioned Oaths, to the stricter Observance of the divine Law, do infallibly conclude them to be formally Covenants with God, and in so far as there are mutual and reciprocal Duties engaged, and a mutual Stipulation betwixt Men, there is also a Covenant with and amongst them, and so all the Strength and Virtue of a Promise resulting from the Truth of Men laid to pawn, not to be redeemed without fulfilling the Thing promised, all the Religion of an Oath, because of the Reverence we owe to the sacred Name of God, *who will not hold them guiltless, who take his Name in vain*; all the Obligation resulting from a Vow, because of the Faith, we owe to God above all others, all the Force of a Covenant from the Consideration of Truth and Justice; as these, I say, contribute to the Strength of these Bonds, and do evidently (all the Premises considered) enforce their binding Obligation and Force upon the Posterity, they being real and hereditary, like that betwixt *David* and *Jonathan*, 2 Sam. 9. 7. and 21. 7. and that betwixt *Joshua* and the *Gibeonites*, *Josh.* 9. the Breach whereof was severely punished on *Saul* his Posterity, 2 Sam. 2. 12. Besides, there being no Rule or Principle inferring the perpetual binding Force of an Engagement or Oath, but what is clearly applicable to these mentioned, whether the permanent Nature of the Subject, here the Subject is perpetual, the Body of the People and their Representatives, like that of *Joshua* and the Princes to the *Gibeonites*, they are real, regal, parliamentary, national Oaths and Vows, *Scotland's* publick Faith engaged by all Persons in all Capacities, and to the Subject engaging remains while any are succeeding in these Capacities, and *Scotland* is *Scotland*, or in case the Principle made Use of for an Oath's Perpetuity, viz. a Clause in the Oath tending to Perpetuity, be here applied, Expressions, especially in the solemn League, point thereat, the Posterity being expressly taken in; or if that Rule touching the Matter it self about moral Duties, under the Necessity of a perpetual Command, having an evident lasting Convenience agreeable to the Principles of Truth and Righteousness: If that Rule, I say, be made Use of, these Engagements will be found perpetual; according to it Reformation, publick and personal, and of the Church in Doctrine, Worship, and Discipline, according to the Word of God, without all doubt, being perpetual moral Duties, according to the Place and Station of the Engagers, and faith under a perpetual Command, the Preservation of our Religion and of our selves from Ruin, that we and our Posterity may live in Faith and Love, that the Lord may be one, and his Name one in the Three Kingdoms, the Preservation of spiritual and civil Liberties from the Invasion of the Enemies of both, being such great Ends as have unquestionably an evident lasting Convenience, agreeable to the Principles of Truth and Righteousness, and so carry along all the necessary Force, whereby they were at first established to the Posterity, even as the Covenant and Oath, *Deut.* 29. 10. to which *Moses* engaged *Israel* upon the forementioned Grounds, is declared by him to reach not only them that stood there, but likewise their Posterity who were not there, it being the special Thing among these Things revealed, belonging to them and their Children for ever, mentioned *ver.* 29. Nay Oaths and Obligations of far less Moment are found thus obliging, as that which *J. seph* put on his Brethren for carrying up his Bones, *Gen.* 50. which their Posterity after, tho' embodied in a politick State, punctually obeyed. The Oath to save the *Gibeonites*, in which *Joshua* and *Israel* were cheated, nay the very Vow of the *Rechabites*, touching a Matter falling under no Command, is opposite to this Purpose, &c. Now the attending of these Meetings as now modelled and authorized, being an express Acknowledgment of the Abolishment and Loosing all these Engagements against this Frame of Church-government, I see not how these Oaths can be callate, and consequently these Meetings lawful.

III. I have, upon some Search of the Controversy about Church-government, entertained the Perswasion that Prelacy is contrary to that Frame appointed in the Word, and that an ordinary Church-officer assuming the Government of some Hundreds of Congregations, as monopolized in him, and conveyed according to his Pleasure to the Ministers of these Congregations, having sole Power in Ordination and Jurisdiction and Excommunication, with a negative Voice in the Synod, made up of the Preachers in these Congregations, whose proper Work is ruling only, not feeding by Doctrine, that such an Officer is a Monster to the Scripture, and in many respects contrary thereunto; for 1st. It is most evident that the Scripture acknowledgeth no Distinction betwixt a Bishop and a Presbyter, or Minister of a Congregation labouring therein by Word and Doctrine, either in Name or Thing, neither doth it extend the Name of Bishop; and the actual Care of feeding the Flock immediately, nor hath this Office and Relation any Object or Correlate, except the Flock it self, not Pastors of the Flock, *Tit.* 1. 5. 7. compared with *Act.* 20. 38. and 1 *Pet.* 5. 2, 3, 4. that the whole Episcopal Power is in Scripture appropriate to the Presbyters, and they commanded *ἐπισκοπεῖν ὃ ποιμαίνειν*, 1 *Pet.* 5. compared with *Act.* 20. 2^{dy}. That the Scripture mentioneth no Name or Designation, no Ordination, nor Work and Duty, no Operation of any ordinary Church-officer superior to Presbyters, and which is not appropriate to them, they being called Rulers, Governors, Overseers, Bishops, and both Ordination and Jurisdiction appropriate to them, and all ordinary Church-power relating thereto, and included therein, and this without the least Intimation of Imparity amongst them in the Exercise of this Power, 1 *Thess.* 5. 12. 1 *Tim.* 5. 17. *Heb.* 13. 17. compared with 7 *ver.* 1 *Thess.* 5. 17. 1 *Cor.* 5. 12, 13. compared with *Matth.* 18. 17. 1 *Tim.* 4. 14. compared with 3 *Epist. John* 9 *ver.* and the Text first cited. 3^{dy}. That the Scripture acknowledgeth no Imparity betwixt Officers of the same Kind, no Apostle, no Evangelist above another, but amongst Officers of the same Kind,

whether ordinary or extraordinary, a perfect Parity is held forth, and Superiority and Dominion discharged, *Matth.* 20. 25, 26. compared with 3 *Ep. John* 9. and consequently (the Force of the preceding Reason taken in) Imparity among Pastors is condemned. 4^{thly}. That Preaching is the Lord's main Commission, and Discipline declared to be dependent on it, and wholly referable to its Ends, and the higher Honour above Ruling, attributed to the labouring in Word and Doctrine, 2 *Tim.* 4. 1, 2. compared with *Acts* 20. 28. *Matth.* 28. 19, 20. compared with 1 *Cor.* 1. 17. 1 *Tim.* 5. 17. and consequently to exalt Ruling above Preaching, and separate it from the same, attributing it to certain over-ruling Officers, who are not tied to preach the Gospel to any Flock, must be point-blank contrary to the Lord's Commission. 5^{thly}. That the Apostles, in the first Constitution of the Churches, placed Presbyters therein, as the highest ordinary Officers, to feed with the Word and Government, *Acts* 14. 23. *Tit.* 1. 5. with *Acts* 20. 17. 1 *Cor.* 5. 4, 12. compared with 2 *Cor.* 2. 6. And lest these Presbyters, as their immediate Successors, committing their whole Government to them in their last Farewells to the Churches, without the least Hint of any Superintendence of any Officers of an higher Order, *Acts* 20. 28, 29. compared with 25 *ver.* 1 *Pet.* 5. 1, 2, 3, 4. compared with 2 *Pet.* 1. 14. Hence it may be argued, these whom the Apostles placed as chief in the first constituting of the Churches, and left as their Successors, in their last Farewells they gave the Churches; these had no ordinary Officers superior in the Churches, but they first placed Presbyters, feeding with Word and Government, and to these they commended the Churches in their last Farewells; *Ergo*, &c. 6^{thly}. That the Holy Ghost, speaking purposely of the several Sorts of Ministers Christ ordained in the Church, 1 *Cor.* 12. 28. *Eph.* 4. 11, 12. *Rom.* 12. 6, 7, 8. where there is an Enumeration of Officers ordinary and extraordinary, and elsewhere, speaking frequently of the Gifts and Duties of ordinary Officers, no Mention is made of the Bishop distinct from the Presbyter, much less superior to him, nor of any Duty or Qualification proper to such an Officer as thus distinguished; which Argument is the more forcible, in that this negative Inference from the Scripture's Silence in these Places cited, is acknowledged by all sound Protestants, valid to exclude the Pope from the List of Church-officers, as no Plant of Christ's planting; and why not also the Archbishop and Bishop, there being no mention made of the one more than the other? and whatever Answer or Evasion be made from the Force of this Argument, will necessarily coincide with these of the Papists, for keeping the Pope from the Last of these Scriptures, as likewise, since the Apostles are punctual in describing the Duty and Office of the meanest Officer, the Deacon, it is without all Shadow of Reason that the Office and Duty of such an eminent ordinary Officer, as the Bishop is supposed to be, should amidst such Distinctions be wholly past over in Silence. 7^{thly}. That the Apostles, Prophets, and Evangelists, are not succeeded in *eundem gradum*, but their complex Office, and, taken in a formal Sense, died with themselves, this including, as its specifick formal Difference, such Things as are not proper to any ordinary Officer, such as the Manner of the Apostles Mission, the Universality of their Inspection, their proper Work and Duty in founding Churches, and planting the Gospel-government in them, their directive Power, infallible miraculous Assistances, &c. the Prophets extraordinary mediate Revelation by Afflations, Breathings, and Assistances, for opening up the Scriptures of the old Testament, and Application thereof, for confirming the Doctrine of the Gospel, beside the Revelation of Things to come, in some Cases, the Evangelists their planetary Motion from Church to Church, in watering where the Apostles planted, and in carrying Commissions and Instructions from the Apostles to the Churches, and bringing from the Churches Reports of their State to the Apostles, as is demonstrate in the many various Journeys of *Timothy* and *Titus*, pointed at in the *Acts* of the Apostles compared with their Epistles, consequently Pastors, Teachers, Elders, and Deacons are the only ordinary Officers, and no Argument can be drawn for Episcopal Preeminence from either Apostle or Evangelist. 8^{thly}. That the Scripture acknowledges no Majority of corrective Power, and lordly Preeminence and Dominion in one Church-officer over another, but that this Dominion is expressly discharged, 1 *Pet.* 5. compared with 20 *Matth.* 25, 26. 2 *Cor.* 1. 24. 1 *Cor.* 4. 1. with 3 *John.* 9. Now in the Episcopal Frame there is a Majority of corrective Power, such a professed Dominion and lordly Preeminence as no Apostle had over Evangelist, Presbyter, yea, or Deacons, or the Church hath over any Member, all her Power being a mere executive declarative Ministry, to signify and execute what Christ out of his supreme Power will have put in Execution. In the Episcopal Frame the Bishop is a Head deriving Power of external Government to others, all in the Diocese being his Substitutes; now what is Antichrist but to be a Head from whom Power of external Government is derived, the Bishop is the same in his Diocese, and what the Pope usurpeth differeth only in Degree and Extent, not in Kind, from what the Bishop arrogates to himself, it not being Universality simply that makes him Antichrist, for the Apostles had Universality of Authority, yet not Antichrist, because it made them not Heads deriving Power to others from their Fulness, a Prince-like Majority of Power, but the Power they acclaimed was steward-like and ministerial only, 1 *Cor.* 4. 1, 2. 2 *Cor.* 4. 5.

These with many such weighty Grounds have preponderate with me to esteem the Office of the Prelates contrary to the Scripture, and consequently the Meetings authorized by them, and deriving their Power immediately from them not to be owned.

Mr. Forrester's Remarks on the Synod's Sentence, &c. in a Letter to a Member.
N^o. LXVI. B.

U^Nderstanding that you are going to your diocesan Mock-synod, 'tis judged expedient to give you some Account of that Copy of your pretended Sentence of Deposition which you sent to Mr. Forrester, which is found freighted with Lies, Calumnies, virulent insolent Railings, swelling Words of Vanity, & *præterea nihil*, more of which in lesser Bounds could hardly be comprised. To give you some short but convincing Instances in Proof hereof, who can but smile at your taking on you the cognoscing of a Minister's Carriage judicially, and passing a formal judicial Sentence of Deposition thereupon, exaudorating of all Parts of

of the holy Function of the Ministry, declaring the Church vacant, intimating the Sentence, &c. ? (which supposes an inherent decisive Suffrage) whereas, by your own Acknowledgment, and the Laws in Force, you meet but only to advise the Bishop, who may make of your Advice what he pleases, whose negative Voice among you, and uncontrollable absolute Power, both as to Proposal and Decision of any Matter, renders this Act as far from being your authoritative Sentence, (as you too wisely call it, and the Bishop mockingly, antecedaneously to his pretended Ratification,) as if a Company of Tinkers or Trone-lords should meet in that Church, and pass such an Act or Sentence: And besides this, your boistrous Charge of Sedition and Schism, &c. (because of withdrawing from your Meetings) supposing the Falshood of all these Grounds offered by Letter unto you, (which if they hold, will fully wipe off this Charge, and found a Necessity of deserting them) with what Forehead can you suppose smoothly the Falshood of these Grounds, and found thereupon your Charge, without taking them to Consideration, and a Disproval thereof ? Which also tendreth your Charge of Contumacy (which supposes going on in any wicked Practice against Convictions) as false and impertinent. The Grounds of this Perswasion and Practice, in opposition to your Ways, being offered to your Consideration, with an Offer to embrace Conviction of Error or Mistake, and never the least Offer of an Answer received from you ; and further, the *Erastian* Mould of your Meetings, more than ever *Erastus* pleaded for, both as to Members constituent, Matters treated on, and Ratification of Constitutions, compared with what the Scripture luculently holds out, touching our Lord's spiritual visible Kingdom, which he exercises over the Church visible by spiritual Office-bearers given to it as a Church, his committing and commanding the Exercise thereof to Church-officers upon moral Grounds, till he come again in the same Manner it was exercised at first, will say, that your Meetings have not the very *genus* of a Church-government, its Root of inherent spiritual Power being pluckt up ; besides that authoritative Mission and Ordination, and exhorting by a judicial Sentence belonging to the same Power, as adequate Acts thereof, *ejusdem est constiture & destruere*, and both these in Scripture being appropriate to collegiate Meetings of Church officers, 1 *Tim.* 4. 5 1 *Cor.* 5. *Acts* 13. 15. as inseparable Acts of the same Authority : How blockishly inconsequent are you to arrogate the last unto your selves, who, by your own Acknowledgment have no Power in the first, no not so much as by a precarious Vote ? it being your spiritual Lords incommunicable Prerogative, to ordain who may do it alone ; and hence how groundlessly you call *Stirling*-meeting, or such like, a Presbytery who cannot ordain, is easy to judge, the Scripture attributing expressly *Timothy's* Ordination to a Presbytery ; and *Paul's* Presence there rather confirms than invalidates this Authority : And further, since you cannot but grant that this Church in her Representatives, her National Assemblies, and subordinate, hath owned all these Grounds which have been offered to you, commending the same to all her Children, which as all profess to own before the late Change, so some Hundreds of Ministers, and many Thousand Professors stand stedfast adhering thereto, and suffering therefore. It will be a pungent Query to you, Whether these stedfast Adherers or you the Deserters, be Schismatics from the Church of *Scotland* ? If the Question be thus stated, how can they be Schismatics from the Church of *Scotland*, who own and walk according to her Principles, Vows, and Engagements, ratified in her lawful, supreme, and unrepealed Assemblies ? especially if it be considered that your Meetings are, in so many Respects, point-blank contrary to her Model, Principles, and Privileges in point of Government, both as to the intrinsic Power to name the Moderator the immediate Fountain of Authority, the Power of meddling with every Scandal, and the Determination by a free decisive Suffrage, the Exclusion of a negative Voice, and the Admission of a ruling Elder and Member constituent, they will be found bastard Meetings, to be disowned by all her faithful Children. And as your Authority appeareth in all these Respects to be lame, so the ensuing Reasons, contained in your Sentence, are found as tall and frivolous. In citing the Letter, what gross Falshood and Prevarication do you discover ? You bring the offering these Reasons to you by Letter, as an Aggravation of the pretended Guilt of disowning the Meetings, yet your Meeting at *Stirling* demanded Reasons of withdrawing ; and now after the Reasons are offered, they do *ipso facto* with you make up an Aggravation of the Crime, and ground your Sentence of Deposition before they be disproved. You hint at the first Reason in a large dubious General, that the Letter declared your Church-government to be *Erastian*, without specifying whether you condemn the asserting it to be so *de facto*, or that *de jure* it ought not to be so, how is this Laxness in pointing at a Guilt grounding Deposition, consistent with your Judgment ? In reciting the Second Reason you are taken in a gross and palpable Lie, for whereas it is *verum*, that (the Prelatick Frame, or Prelacy, is contrary to solemn Oaths and Vows) you shuffle in (the Politick Form) whereas the Letter speaks of Church-government, and expressly of Prelacy. If put to it to shew what is that Government, whereof you mention the politick Form of what your Scope is in that Expression, you will fall under this puzzling Dilemma ; if you understand it of the civil Government, how gross is that Lie, that the asserting Prelacy to be contrary to solemn Oaths and Vows, &c. says, that so is the civil Government ; if of Prelacy, then its politick Form can have no other Sense, than its Subserviency to the civil Policy, and thus the Lie is as gross, that this is the Second Reason of that Letter, which speaks of Prelacy in it self simply considered. Nay, how contrary are you to your selves in quite passing over the Third and main Reason of Prelacy its Contrariety to Scripture-rules of Church-government, abstracting from both the former Grounds. This being a strong Defence if made good, and as to your Scope of mentioning the former Two Reasons, a signal Aggravation of the pretended Guilt of disowning your Meeting, with what Shadow of Ground could you omit this in the Enumeration ? But that your slender Hint at the first Reason, your disguising of the Second, and omitting the Third, says, that you found them too biting to grip them strait, and therefore nibble at them like the Asses, lest they prick your Chaps ; and as blockish and inconsequent are you in hinting a Disproval, forsooth (such as it is) of the Second Reason, and nothing of any of the rest. Since you intended hereby a Discovery of its Irrelevancy, and a Vindication of your Procedure notwithstanding thereof, why ought not the same Grounds to have moved you to offer somewhat against the rest ? If you judged it sufficient for your Purpose to recite them barely without any Disproval, what meaneth your Hint against this, and not so much as your reciting the Third ? If you judged it fit to recite them together with a Hint of Disproval, why was nothing hinted against any of the rest, and the Third neither recited, nor any Thing offered against it ? all *Vulcan's* Gimmerers will not make these cleave fast. And as for that Hint it self, viz. that the (Assertions in the Letter are contrary to Ordination Engagements) why do ye not specify the Matter of these Engagements, and subsume upon the Assertions to make this apparent ? Nay moreover, since what is offered in that Letter, if made good, will infallibly demonstrate these Engagements, to be materially unlawful and null *ab initio*, how insignificant and impertinent is your bringing in

here this Contrariety betwixt these Assertions of the Letter, and these Engagements which you mention? You grant they are contrary; therefore the one must (your selves being Judges) be stuck unto, and the other deserted: And since the Convictions of these Grounds is asserted in the Letter, and since they must needs be supposed valid till you disprove them, surely the relinquishing these Engagements must be an indispensable Duty; and then how ought you to blush for Shame, to lay down the embracing Convictions of Sin and Duty, deserting the one, and cleaving to the other, as a Crime, and an Aggravation of another supposed Crime, especially since the Grounds of so doing are offered to be made good? to which you having returned no Answer, the Offerer may take it for granted that you cannot. Nay further, since many of your selves cannot deny Engagements at your Ordination, and Declarations under your Hand for Presbyterian Government, for the national and *solemn League and Covenant*, and have of a long Time preached for and owned all these, both not this Charge of Levity ly home more to your selves in relinquishing these without Reasons offered, than to one who hath disowned the present Corruptions upon Grounds which you cannot answer, with whom consequently this Change is a *transitus ad meliora*, a laying aside the old Man's corrupt Lusts, a Change which *Paul* gloried in, *By the Grace of God I am what I am*; and *David*, *I thought upon my Ways, and turned my Feet unto thy Testimonies*; which is in you sinful shameless Backsliding, and Levity. Thus your charging this Contrariety upon him, which you dare not simply condemn, and laying it down as one Ground of your Sentence, before the Reasons be disproved, and wherein the Retortion upon your selves is so palpable, is most shameless self-condemning Impudence; and no better is that you mention of deserting and forsaking the Flock, for since the Letter, and the publick Testimony thereafter to the Points contained therein, not only rendereth liable to the civil coercive Power, and penal Statutes enforcing a Ceding (which after Circumstances of Violence cleared, which put him with an Alarm from the Bounds, before the next Saboath after that publick Testimony) but likewise this coercive Violence in that publick Testimony it self being pointed at, as one Ground of leaving the People, this is but your calumnious begging of the Question, as most of what you offer: And moreover, the many Defects of the Episcopal Ordination, and the Want of the People's Call, which the Scripture allows, *Acts* 6. 2. 14. 23. and withal, the standing Relation betwixt that People and their own Pastor, ordained and called according to the Scripture-pattern, and only kept from that Watchtower by Prelatick Violence, will clearly infer this Leaving, as a necessary Consequent of retracting and disowning the Episcopal Corruptions, and embracing the contrary true Principles of the Church. But you are so angry at this, that you would have him not only unchristian, but unnatural in this leaving. What? is the Tie natural betwixt a Minister and a Congregation, and not rather founded on positive Institution? Is it not secondary and mutable, and founded upon the immediate primary Tie to this Church universal? What pitiful Folly is it then to call the loosing of this Tie *unnatural*? *Relata se mutuo ponunt & tollunt*; and no less impertinent and groundless is that which you furiously come out against that which you call *Preaching at Conventicles*; since the Person you charge antecedently to your Sentence, is by your selves supposed a lawful Minister of the Gospel, who, by your own Confession, hath an immediate Relation, *actu primo*, to the whole Church, (unless you embrace *independent* Principles) and that consequently his Preaching, or administering Sacraments without the Sphere of that Congregation, hath the same Authority as within it, and that the neighbour Pastor's Desire supposeth this, but adds no new Authority. Withal, since Ministers are under many pressing inviolable Commands to preach the Gospel, to be instant in season and out of season, and terrible Threatnings are thundred against the negligent, and unfaithfully silent, especially in a Time of such Hazard: Nay moreover, since you dare not simply and absolutely condemn preaching unfixedly, unless you condemn clear Scripture Instances, even as to fixed ordinary Officers, as *Acts* 8. and also the Practice of our first Reformers in both these Nations and elsewhere, but must needs acknowledge this lawful, particularly the Cases of Defection and Persecution, what self-contradicting Folly is it, generally and bluntly to condemn this Practice as contrary to the Word? which you dare not deny the Word in these Cases to warrant, and that these Cases are by him you sentence presupposed as inevitably following upon these Principles offered to you, and hence your senseless Impertinency as to what you suggest of (Civil and Ecclesiastick Laws contrary hereunto) luculently appears for the Person you speak of being *hactenus* a Minister, who may in several Cases preach unfixedly, as is said, and whom you cannot affirm that any civil Statutes, (tho' warrantable as you say) can formally exaucterate, and *primario*, this being a spiritual Censure to be past by a Church-judicatory, far less can it loose these many Commands touching the Exercise of the Ministry: To say that the Exercise of the Ministry, because of the civil Power its Opposition, is seditious, is a Charge that lights as much on the Apostles and primitive Christians as upon him. Neither will your bare affirming these Statutes you mention to be warrantable, overbalance the palpable Evidence of the contrary, nor can you here assign any Disparity in the Cases, unless you say, Our Rulers do not discharge preaching, but only in such a disorderly Way, &c. Which Disparity is nought, if the Terms on which they only admit preaching be sinful, since this is equivalent to an expresse simple Prohibition thereof, the Condition being morally impossible because unlawful; and as for your Ecclesiastick Laws of your Church, you must know that we deny your Meetings to be the ministerial representative Church of *Scotland*, and though they were granted to to be, the Church hath no Power but to Edification, for *Paul* had none but to this end, and Circumstances of mere Order must give place to weighty Duties in Cases of extreme Necessity as this is. Nature it self will invert its Order to eschew a *Vacuum*: Besides that, you are not able to point us even to a pretended National Assembly, or supreme Judicatory of your Prelatick Church, to enact these Ecclesiastick Laws thereof, since our General Assemblies were discontinued. Neither will your bare lying Affirmation fasten Sedition or Wickedness (as you call it) upon the Grounds of that Suffering and Imprisonment which you mention, nor darken the Beauty of that Testimony to these who can spiritually discern, which was sealed with remarkable Interposings of divine Providence in the Period of that Trial: As for the not comparing upon your Citations, to what Purpose should ye? The Reasons against the Constitution of your Meeting ye arbitrarily condemn without hearing, and all your Answers were Delations to incense the civil Power, and the only Ground justifying a Compareance at your Meeting, was to decline you, upon the old Reasons which ye had already seen, and never answered. Thus being far from Truth in your Imputations of pretended Crimes, you are as far from Modesty in your bitter scurrile Railings, and from Sincerity in your specious Pretences for your Sentence afterward mentioned therein. If the opposing God's Work and Interest, wherein his Glory was so conspicuous, be consistent with Zeal to his Glory, if the fixing an

indelible Schism in this Church, in your separating from her sworn Engagements and Principles, be (a Suppressing of Schism) and if the setting up such Babes in Knowledge, and profane ones in Practice, to preach the Gospel, as you do open a Door unto, be (a promoting of the Success of the Gospel) and your overturning the settled Order and Peace of this Church, founded upon the best Foundations of Truth and Righteousness, and by slackning, or rather casting by the Reins of all Government, opening a Door to all Licentiousness in Practice, as well as Error in Doctrine; if this, I say, be your Zeal to (promote the Peace of the Church in this Kingdom, and a discountenancing of Division and disorderly Walking) then you may justly lay claim to these Designs; but if the Tendency of your Principles and Practice infer clearly the abovementioned Evils, these Pretences are not more hypocritical than false, and the Person that you sentence, hath that Scripture-consolation clearly to look to in this Case: *Your Brethren who hated you, and cast you out for my Name's sake, said, Let the Lord be glorified, but he shall appear to your Joy, and they shall be a-banded; but you are also full of Bowels of Compassion, forsooth, to that poor People, whom, ye alledge, he hath left to stray, and become a Prey to Satan, &c.* But who knows not, that they with Hundreds of Congregations in this Church, are exposed to all these Evils, by the ravening Wolves, the Rabbies you serve, who have persecute away that People's Pastor, and Hundreds of faithful godly Watchmen from their Flocks? so the Evil which you pretend to remedy owes its Original to your selves, and any Remedy you are like to apply, (if we may take an Estimate from such Creatures as ye have already obruded upon such Congregations) is like to be worse than the Disease.

As for that fine Piece of Pageantry at the Tail of your Paper, viz. the Prelate's touching your Act with his Crosier to make it valid, it doth exactly discover what an exact *Leger de main* he and such like are, pretending, *pro forma*, that to be a judicial Synodical Act, which is merely his own Act, who might have done it all in his Chamber, as many of that Fraternity have done before, but he likes to act behind the Curtain of the whole diocesan Cyphers chapterly convened, that you may bear a Part of the Odium with him, and that he may mask his Episcopal Usurpation from the Eyes of the simple. We wonder not that he calls you in the high Stile, *Our Synod*, but if he had said, *Our Vassals, or Slaves of Dunkeld*, he had said as right and suitable unto his arrogant, and most antiscritural Stile of Nobility, *We Henry, &c.* and the Subscription *Henry Dunkeld*, that is, in plain Language, spiritual Lord, owning a Lordship and Dominion over the Souls, Faith, and Consciences, &c. of both Ministers and Flocks in all that Diocese; and then what Agreement hath this with our Lord and Saviour's Prohibition of assuming the Stile of gracious Lords, and *Peter's* discharging to lord it over God's Heritage, is easy to judge; but he took these Reasons of the Sentence to serious Consideration, and found them relevant; but the Rule of his Consideration herein is like unto that Authority which he interposes for ratifying this Act, viz. both antiscritural and apocryphal. Only since the pretended (unchristian Forsaking the Flock) is one Ground of that Sentence, and (preaching elsewhere) another, it would seem he might have reflected upon his forsaking his own Flock, to play the domineering Prelate, and preaching no where. In a Word, his having the Government of these Congregations in all that Diocese monopolized in him, and let out, according to his Pleasure, to Ministers, his sole Power in Ordination and Jurisdiction, his negative Voice in the Meetings, his arrogating only (Rule) to himself, and not feeding by Doctrine as his proper Work and Duty, rendreth him a Monster to the Scripture, it owning no Difference betwixt a Bishop and Pastor of a Congregation, either in Name or Tuing, nor extending the Term *Bishop* beyond the actual Care of feeding immediately; nor hath it any Correlate or Object but the Flock, and not the Pastors of it; nor do the Scriptures hint in the least any Name, Qualification, or Ordination, Work, Duty, or Operation of ordinary Church-officers, Superiors to Presbyters, who are called Rulers, Governors, Overseers, Bishops, and both Ordination and Jurisdiction appropriate to them, and all ordinary Ecclesiastick Authority relating thereto, or included therein, without the least Intimation of Imparity in the Exercise thereof, 1 *Thess.* 5. 12, 17. *Heb.* 13. 17. with 1 *Cor.* 5. 12, 18. *Matth.* 18. 17. 1 *Tim.* 4. 14. 3 *Epistle of John* 9. *Tit.* 1. 5. *Acts* 20. 28. 1 *Pet.* 3. 4. So you see that there's no Reason that Brother be stopt, or discouraged in the Exercise of his Ministry received from Christ, (although through Prelacy's impure Chancel, and now purged from its Corruptions) or in the least shaken as to Perswasion or Resolution, by any Thing presented in this pretended Act or Sentence, but rather encouraged.

King's Indemnity, March 24. 1674. N^o. LXVII.

CHARLES, by the Grace of God, King of Great Britain, France, and Ireland, Defender of the Faith; To Our Lovits, Our Lyon King at Arms, and his Brethren, Heralds, Macers, Pursevants, and Messengers at Arms, Our Sheriffs in that Part conjunctly and severally, specially constitute, Greeting: Forasmuch as the Affection which We have to this Our ancient Kingdom of Scotland, makes Us readily to embrace all Occasions, whereby We may witness Our Zeal to do all Things which may be for the Advantage and Ease of Our good Subjects; and We being informed by Our right trusty and intirely beloved Cousin and Counseller, the Duke of *Lawderdale*, Our Commissioner, of some Things which have been, and still are troublefom and burdensom to Our good Subjects of this Our Kingdom, We have thought fit, as an Act of Our Royal Bounty, by Our Royal Authority, with Advice of Our Privy Council, to declare Our Royal Pleasure, for the Ease and Satisfaction of Our good Subjects, in manner following.

First. We, with Advice foresaid, do hereby statute and enact, and accordingly do freely and absolutely discharge to Our Subjects all Rests of Assessments, monthly Maintenance, Loan and Tax, Levies, Out-rieks of Horse and Foot, Excise, Tenth and Twentieth Penny; and generally all Impositions whatsoever, due or imposed upon this Our Kingdom, at any Time before Our happy Restoration, excepting all Sums of Money already paid, or Bonds given for Money, (which by Assignations may be conveyed through several Hands;) and all these Particulars abovementioned, We, with Advice foresaid, do now discharge, notwithstanding

withstanding of any Commission granted to Sir *John Weems* of *Bogie*, or any others for collecting them, or any of them.

We in like Manner, with Advice foresaid, discharge all Rests of the Taxation ordinary and extraordinary, granted to Our Royal Father of blessed Memory, by the Parliament in the Year 1633. comprehending therein the Taxation of Two of Ten of Annualrents, excepting all Sums of Money already paid, or Bonds granted preceeding the Date hereof, and excepting all Sums of Money due by any Person liable for the Relief of those who have made Payment or given Bond: But in regard the Duke and Dutcheſs of *Hamilton* have a Right to the Rests of the said Taxation, until they be satisfied of certain Sums of Money acclaimed, as yet resting to them by Us, conform to a Contract past betwixt Our Royal Father and the deceased *James Duke of Hamilton*, and a Commission granted by Us to *William* now Duke of *Hamilton*; We do declare, that We are resolved to satisfy the Debt, if any be found due to the said Duke after Count and Reckoning of his Intromission with the said Taxation, that Our Grace and Favour intended hereby to Our good Subjects may be made effectual, and entire to them; but prejudice in the mean Time to the Duke of *Hamilton*, of his Right and Execution thereupon, ay and until he be satisfied of what shall be found due to him, after Count and Reckoning of his Intromission with the said Taxation.

We do likewise, with Advice foresaid, freely and absolutely discharge all such Parts of the Annuity of Tiers, as were due to Us before Our happy Restoration, and do suspend the charging for, the receiving or paying of any Annuity due since Our Restoration, ay and until the Earl of *Lowdon* make Account (to any We shall appoint for that Effect) of what he or his Father have received of the said Annuities; to the end We may then declare Our further Pleasure, excepting always from this all Sums of Money already paid, or for which Bond is given upon that account, preceeding the Date hereof; and this, notwithstanding of any Commission granted by Us to the Earl of *Lowdon*, for collecting of the said Annuities.

We do also, with Advice foresaid, freely and absolutely discharge all Fines imposed by Our First Parliament of this Our Kingdom, excepting such as are already paid, or such for which there is Bond already given. It is always hereby declared, That all Monies received by Collectors or Sub-collectors from their several Entries in all or any of these Particulars, above discharged, or others entrusted for uplifting thereof, are hereby excepted; and the said Collectors, Sub-collectors, and others foresaid, declared accountable for the same, to any who have or shall have Our Commission for that Effect.

And last, We, for a further Proof of Our Affection to Our good Subjects of this Our Kingdom, do, with Advice foresaid, freely and absolutely grant a general Pardon and Discharge of all arbitrary and pecunial Pains incurred by any of Our Subjects, before the Date hereof, through the contravening of any Laws, penal Statutes, or publick Acts whatsoever, except such pecunial Pains as are already inflicted or imposed by Our Privy Council, or any other competent Judicatory, for which Bonds are given, or Money paid; and excepting all Sentences of Banishment, Imprisonment, or Confinement: Declaring always, That this Pardon is not to be extended to any who were guilty of the Rebellion in the Year 1666. and are not admitted to the Benefit of our Indemnity, nor to such as are guilty of capital Crimes. And We having given, as said is, so full Proof of Our Bounty and Goodness to Our Subjects, and of Our full Pardon of all arbitrary and pecunial Pains, extending even to these against Conventicles, withdrawing from Ordinances, disorderly Baptisms and Marriages, We do expect, that this Our unparalleled Grace and Goodness will oblige all Our good Subjects, to express their due Sense of and Thankfulness for the same, by a more careful Observance and due Obedience to Our Laws, from which nothing is to be derogate hereby as to their due Observance in Time coming. And to the end, that Our Royal Clemency and Bounty to Our good Subjects, may be for their full Security made known to them; Our Will is, and We charge you straitly and command, that incontinent, these Our Letters seen, ye pass to the Market-cross of *Edinburgh*, and the Market-crosses of all the other Royal Burroughs of this Our Kingdom, and other Places needful, and thereat, in Our Name and Authority, with all due Solemnities, by open Proclamation, make Publication of the Premises. The which to do, We commit to you conjunctly and severally Our full Power by these Our Letters, delivering them by you duly execute and indorſed again to the Bearer. Given under Our Signet at *Holy-rood-house* the Twenty fourth Day of *March*, 1674. and of Our Reign the Twenty sixth Year.

Per actum Dominorum secreti Concilii.

Al. Gibson, Cl. secr. Concilii.

God save the King.

Presbytery of Paisly's Sense of the Overtures. September 29. 1674. No. LXVIII.

MR. *Hugh Peebles* and Mr. *William Eccles*, are by the Brethren appointed Delegates to the Meeting of Correspondents at *Edinburgh*, and impowered and commisionate to declare their Agreement to the Overtures and Materials in the Sense underwritten, and in other new Cases to consult and report.

To the First Overture. As we heartily agree that young Men (as Providence offers Occasion of them) upon Trial had of their Piety, Orthodoxy, and Abilities, and being found qualified, be licentiate by Presbyteries as Probationers; so we earnestly wish a Succession of godly and able Presbyterian Ministers may be carefully seen unto in all due Ways. In order to which, it is our Judgment, 1st. That none be ordained

ordained without a particular Charge, at least until the Lawfulness and Expediency of ordaining to an indefinite and ambulatory Ministry, be further considered by the Presbyteries, and allowed by the unanimous Consent of the general Correspondents. 2dly. That where a Congregation is vacant, and the People harmoniously calling an approved Man to be their Minister, and engage to maintain and adhere to him as their Minister, and he being willing to embrace the Charge, in that Case (no other manifest Obstruction appearing) he may and should, being tried and found fit, be ordained by the Presbytery of the Bounds: It being always provided, that the whole Business be carried on in an orderly Way, as formerly wont to be, agreeably to our Presbyterian Principles, except where Necessity compells to recede from any of the usual Circumstances.

To the Second. The first Branch thereof we approve, adding that we judge it fit that they and every other Association be fixed and distinct in their Members, as wont to be formerly; and for the Second Branch, as we agree, there be synodical Correspondence, so we think it expedient for the *interim*, that it be done by Two Delegates from each Presbytery, and Three or Four Times a Year at least, and that their Power be only consultative till further Settlement.

To the Third we agree, it being always provided, that in warning the People of the Evils of the Times, there be no Reflections upon the rest of their Brethren, and that no Association, without manifest and extraordinary Necessity, send Preachers to any People within the Bounds of another Association, without their Consent.

To the Fourth. It is agreed unto, understanding it of an Offer of publick Concern, and providing the Advertisement and Return of Judgments mentioned be done *sine mora*, at least within the Space of after the Offer.

To the Fifth agrees; yea, that Elders be restored in due Time to their Place in our respective Meetings;

To the Sixth we agree, adding that we think it fit also, that no Stranger take upon them to preach or baptize within the Bounds of any of our Associations, without the Allowance of one or more of the Ministers of the Bounds; nor is any Minister or Expectant to preach or baptize at all, (except occasionally) within the Bounds of a Presbyterian Minister's Parish, without his Consent, nor to go any where through the Country preaching, without the Direction of the Presbytery, whereof themselves are Members, to whose Regulation they should and must be subject herein.

To the Seventh agrees, providing it be not interpreted to oblige Ministers already settled elsewhere, to desert their present Station, and to return to their former Charge, without an open Door of Regrets, at the Judgment of their Brethren; and that upon the other Hand it allow not any to continue unfixed, who may have an open Door to the settled Exercise of their Ministry, at the Judgment of their Brethren.

Addenda.

I. That it be agreed upon and inviolably observed, that the Meeting of the general Correspondents be constitute of Two or Three Delegates from every *Classis*, and that they meet twice a Year or oftner, *pro re nata*.

II. That the Names of the Members of each Association be sent to the Meeting of synodical Correspondence, and the Constitution of the Classes be liable to be judged and determined by them.

III. That, for Harmony's sake, and the free Course of the Gospel, there be henceforth no preaching nor writing against one another, nor upon any Matter of common Concernment, without the Allowance at least of the respective Associations.

IV. That at the Ordination of Ministers, they be taken bound to adhere to, and maintain the Reformed Religion of the Church of *Scotland*, in Doctrine, Worship, Discipline, and Government, as it is contained in the Scriptures, summarily held forth in our Confession of Faith and Catechisms, and sworn to in our Covenant.

Deliberanda.

I. What is to be accounted a vacant Parish, whereunto a Minister may be ordained.

II. That some Expedients be thought upon for calling the Meeting of general Correspondents *pro re nata*.

As to the Materials of the Address.

We heartily agree that there be an Address vigorously prosecuted, and that these or other Materials be put into Form; but if an Address cannot be unanimously accorded, that some way of publick Testimony and Warrant be thought upon, and brought as far length as can be, to be remitted to the several Societies to give their Thoughts upon, and to be brought to as speedy a Conclusion as may be.

Articles agreed on at the Meeting of Ministers, January 20. 1675. No. LXIX.

Delegates from the Presbytery of *Air, Irwin, Paisly, Glasgow, and Hamilton*, being met in a synodical Correspondence, to consider of Matters of their common Concernment, and taking the Overtures propounded by the Meeting at *Edinburgh* to Consideration, the unanimous Sense of the several Associations, after Collation, is found to be as followeth, which yet was remitted to the several Presbyteries, to be further considered.

As to the first Overture we are agreed, 1st. That Students of Theology, as Providence offers Occasion of them, be carefully seen to in their Breeding, and upon Trial had of their Piety, Orthodoxy, and Abilities, they being found qualified, be licentiate by Presbyteries as Probationers. 2dly. That a Succession of able and godly Presbyterian Ministers be carefully seen to in all due Ways, and by fit Means: In order to which, it is judged proper, 1. That none be ordained without a particular Charge, until the Matter of ordaining to an indefinite Ministry be further considered by the several Presbyteries. 2. That where a

Congregation is vacant, and a sufficient Call had of an approved Man to be Minister there, he being willing to embrace the Charge, and the People engaging to maintain, subject themselves, and adhere to him as their Minister, he may and should, being tried and found fit, and no other manifest Obstruction appearing, be ordained by the Presbytery of the Bounds, or in case there be none, by the next adjacent Presbytery. 3dly. That where the Plurality or considerable Part of a Parish does desire a faithful Minister, they be also provided for according to Order, as aforesaid. 4thly. That at the Ordination of Ministers, they be taken bound to adhere to and maintain the Reformed Religion of the Church of Scotland, in Doctrine, Worship, Discipline, and Government, as it is contained in the Scriptures, and summarily held forth in our Confessions of Faith and Catechisms, and sworn to in our Covenants.

To the Second. The first Branch thereof is allowed, adding, that we think it fit, that these and every other Association be fixed, and distinct in their Members; and for the Second Branch it is agreed there be synodical Correspondence, and thought fit that it be done for the *interim* by Two Delegates from each Presbytery, and thrice a Year or oftner, *pro re nata*, and that, till further Settlement, their Power be only consultative *pro prima vice* in Matters, till their Proposals be taken back to Presbyteries, and the Presbyteries Judgment or Commission to conclude them be had.

To the Third. It is agreed unto.

To the Fourth. It is still left under Consideration till next synodical Meeting.

To the Fifth agrees; yea, that Elders be restored in due Time to their Place in our respective Meetings;

To the Sixth agrees, adding, that we think it fit also that no Stranger take upon them to preach or baptize within the Bounds of any of our Associations, without the Allowance of one or more of the Ministers of the Bounds.

To the Seventh. It is conceived, that the Respect therein mentioned should for the Time reach so far, as that each Minister not already employed either in his own or some other vacant Charge, should repair to his own Charge, or as near thereunto as may be, or as he can attain tolerable Accommodation and Access to the Exercise of his Ministry; yet so as that, in regard of the great Necessity of desolate Places, and Paucity of honest Ministers, he may be ready to help other needful Places as he shall be particularly called, or have the Advice of the Meeting where he resides; and for making this further practicable, that such Ministers preaching elsewhere, deal with these Parishes to invite and encourage their own Ministers home, and deal with others to agree with some qualified Person for their Supply, with the Consent of the Presbytery.

Moreover, the Brethren Delegates thought fit, 1mo. It be agreed upon and inviolably observed, that the Meeting of general Correspondents be constitute of Two or Three Delegates from every *Classis*, and that they meet twice a Year or oftner, *pro re nata*. 2do. That the Names of the Members of each Association be sent to the Meeting of synodical Correspondence, and the Constitution of the Classes be liable to be judged and determined by them. 3mo. That, for Harmony's sake, and the free Course of the Gospel, there be henceforth no preaching nor writing against one another, nor upon any Matter of publick Concernment, without the Allowance at least of their respective Associations.

Further, it is recommended to the several Meetings to bring in the Names of the Expectants within their Bounds, to the synodical Meeting.

It is also thought fit, that Ministers that are not in Charge preach sometimes with their Brethren that be in Charge, upon their Invitation, and that these in Charge do sometimes, as Conveniency allows, preach in Congregations that want, upon the People's Invitation.

It is recommended to the Brethren of Glasgow to write to Mrs. Robert Law, Robert Mitchell, James Walkinshaw, and Thomas Melvil, to associate themselves together, to take Care of the Bounds of the Presbytery of Dumbarton.

Recommends it likewise to Mrs. Andrew Morton, Alexander Jamieson, and John Baird, to write a Letter to the Brethren of the East, for drawing on a Meeting of general Correspondence.

It is agreed, that the next general Meeting be at Strathaven, upon the First Tuesday of June.

Lastly, recommends it to Mr. Patrick Simpson to correspond with the Brethren of Argyle, to draw them to correspond with the general Meeting of other Synods.

Exceptions by a particular Minister. N^o. LXX.

AS to the Inscription, they are not the unanimous Sense of the several Associations, on the Overtures, and that because several Particulars in the former Paper were not so much as debated and concluded in some Associations, let be committed to their Delegates as their Sense. As 1mo. That about the Power of synodical Correspondents, that it shall be only consultative, and not authoritative. 2do. The Explication of the Respect mentioned in the Seventh Overture, which seems to restrict it to Ministers who have not accepted of the State's Indulgence.

As to the explicatory Addition on the Second Overture on the Second Branch, it seems not consonant to our Presbyterian Principles, 1st. Because there being a Constitution of Presbyteries by the Election of several Meetings of Ministers, uniting together for the Good of the Gospel, and acting authoritatively for the Good of the same, they are bound, by the Institution of Churches, to associate and meet in more general Assemblies, for the common Good of the Church within their Bounds, to exercise that same Authority to which all are bound to be subject; for it is one and the same Authority, whether it be more extended or restrained as to its Object. 2dly. The meeting of Ministers in ordinary, whether lesser or greater, for the Advantage of the Gospel in the Bounds where they exercise stately their Ministry, have that Authority flowing immediately from their Office, and the Institutions and Precepts of Christ in his Word; and it is not in the Power of Ministers or People by any Agreement to alter the same, their Conclusions agreeing with the Word, do bind all Ministers and Professors to Obedience, so that this Explanation looks not agreeable to Matthew 18. Prudentials are not to be preferred to Commands and Institutions.

Upon

Upon the Agreement anent the Fifth Overture, *quaritur*, What is meant by restoring of Elders in due Time, supposing as it it were not now?

Upon the Agreement on the Sixth Overture, *quaritur*, What is understood by stranger Ministers, whether those without this Church, or without the Bounds of the respective Associations, if not fixed Members thereof; the Explanation allowed as to the former, not as to the latter?

Concerning the Explanation of the Seventh Overture, *quaritur*, *Who are understood by Ministers employed in their own, or other Charges*, whether these that have accepted the State's Indulgence?

Presbytery of Paisly's Sense of the Articles. N^o. LXXI.

THE Brethren agree to what is overtured in reference to the first Overture, except the Third Article thereof, which is referred to further Consideration; also they think fit, that instead of the Word *Meetings* in the First Article, be put the Word *Presbyteries*. What is said to the Second Branch of the Second Overture, is referred to further Consideration.

November 18. 1675.

The Brethren resuming the Consideration of the Overtures at *Glasgow* agreed further, as follows.

That as to the Third Article their Judgment is, that in this extraordinary Case of the Church, such Congregations as want a godly Presbyterian Minister, where they or a considerable Part of them do desire it, Pains be taken to provide such an one among them, whether an actual Minister that hath not Access to his own Charge, or an Expectant, as aforesaid, in the Sense of the synodical Correspondents on the First Overture.

Further, it is referred to the Consideration of the synodical Correspondents, what is to be done for Supply of Congregations, whose Minister is indulged to preach in another Congregation than their own, and that Congregation is desolate, or have only a Conformist Incumbent that they do not submit unto; also what is to be done by and for Congregations, whose Ministers being by the People and their Brethren desired, do not come to supply them.

As to the Second Branch of the Second Overture, it is our Mind that the Meeting of synodical Correspondents have Power to conclude and decide authoritatively, in Things within their own Bounds; only that any new Case, or of common Concernment, that the several Meetings have not had their Thoughts of, be referred back to their Consideration, that, according to the more general Mind of the Meetings, Things may be the more satisfyingly and unanimously determined in the next synodical Meeting, and submitted to by all accordingly.

What is said upon the Sixth Overture is referred to further Explication, if it extend to occasional preaching of known Ministers among People that have not a settled Presbyterian Minister, or if it be not also with a Reservation of the occasional Supply of such Vacancies on the Desire of the People, by Brethren of our own Presbyteries or Synod.

Unto the First Overture it is added, that we humbly conceive, that where a Congregation desireth to be supplied or settled with a godly Minister, and there are found Difficulties in the Case by the Presbytery of the Bounds, it should be referred to the Meeting of synodical Correspondents; which, if it be interrupted or delayed, or be not to meet so soon as the Case requires, the Presbytery may call some next neighbour Presbytery to joyn with them for their Assistance. (*Glasgow* Brethren add, that upon a Reference made by the Presbytery of the Bounds to the next adjacent Presbytery, they may go about the same.)

It is referred to the Correspondents what way is to be taken with the Brethren, who in the Bounds of a Presbytery do not associate, and will not keep Meetings with them.

Council's Act for a Fast, July 15. 1674. N^o. LXXII.

CHARLES, by the Grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, to all and sundry Our Lieges and Subjects whom it concerns, Greeting: Forasmuch as the almighty God, in his most wise and righteous Providence, after the sinful Abuse of his most signal Mercies of the blessed Gospel, of Our own and our Subjects wonderful Deliverance from the Yoke of Usurpation and Bondage, by the almost miraculous Restoration of Us to the Exercise of Our Government, and of the long and merciful Continuance of our despised Peace and Plenty, doth, by his Warnings and Judgments incumbent and impendent, manifestly discover his Anger and Displeasure against the grievous Sins of this Kingdom; and particularly by the sad and pinching Dearth, whereby many indigent Persons and Families are reduced to a starving Condition, and by the long and threatening Drought, the Lord, in his righteous Judgment, having so long bound up the Clouds, making the Heavens Brass, and the Earth Iron, thereby threatening Our Subjects of this Kingdom with the breaking of the Staff of their Bread, and with the dreadful Plague of Famine; which Dispensation doth with a loud Voice call upon all Ranks of People for speedy and true Repentance, and the national Expression hereof by deep Mourning and solemn Fasting and Humiliation.

Therefore We, with Advice and Consent of the Lords of Our Privy Council, do ordain a Day of publick and solemn Fasting and Humiliation, to be kept and observed by all the People of this Kingdom, in the several Parishes thereof, strictly commanding and requiring them upon that Day, to cease from all the Works of their ordinary Callings, and to repair to their respective Parish-churches, and there make solemn Con-

fession of their Sins, and implore the divine Mercy for the Land, by praying, mourning, fasting, and such other Devotions, as are requisite and usual upon such Days of publick Humiliation: And more particularly, humbly to confess and mourn for the great Neglect and Contempt of, and Disobedience to the blessed Gospel, and the Ordinances thereof, and the great and lamentable Increase and Prevalency of Atheism, Profaneness, and Irreligion, which is thereby occasioned, and for the sinful undervaluing of the great Blessing of Peace, so long enjoyed by Our Subjects under Our Government. By all which, and many other crying Sins, the Lord's Jealousie and Anger are kindled, and his Hand is stretched out against this Kingdom, threatening the Destruction of the Fruits of the Ground, the necessary Provision for the Life of Man and Beast, that by serious Mourning for, and sincere and hearty Turning from these provoking Sins, the Lord may graciously pardon them, and repent him of the Evil seemingly determined by him, and most righteously deserved by us, and may open the Clouds and grant the latter Rain in its due Season and Measure, reserving for us the appointed Weeks of the Harvest. And for this End and Purpose, We, with Advice foresaid, do seriously recommend to, and require the Archbishops and Bishops, to be careful that this Fast be duly observed by the Ministers in their respective Dioceses, as follows, to the Archbishops of St. Andrews and Glasgow, the Bishops of Edinburgh, Dunkeld, Brechin, and Dunblain, to cause it to be intimated in the several Parish-kirks of their Dioceses, upon Sunday the Twenty fifth, and observed on Wednesday the Twenty eighth of July Instant; and the remanent Bishops, whose Dioceses are more remote, to cause it to be intimated on Sunday the First of August, and to be observed the Fourth of August next. And as to such Ministers, who, by reason of their Distance from Edinburgh, cannot be so soon advertised, that they celebrate this Fast upon the next convenient Wednesday thereafter.

Given under Our Signet at Edinburgh, the Fifteenth Day of July, and of Our Reign the Twenty seventh Year, One thousand six hundred and seventy five Years.

Per actum Dominorum secreti Concilii.

Al. Gibson, Cl. secr. Concilii.

God save the King.

Letters of Intercommuning, August 6. 1675. No. LXXIII. A.

CHARLES, by the Grace of God, King of Great Britain, France, and Ireland, Defender of the Faith; To Our Lovits, Macers, or Messengers at Arms, Our Sheriffs in that Part, conjunctly and severally, specially constitute, Greeting: Forasmuch as upon the Twenty fifth, Twenty seventh, Twenty eighth, Twenty ninth, and Thirty Days of July, One thousand six hundred and seventy four Years, the Persons underwritten were at the Market-crosses of Haddingtoun, Lanerk, Cowpar, Perth, Dumfermling, Stirling, Glasgow, Linlithgow, and Edinburgh, successive and respective orderly denounced Our Rebels, and put to Our Horn, by virtue of Letters of Denunciation raised, used and execute at the Instance of Our trusty and well-beloved Counsellor, Sir John Nisbet of Dirletoun Knight, Our Advocate for Our Interest, for their not compearing personally before the Lords of Our Privy Council, upon the Sixteenth Day of July, the said Year 1674. to have answered and underlien the Law, for their keeping, and being present at House and Field-conventicles, at the Places following, and convocating People thereto, viz. at Innerask, Edmonstoun Chapel, Woolmet, Corstorphin, Magdalen-chapel, and other Places, or one or other of them, or near to them; and for their contemptuous invading and intruding themselves in the Pulpits and Churches of Cramond, Forgun, Kinkmah, and others, in the Months of April, May, and June, the said Year 1674. contrary to the Laws and Acts of Parliament made thereagainst, in manner and at length specified in the principal Complaint raised against them thereanent, viz. Mr. David Williamson, Mr. Alexander Moncrief, Mr. William Wishart, Mr. Thomas Hogg in Ross, Mr. George Johnston, Mr. Robert Gillespy, Mr. M'killigen in Ross, Mr. John Ross, Mr. Thomas Hogg in Stirling Shire, Mr. William Erskine in Teviotdale, Mr. James Donaldson, Mr. Andrew Anderson, Mr. Andrew Mortoun, Mr. Donald Cargill, Mr. Robert Maxwells elder and younger, and James Frazer of Braes: And likewise, upon the Fourth and Sixth Days of July, the said Year 1674. the Persons underwritten were at the Market-crosses of Cowpar, Falkland, and Perth, successive and respective orderly denounced Our Rebels, and put to Our Horn, by virtue of Letters of Denunciation, raised, used, and execute at the Instance of Our said Advocate, for Our Interest, against them, for their not compearing personally before the Lords of Our Privy Council, upon the Twenty fifth Day of June, the said Year 1674. to have answered and underlien the Law, for their keeping and being present at House or Field-conventicles, at Pitcotty Muir, Ravensheugh, Kinkell, Balmeanoch, and other Places, and convocating Persons thereto, and for respecting and entertaining outed Ministers in the Parishes of Stramiglo, Abernethy, and Auchtermuchty, in the Months of April, May, and June, the said Year 1674. contrary to the Laws and Acts of Parliament made thereagainst, in manner and at length specified in the principal Complaint, raised against them thereanent, viz. Sir John Kirkaldy of Grange elder, Hamilton of Kinkell, James Hamilton his Brother, John Gaddy in Falkland, John Arnott of Pitgurnzie elder and younger, Archibald Arnott in Newburgh, Mr. Thomas Arnott in Collesy, Andrew Arnott Merchant in Kirkaldy, Thomas Schaw elder of Gosport, David Schaw his Son, Hary Schaw in Balgony, George Fleming in Balbuthie, William Sherburn in Lundinmill, John Miller in Dinork, Andrew Kinnier Merchant in St. Andrews, John Thomson in Farwield, Gowan in Crail, Robert Herbertson in Tarbet, and Douglas Portioner of Colsey: As also upon the Fifteenth and Sixteenth Days of July, the said Year 1674. the Persons underwritten, were at the Market-crosses of Cowpar and Forfar, successive and respective orderly denounced Our Rebels, and put to Our Horn, by virtue of Letters of Denunciation, raised, used, and executed at the Instance of Our said Advocate, for Our Interest, for their not compearing personally before the Lords of Our Privy Council, upon the Ninth Day of July, the said Year 1674. to have answered and underlien the Law, for their keeping and being present at House and Field-conventicles, at Dumfermling, Cleish, Orval,

and others, and for their inviting and countenancing outed Ministers in their Invasion and Intrusion upon the Kirks and Pulpits of *Forgun, Balmerinock, Collesly, Moonsey, and Auchtermuchty*, and hearing them preach and pray therein, and for harbouring, resetting, and entertaining Mr. *John Welsh*, a declared and proclaimed Traitor, in their Houses and elsewhere, and conducting and conveying him through several Places in *Fife*, in an hostile Manner, and threatening those who should apprehend, molest, and interrupt the said Mr. *John Welsh*, and others in his Company, in the Months of *April, May, and June*, the said Year 1674. contrary to the Laws and Acts of Parliament made thereagainst, in manner and at length specified in the principal Complaint, raised against them thereanent, viz. *Thomas Blyth* Heritor in *Kennoway* Parish, *Weems*, *Lady Colvill*, *John Adam* Bailie of *Stramglo*, *James Pryde* in *Neher-urquhart*, *David Coventry* in *Arlary*, *John Henderson* there, *Robert Stark* in *Mills of Forth*, *William Page* in *Cowpar of Fife*, *John White* there, *Richard Chafdale* there, *Lady Balcanquell*, *Colonel Robert Halket*, *John Smith* in *Dundee*, *John Balfour* in *Lethum*, *Alexander Walker* in *Friertoun*, *George Spence* in *Fordeh*, *Patrick Melvil* in the *Burnside*, *Wardlaw* Heritor in *Kirkcoun*, *Colvill Lady Baily*, in *Dunino* Parish, *James Grieve* in *St. Andrews*, *Andrew Kinner* there, *James Lethian* in *Kingsbarns*, *Mr. James Bonnar* of *Gregstown*, *John Scot* in *Lathones*, *Lady Colterny*, and *David and Alexander Campbells* in *Kirkaldy*: And likewise, upon the Twenty

ninth Day of *July*, the said Year 1674. the Persons underwritten, viz. *William Livingstone* of *Greenyards*, *Farquharson* of *Shielbrae*, were at the Market-cross of *Stirling*, orderly denounced Our Rebels, and put to Our Horn, by virtue of Letters of Denunciation, raised, used, and execute at the Instance of Our said Advocate, for Our Interest, for their not compearing personally before the Lords of Our Privy Council, upon the Sixteenth Day of *July*, the said Year 1674. to have answered and underlien the Law, for their keeping and being present at House and Field-conventicles, at *Torwood, Cowie, Airth, Frosk, Carbrock*, or in or about one or other of these Places, where they heard Mr. *John Welsh*, Mr. *Gabriel Semple*, Mr. *Samuel Arnot*, and some other outed Ministers, or one or other of them; and for inviting and convoking divers Persons to the said Conventicles, and for supplying, harbouring, entertaining, or corresponding with the said outed Ministers, and divers others Our Rebels, in the Months of *May and June*, 1674. contrary to the Laws and Acts of Parliament made thereagainst, in manner and at length mentioned in the principal Complaint, raised against them thereanent: As also upon the Twenty two, Twenty seventh, and Twenty ninth Days of *August*, and Second Day of *November*, the said Year 1674. the Persons underwritten were at the Market-crosses of *Edinburgh, Dumbartoun, and Perth*, orderly denounced Our Rebels, and put to Our Horn, by virtue of Letters of Denunciation, raised, used, and executed at the Instance of Our said Advocate, for Our Interest, for their not compearing personally before the Lords Commissioners of Our Privy Council at *Stirling*, upon the Eighteenth Day of *August*, and Ninth Day of *September*, the said Year 1674. to have answered and underlien the Law, for their being present at House and Field-conventicles, and withdrawing themselves from the publick Ordinances in their own Parish-churches, for having had their Children baptized at these disorderly Meetings, or for having invited outed Ministers to intrude and invade Pulpits, and having convocate People to hear them therein, or having heard them themselves; at the least, for harbouring, resetting, supplying, or corresponding with Mr. *John Welsh*, and other declared Rebels and Traitors, in *April, May, June and July*, the said Year 1674. contrary to the Laws and Acts of Parliament made thereagainst, in manner and at length mentioned in the principal Complaint, raised against them thereanent, viz. *James Somerwel* at the Boat of *Cardross*, *Hary Dow* of *Westerpolder*, Mr. *John King* Chaplain to the Lord *Cardross*, *John Dink* Portioner of *Murdistoun*, the Lady *Pittendreich* in *Logie* Parish, *Robert Fork* Portioner of *Kilpatrick*, *James Muir* Portioner of *Burdistoun*, and *John Starks* elder and younger of *Balknock*: As also upon the Twenty seventh, Twenty eighth, and Twenty ninth Days of *October*, 1674. the Persons underwritten were at the Market-crosses of *Cowpar in Fife, St. Andrews, and Dumfermling*, orderly denounced Our Rebels, and put to Our Horn, by virtue of Letters of Denunciation, raised, used, and executed at the Instance of Our said Advocate, for Our Interest, against them, for their not compearing personally before the Lords Commissioners of Our Privy Council at *Cowpar of Fife*, upon the Fifteenth Day of *September*, the said Year 1674. to have answered and underlien the Law, for their being present at House and Field-conventicles, and their withdrawing from the publick Ordinances in their own Parish-churches, for having had Children baptized at these disorderly Meetings; at the least, for having invited outed Ministers to intrude and invade Pulpits, and having convocate People to hear them therein, or having heard them themselves; at the least, for harbouring, resetting, supplying, or corresponding with Mr. *John Welsh*, and other declared Rebels and Traitors, in *April, May, June and July*, the said Year 1674. contrary to the Laws and Acts of Parliament made thereagainst, in manner and at length mentioned in the principal Complaint, raised against them thereanent, viz.

Smyer of *Brathnes*, *William Crawford* of *Powmill*, *John Lundy* of *Baldstard*, Mr. *James Lenton*, and *Helen Inglis* his Spouse, *John Collier* of *Lochgelly*, *Dame Anna Riddel* Lady *Colterny*, *Ladies Unthanks* elder and younger, *John Fairfoul* of *Kimloch*, and *Dame Margaret Farquhar* Lady *Halhill*: And likewise upon the Twenty fourth Day of *September*, the said Year 1674. the Persons underwritten, viz. *Hamilton* Relict of *Francis Gallway* of *Todshaugh*, *Simeon Alexander* Feuier and Tenant in *Kirklistoun*, and *James Wilkie* Tenant in *Cliftounhall*, were orderly denounced Our Rebels, and put to Our Horn, by virtue of Letters of Denunciation, raised, used, and executed at the Instance of Our said Advocate, for Our Interest, against them, for their not compearing personally before the Lords Commissioners of Our Privy Council at *Edinburgh*, upon the Sixteenth Day of *September*, 1674. to have answered and underlien the Law, for their being present at House and Field-conventicles, and withdrawing from the publick Ordinances in their own Parish-churches, and having had their Children baptized in these disorderly Meetings, and for their inviting outed Ministers to preach thereat, and convoking People thereto, and for harbouring, resetting, supplying, and corresponding with certain outed Ministers, declared Rebels and Traitors, in *April, May, June, July, August and September*, the said Year 1674. contrary to the Laws and Acts of Parliament made thereagainst, in manner and at length mentioned in the principal Complaint, raised against them thereanent, as the said respective Letters of Denunciation above written, duly execute and registrate, (conform to the Act of Parliament) produced in presence of Our Privy Council, bears. At the Process of which Horn the forenamed Persons lie and remain, taking no Regard thereof, nor of Our Authority and Laws; and are encouraged to continue in their Rebellion, by the Refet, Supply, and intercommuning which they have with several of their Friends and Acquaintances, to the high Contempt of Us, Our Authority and Laws. OUR WILL IS HEREFORE,

FORE, and We charge you straitly and command, that incontinent, thir Our Letters seen, ye pals to the Market-croffes of *Edinburgh, Haddingtoun, Lanerk, Cowpar, Perth, Dumfermling, Stirling, Glasgou, Linlithgou*, and other Places needful, and therat, in Our Name and Authority, command and charge all and sundry Our Lieges and Subjects, that they, nor none of them presume nor take upon Hand to refer, supply, or intercommune with any of the foresaid Persons Our Rebels, for the Causes foresaid, nor turnish them with Meat, Drink, House, Harbour, Victual, nor no other Thing useful or comfortable to them, nor have Intelligence with them by Word, Writ, or Message, or any other Manner of Way, under the Pain to berepute and esteemed Art and Part with them, in the Crimes foresaid, and pursued therefore with all Rigour, to the Terror of others; requiring hereby all Sheriffs, Stewarts, Bailies of Regalties and Bailiaries, and their Deputes, and Magistrates of Burghs, to apprehend and commit to Prison any of the Persons above-written, Our Rebels, whom they shall find within their respective Jurisdictions, according to Justice, as you will answer to Us thereupon. The which to do, We commit to you, conjunctly and severally, Our full Power by these Our Letters, delivering them by you duly execute, and indorsed again to the Bearer.

Given under Our Signet at *Edinburgh*, the Sixth Day of *August*, One thousand six hundred seventy and five Year, and of Our Reign the twenty seventh Year.

Per actum Dominorum secreti Concilii.

Al. Gibson Cl. secr. Concilii.

State of my Lord Cardross's Process, 1675. N^o. LXXIII. B.

There being a Pursuit at the Lord Advocate's Instance, against the Lord *Cardross* and his Lady, before his Majesty's Privy Council, wherein he was convened for keeping of Conventicles in his House, he being present at them in the Months of *May, June* and *July*, One thousand six hundred threecore fourteen Years, and since, and that he was accessory to the deforcing of the Party that apprehended Mr. *John King*, by sending out his Servants, and raising of his Tenants to go and rescue him; and that my Lord did harbour Mr. *John King*, since his Denunciation, in his House for several Months, and did dissuade orthodox Ministers to officiate under the Bishops, and perswaded them to leave their Charges.

The Lord *Cardross* having compeared, made his Defences against the Libel, that in so far as concerned his Lady, by no Law he could be obliged to a violent restraining of her, since that might tend to the impairing of conjugal Affection betwixt Husband and Wife; neither by any Law, divine or humane, is the Husband punishable for the Misdemeanour of the Wife, either in his Person or Goods; for it is contrary to the Nature of penal Laws, to tend otherwise than against the Transgressors; and whatever in the late Acts of Parliament against Conventicles might strike against the Husband, being himself free upon account of his Wife, Children or Servants Guilt, can never be looked upon but as a Law of Terror to be a Stop and Hindrance, that those of a Family should not differ from the Order of the Master.

And as to his Tenants, it was answered, That most of them having Leases, and not every Term removing, they might well be, and were answerable and Law-biding for themselves; nor can the not imposing of a Bond, appointed only by the Council to be taken by the Tenants, inforce against my Lord, any greater Guilt than against the whole Kingdom, since by an inevitable Choice of forbearing that, or casting their Lands absolutely waste, all were forced to abstain from pressing of it.

As to the Deforcement it was answered, That the running out of his Servants and Tenants to gaze at a Tumult, which is not to be prevented by any Care, though the Thing were expected, as it was here in this Case by none, cannot infer any Accession, tho' the Deforcement were granted: But in this Case, where the Party of Soldiers which apprehended Mr. *John King*, were not distinguishable from Robbers or Murderers, being Strangers in that Place of the Country, without their Livery-coats, whereby they ought to be distinguished, without their Muskets or Pikes, the Badges of Soldiers, having only hunting Staves and Dogs, and so assaulting a Person without Production of any Order, and that among a Rabble of rude Commons, who needed all the former Requisites, especially in that Part of the Country, to have made them known to them; it cannot therefore be sustained a Deforcement, and infer the high Punishment thereof, more than the stopping of an alledged Messenger, neither carrying Badge, nor producing Letters, will infer that Guilt. Which Defences, and all others that were proposed, were repelled, and the Libel admitted to Probation by Witnesses, except as to that Part of it anent the dissuading of the Ministers to officiate under Bishops, and perswading them to leave their Charges, which was referred to my Lord's Oath.

The managing of this Probation being referred to the Earl of *Murray*, the Lord *Ross* and *Haltoun*, with some others, to take Trial and examine the Witnesses anent the Libel; which was performed after this Manner.

First. The Pursuer's Interrogatories to the Witnesses, which ought only to have been what was contained in the Libel, was refused to be given up to my Lord *Cardross*, as is the Custom, to be considered; so that those Lords might examine the Witnesses upon the haill Interrogatories given up by the Pursuer, tho' they had been both irrelevant, extrinsick, and impertinent to the Libel.

Secondly. There being above an Hundred and forty Witnesses summoned, and above a Hundred of them compearing before the Council, yet the Committee did not proceed according to the Roll of those that were present, but on the contrary, did call Fourcore of the Witnesses who were not present, and durst not compear, and first interrogate them, called *James Jack* and his Son *John*, Tenants to the Earl of *Murray*; against which my Lord *Cardross* complained by a Bill to the Council, and declared that the same was illegal, to examine Witnesses that were not received in Presence of the Council, and against whom he had competent Objections, which ought to cast any Witnesses, and reprobate their Testimony in Law; such as that the Person was infamous many Years, at the King's Horn, not worth the King's Unlaw, as a Diver and

and bankrupt Person, and had a *cessio bonorum*; and for proving hereof did produce the Decree bearing the same, which Objections were never formerly repelled in any Judicatory in Scotland; yet notwithstanding thereof, the Council receives him on the Earl of Albany's suggestion that he had a Bond of his in his Custody, whereupon my Lord *Cardross*, by a new Bill, complained, shewing, That either that Bond was granted before his *cessio bonorum*, in which Case it behoved to be disposed to his Creditors, or else he is perjured, in respect he swears that he has no more Goods nor what he disposes to them; or else it was after his *cessio bonorum*, and in that Case it belonged to his Creditors, in regard he had sworn that he should dispose, whatever he should acquire, to them, and in either of these Cases he could not be a Witness, being a perjured bankrupt Person, and not worth the King's Unlaw; notwithstanding of all which he was received, some alledging it was the casting of the Process to reject him.

Thirdly. It was objected against his Son, That he being not Major, but a Boy, and in his Father's House and Service, who being a Dyer, could not provide his Son of any Thing, neither as Father or Master, so that he could not be worth the King's Unlaw, and therefore by the Act of Parliament he could not be received. This was likewise repelled, and the Boy admitted.

Fourthly. It was objected against the Soldiers, That they could not be accepted as Witnesses, because they were Informers, or rather Parties, being Actors themselves, and their Persons prejudged; and by the Law no Informers can be Witnesses, because they have betrayed their Testimony thereby.

It was offered also to be proven by Witnesses beyond all Exception, that their Corporal did suborn them to depone such and such Things, saying, They would be shamed and affronted if they did not swear what he and they had formerly said at random, and that they answered they would depone in Matter and Manner as he should desire; notwithstanding of which two most relevant Objections they were likewise received.

By thir Witnesses, against whom these most relevant Objections are, there is proven that the Lady *Cardross* was present at the House of *Cardross*, when the then Chaplain prayed and expounded Scripture, and that my Lord *Cardross* was then at home, but not present thereat; but it is not proven that there were more Persons at that Meeting as makes a Conventicle.

Secondly. It is alledged proven, That she was at a Meeting in a Tenant's House of her own, and because there were Two or Three Persons standing at the Door, therefore it is designed a Field-conventicle, altho' it was not proven that these in the House exceeded the Number allowed by the Act of Parliament; so that it could hardly be called an House-conventicle, much less a Field one: And tho' Mr. *John King* was apprehended at the Boat house of *Cardross*, where he had not stayed a Quarter of an Hour, but only accidentally went in, in his passing that Way, which was occasioned by its being a common Passage over the *Forth*; and tho' it cannot infer my Lord *Cardross* his resetting him upon his Ground, especially seeing my Lord punished the Possessor of the House, by ejecting him immediately from his Tenement.

And tho' it cannot be proven that my Lord *Cardross*'s Servants were at the rescuing of Mr. *John King*, yet because his Nurse and Two Women went to the Gate to gaze at his apprehending, for which my Lord caused his Lady turn them out of her Service; and tho' the Rescue was Three Miles from the House of *Cardross*, yet from these, my Lord's resetting of him, and Accession to the Rescue, is concluded, tho' it was offered to be proven that my Lord himself and his Men Servants were all at home, and did not go at all from the House; and my Lord declared to some Gentlemen that were then with him, that he thought the Party being so near his House would call for his Assistance, as is the Custom in the like Cases; which, if they had done, he would have caused the Laird of *Leny*, who was at *Cardross* House at the Time with some of his Servants and Tenants, to have convoyed the Prisoner to *Stirling*; and when this was deponed by some Gentlemen who were present that Day with my Lord, it was alledged by the Committee, that they were my Lord's Friends, and that Part of their Depositions were not written; and yet from my Lord's Two Womens going out to gaze, who were upon that account put out of his Service, it is concluded that my Lord was accessory to the Rescue.

As for the perswading these Two Ministers to leave their Charges, my Lord produced Two Letters under the Ministers Hand, prior in Date to the Time they alledged he was dissuading them from Episcopacy, directed to other Persons, by which it is evident they were either really or feignedly resolved to give over leaving under Bishops; so that it is apparent that it was not my Lord's Persuasion, but their own Inclination, and referred to their Oath if ever he perswaded them to any such Thing. The Council would not take Notice of the Letters, neither would they allow the Ministers to depone, tho' my Lord *Cardross* referred it to their Oath, as is ordinary in the like Cases, but ordained my Lord to give his Oath, which my Lord refusing to do, being now out of Memory, after so long a Time, to depone upon an accidental Discourse that might have occasionally fallen in: The Council held him as confessing the same, which, tho' it had been true, it not being contrary to any statute Law, it was supposed to be no Ground of imprisoning and fining.

By all the Depositions, there is not only nothing proven against my Lord, that he ever was present at any Conventicles himself, or that he was in the least accessory to the resetting or rescuing of Mr. *King*, or that he was ever harboured in his House to his Knowledge, only that Dyer and the Boy his Son *James*, and *John Jucks* depone, That in Winter last when my Lord dwelt at *Kirkhill* House with his whole Family, which is about Thirty Miles from *Cardross* House, Mr. *King* went and stayed with the Man that had the Keys and keeping of *Cardross* House, who was only in the Office-houses; but none depones nor can say my Lord or his Lady knew or had any Accession to his being there, but on the contrary, they deponed, tho' it was not insert in the Depositions, That when my Lord was removing his Family in the Beginning of the last Summer from *Kirkhill* to *Cardross*, Mr. *King* fled from those Fields, which is a clear Indent he had no Permission, much less an Order from my Lord for his staying there, otherwise he had not quit that Part of the Country at the Report of his coming; but also little or nothing material is proven against his Lady, as may appear by what has been said, and yet on the same bare Probations, against which my Lord has so much to say in Law, the Council has fined him in Eleven hundred Twelve Pounds Ten Shillings *Stirling*, to be paid to the Cash-keeper for his Majesty's Use, and that besides imprisoning his Person in the Castle of *Edinburgh* during his Majesty's Pleasure. The Grounds of which Sentence are here set down.

The Council has likewise appointed a Garison at the House of *Cardross*, where my Lord and his Family were residing, which was formerly spoiled by a Ten Years Garison under the Usurper, and was newly repaired at a Charge, and that in such a Form as is most unfit for Strength, or for lodging Soldiers, without detaching

defacing and altogether marring the Reparation ; and if there be a Necessity for a Garison in that Part of the Country, the King has the Castle of *Down* within Four or Five Miles of *Cardross*, which is his own, and is in all respects fitter for a Garison than any Place else in these Fields, neither can it be prejudged by the Soldiers ; also none of a long Time have resided in it, tho' it be in good enough Repair for a Garison. All which was represented by the Council ; notwithstanding whereof they would not alter their Commands, but order the Soldiers to march immediately to the House of *Cardross*.

Burnet's Examination and Declaration. N^o. LXXIV.

THE Doctor attending according to the Order of the House, was called in, and having answered to the several Questions proposed to him by the Master Speaker, and the House not being satisfied with the Answer, he was called in again to give his last Answer, which he having done, and being withdrawn, and the House not being yet fully satisfied with his Answer, he was again called in to explain himself, and being withdrawn, some Heads of his Testimony, to avoid Mistakes, were drawn in Writ, and being again called, and the same read to him, and having amended it in some Particulars at the Bar of this House, the same is as follows, viz.

That coming into *England* out of *Scotland*, the First Saturday of September 1673. he went to visit the Duke of *Lawderdale* in his Lodgings in *Whitehall*, where the Duke and he discoursed of the Affairs of *England* and *Scotland*, and particularly of the Proceedings of Parliament concerning the Declaration, for suspending penal Laws in Matters Ecclesiastical ; and being afterwards asked, *Whether, if Scotland being called to assist the King, they would assist him or not?* He answered, *He thought they would not ;* but the Duke replied, *He believed they would, and that his coming into England, would bring a great many.* That the Duke asking him of the Affairs of *Scotland*, he answered, *The People in Scotland that were at such a Distance could not imagine what to think of the King's Speech and Declaration ;* whereunto the Duke replied, *Hinc illa lachryma, and that all had forsaken the King but himself and the Lord Clifford.*

Commons Address against Lawderdale, April 27. 1675. N^o. LXXV.

WE your Majesty's dutiful and loyal Subjects, the Commons in the present Parliament assembled, do with Humility and Faithfulness acknowledge your Majesty's Care for the Safety of your People, in calling us together at this Time, to consult of the best Means for the Preservation of our Religion and Properties, though we have great Cause to rest assured of the Continuance of your Majesty's Disposition towards us, yet we find, upon serious Examination of the State of this Kingdom, that there are great Jealousies risen, that some Persons of great Employment under your Majesty, have fomented Designs contrary to the Interest both of your Majesty and of your People, intending to deprive us of our ancient Rights and Liberties, that thereby they might easily introduce the Popish Religion, and an arbitrary Form of Government over us, to the Ruin and Destruction of the whole Kingdom. Amongst these who are presently employed under your Majesty, we have just Cause to accuse, for a Promoter of such Designs, the Duke of *Lawderdale* lately created Earl of *Guilford*, because we have heard it testified in our House by several of our own Members, that in the hearing, before the Council, of the Case of Mr. *Whaley*, who had committed Mr. *James* contrary to your Majesty's Declaration of the 15th of March 1671. he, the said Duke of *Lawderdale*, did openly affirm in the Presence of your Majesty sitting in Council, and before divers of your Subjects attending there, *That your Majesty's Edicts ought to be obeyed, for your Edicts are equal with Laws, and ought to be obeyed in the first Place,* thereby, as much as in him lay, justifying the said Declaration, and the Proceedings thereupon, and declaring his Inclinations to arbitrary Councils, in Terror of your good People. And we are further confirmed in this Opinion by late Acts of Parliament, of a very strange and dangerous Nature, which we have observed amongst the printed Statutes of your Kingdom of *Scotland*, the first whereof was in the Third Session of the First Parliament held there under your Majesty, Cap. 25. and the other in your Majesty's Second Parliament, Cap. 2. the like whereof was never past since the Union of the Two Kingdoms, and are directly contrary to the Intention of an Act past here in the Fourth Year of the Reign of King *James*, for the utter Abolition of all Memory of Hostility, and the Dependencies thereof between *England* and *Scotland*, and for the repressing of the Occasion of Discords and Disorders in Time to come, and of a like Act past about the same Time in the Kingdom of *Scotland*. By Force of which said late Acts, there is a Militia settled in that Kingdom of Twenty thousand Foot and Two thousand Horse, who are obliged to be in a Readiness to march into any Part of this Kingdom, for any Service wherein your Majesty's Honour, Authority, and Greatness may be concerned, and are to obey such Orders and Directions, as they shall from Time to Time receive from the Privy Council there. By Colour of which general Words, we conceive this Realm may be liable to be invaded under any Pretence whatsoever ; and this hath been done, as we apprehend, principally by the Procurement of the said Duke of *Lawderdale*, he having all the Time of these Transactions been principal Secretary of the said Kingdom, and chiefly intrusted with the Administration of Affairs of State there, and himself Commissioner for holding the Parliament at the Time of passing the latter of the said Acts, whereby the providing of the said Horse and Foot is effectually imposed upon the said Kingdom, and that extraordinary Power vested in the Privy Council there ; and we conceive we have just Reason to apprehend the ill Consequences of so great and unusual a Power, especially when the Affairs of that Kingdom are managed by the said Duke, who hath manifested himself a Person of such pernicious Principles. We do therefore in all Humility implore your sacred Majesty

jeſty, conſidering how univerſal a Fame and Clamour of the ſaid Miſdemeanours runneth openly throughout this Realm, that for the Eale of the Hearts of your People who are poſſeſſed with extraordinary Griet and Sorrow, to ſee your Maſteſty thus abuſed, and the Kingdom endangered, *Your Maſteſty would graciously be pleaſed to remove the ſaid Duke of Lawderdale from all his Employments, and from your Maſteſty's Preſence and Council for ever, as being a Perſon obnoxious and dangerous to the Government.*

King's Answer, May 7. 1675. No. LXXVI.

C H A R L E S R.

HIS Maſteſty has conſidered of the Addreſs againſt the Duke of *Lawderdale*, and the Reaſons accompanying it. As to the Acts of Parliament mentioned to have been paſt in *Scotland*, his Maſteſty obſerves the firſt of thoſe Acts was in the Year 1663. which was long before the Duke of *Lawderdale* was his Maſteſty's Commiſſioner in that Kingdom, the latter was in purſuance of the former: As to the Words by the Time of Mr. *Whaley's* Cauſe, his Maſteſty perceives, that if they had been ſpoken they muſt been ſpoken before the laſt Act of general Pardon; and his Maſteſty being ſenſible how great Satisfaction and Security the inviolable Preſervation of the former Act of Indemnity and Oblivion has been to all his Subjects, cannot but apprehend the dangerous Conſequences in enquiring into any Thing that hath been pardoned by an Act of general Pardon, leſt the Example of that might give Men Cauſe to fear their Security under the Act of Oblivion. Given at the Court of *Whitehall* the 7th Day of May 1675.

The ſame being read, and a Debate riſing thereupon, the further Debate adjourned while *Tueſday Morning* next.

Proclamation againſt Conventicles, &c. March 1. 1676. LXXVII.

CH A R L E S, by the Grace of God, King of *Great Britain, France, and Ireland*, Defender of the Faith; To
Macers, or Meſſengers at Arms, Our Sheriffs in that Part, conjunctly and ſeverally, ſpecially conſtitute, Greeting: Forasmuch as by many renewed Acts of Parliament, and former Proclamations, with Advice of Our Privy Council, we have maniſteſted Our religious and princely Care and Zeal for the Interests of the Proteſtant reformed Religion, and of the Church: And conſidering, how much it imports the Glory of almighty God, as well as the Interest and Service of Our Crown, that all due Obedience be paid to ſuch Laws, as provide for the ſecuring of the ſame, by Unity in Worſhip, and by procuring of all due Reverence to Our Arch-biſhops and Biſhops, and the other ſubordinate Officers of the Church; and withal, the ſad and ſenſible Decays Religion hath of late ſuffered, and the great and dangerous Increase of Prophaneneſs, through the moſt unreaſonable and ſchiſmatical Separation of many, from the publick and eſta bliſhed Worſhip, and the frequent and open Conventicles both in Houſes and Fields, by ſuch as thereby diſcover their Diſaffection to the eſta bliſhed Religion, and their undutiful Averſion to Our Authority and Government, whereby the Peace of the Kingdom is endangered, and the Church divided, and, under Pretence of Scruple, Faction advanced. And We having Cauſe to apprehend, that theſe insolent Diſorders have ſlowed from their abuſing of Our Royal Clemency and Indulgence, and from the ſlow, remiſs and unſteady Execution of Our good and wholeſom Laws; and being deſirous, that all Our good Subjects may take Notice, how ſerious and reſolute We are to aſſert and maintain the true Religion, and the Unity and eſta bliſhed Order of the Church; do, with Advice of Our Privy Council, require and command all Our Officers, and others intruſted for that Effect, to put the Laws and Proclamations relating to the Church, to due and vigorous Execution, both againſt Papists, and all other ſchiſmatical Diſſenters and Diſturbers of the Peace thereof. And further, We do particularly require the Magiſtrates of the ſeveral Burghs, to ſeize upon any Perſons that are, or hereafter ſhall be intercommuned, and remove out of their ſeveral Towns and Juridiſdictions, the Families of ſuch as are intercommuned, or declared Fugitives or Rebels, and all ſuch Preachers, as with their Families do not attend the publick Worſhip, and that betwixt and the firſt Day of *June* next: And We do require all Noblemen, Gentlemen, and all other Subjects without Burgh, and all Magiſtrates and other Perſons within Burgh, that they do not intercommune, harbour, nor relieve any of the Perſons who are, or ſhall be intercommuned, under the Pains due to Intercommuners by Law; and declare, that if any Perſon ſhall diſcover any Heritor, Liſerenter, or other Perſon without Burgh, or any Magiſtrate, or other Inhabitants within Burgh, who ſhall intercommune, harbour, or relieve any to intercommuned, ſhall have for ſuch Diſcovery made, the Sum of Five hundred Merks, inſtantly paid to them out of Our Treasury. And where- as, by the Seventeenth Act of the Third Seſſion of Our Second Parliament, all Sheriffs, Stewarts, Lords of Regalities, and Magiſtrates of Burghs, are obliged to give an Account of their Diligence, in putting the Acts relating to Conventicles and Separation, into due Execution, to Our Privy Council yearly, on the Firſt *Thuſday* of *July*, under the Pain of Five hundred Merks for each Year's Failie: We declare, that We will call them to an Account of their Diligence, and puniſh their Negligence accordingly: And further, We declare, That the Magiſtrates of all Royal Burghs, wherein any Conventicles ſhall be here- after kept, ſhall be fined in the Sum of Five hundred Merks for each Conventicle, and that by and attour any other Fine to be impoſed by Our Privy Council upon them, for which, by Act of Parliament, they are to have Relief from the Perſons preſent at the ſaid Conventicle; and that Five hundred Merks ſhall be the

least Sum to be exacted from any Burgh for every Conventicle, and which shall be augmented on the Burghs more considerable: for which Sum they are to have no Relief, either from the common Good of the Town, nor from the Persons tending there Conventicles. And whereas, by Our former Proclamation, of the Date the Last Day of *May*, One thousand six hundred and sixty nine, all Heritors, in whose Lands any Conventicles are kept, are made to the Fines, Pains, and Penalties therein contained: We hereby declare, that in like Manner, such Heritors or Homers, within Burghs of Royalty, Regality, or Barony, in whose Houses any Conventicles shall be kept after the first Day of *June* next, shall be fined in a whole Year's Rent of the said Tenement, where the Conventicle shall be kept, and whereof the Landlord shall have no Relief from the Tenant or Possessor, and this, *inter alia*, for every Conventicle kept therein: And further, for preventing of all disorderly Marriages and Baptisms, We do hereby declare, That We will take Care that the Thirty fourth Act of the first Session of Our first Parliament; and the Sixth Act of the Second Session of Our second Parliament, be put into due Execution against the Contraveners thereof; and, for the Encouragement of those who shall declare or inform, a proportionable Part of the Fines of these who shall be found guilty, shall be granted and allowed to them for their Service therein. And whereas, by the Fourth Act of the Second Session of Our first Parliament, it is statute, That none be allowed to teach any Schools, or be Pedagogues to Children of Persons of Quality, or Chaplains in any Family, without a Licence from the respective Ordinaries, We do hereby require and command, that none hereafter entertain any Schoolmaster, Pedagogue, or Chaplain, or Person for Performance of Family-worship, who have no such Licence under the Hands of the respective Bishops; and that under the Penalty of Three thousand Merks to be exacted from each Nobleman, and Twelve hundred Merks from each Gentleman, and six hundred Merks from a Burgess, or any other Subject, *inter alia*, as they shall be found guilty herein. And that Our Royal Pleasure in the Premises may be made publick and known, OUR WILL IS, and We charge you strictly and command, that incontinent, thir Our Letters seen, ye pass to the Market-cross of *Edinburgh*, and remanent Head-burghs of the Shires of this Kingdom, and other Places needful, and thereat, in Our Name and Authority, by open Proclamation, make Publication of Our Royal Pleasure in the Premises, that all Our Subjects may have due and timely Notice thereof, and give Obedience thereto, according to Justice, as ye will answer to Us thereupon. The which to do, We commit to you, conjunctly and severally, Our full Power by thir Our Letters, delivering them by you duly execute, and indorsed again to the Bearer. Given under Our Signet, at *Edinburgh* the first Day of *March*, 1676. and of Our Reign the Twenty eighth Year.

Tho. Hay Cl. secr. Concilii.

Brac's Examination, January 29. 1677. N^o. LXXVIII.

Lord *Haltoun* interrogates, What Man of Trade are you? *Answer*. Your Lordship would explain what you mean by a Trade. *Question*. Are you an Heritor? *A*. If that be the Thing you mean by a Trade, I am. *Q*. Where lie your Lands? *A*. In *Ross*. *Q*. Are you a Preacher? *A*. Though by my not acknowledging this, I might put your Lordship to the Trouble of proving it, yet I will give you a clear Evidence of my Ingenuity, by acknowledging freely that I do preach, and though I be of an Extract not altogether despicable, yet I glory more in that, and in serving God in the Gospel of his Son, than in any other Thing I pretend to. *Q*. Are you in Orders? *A*. As to what concerns my own Person, your Lordship sees I have been very free in acknowledging what I knew made me culpable by your Law, and that without being circumvented, but forbearing the Hazard since, I likewise acknowledge I preach without any Authority from the Bishop; but as to what concerns others, or may serve to bring them on the Stage, your Lordship will excuse me from saying any Thing in it. *Q*. If ye glory so much in your Ministry, why do not ye avow it? why do ye not own your Principles? that is not Ingenuity at all. *A*. I request your Lordship to have no Apprehension of me but as one most ingenuous: But I have owned my Ministry; and any other Principles you pose me on, ye shall find me very free to give your Lordship an Account of them, but why I could not directly answer that Question, I have given your Lordship a Reason already. *Bishop*. This Gentleman seems not at all to be ingenuous with us, possibly he would be more if he knew the State he stands in, which is not ordinary, for he is of most pernicious Principles, destructive to all Kind of Government, and withal is very active in spreading these, so as there is scarce a Conventicle I hear of, but it is still Mr. *Frazer* who is the Preacher, and likewise he is at least given out to be a Man of Parts and Learning, and therefore the more to be taken Notice of, since Parts that Way improven are most dangerous. *A*. I know no pernicious Principles I hold, such as you mean may concern either Church-government or Loyalty; as to the first, I freely acknowledge, as it is now established, I have a very great Aversion from it; as to my Loyalty I would not care much, though you all saw what were in my Heart anent it; as to my spreading of them, I have been preaching Christ, and exhorting People to mend their Ways and repent, and if the doing of that be pernicious, I confess my self guilty of it. *Bishop*. The greatest Heretick will say so. *A*. It is not saying, but doing. *Bishop*. These are fine Principles; you hold that all that are not of your Judgment it is lawful to cut them off. *A*. If you can produce any famous faithful Witness (false you may) that will say that ever I maintained any such Doctrine, I am content to die presently. *Bishop*. But you hold that the People may, whenever they think themselves wronged, make a Pretence of Religion, and rise up against the Magistrate. *A*. I have read *pro* and *contra* on that Subject, both Loyalists and Common-wealths Men, and among all that ever I read or heard of, I never knew any that held that Opinion, (upon which *Haltoun* and some others insisted) and that which we hold concerning that, is nothing but what may be drawn from the Positions of the greatest Loyalists themselves; but that is a ticklish Point, and I desire not to dive in it at this Time. *Haltoun*. Did you ever preach in the Fields? *A*. Your Lordship knows that that, according to your Law, is criminal, and I am not obliged to be my own Accuser. It is enough that my Throat be cut, tho' I do it not with my own Hands; if you mind to stage me on that, bring my Accusers, and then proceed

as your Lordship thinks fit. *Bishop.* Tho' these Shifts be taken from others, yet they must not, Sir, be taken so from a Man of Parts. *Dundonald.* Sir, Ye would gain the Goodwill of the Committee, by being ingenuous and free; I assure you none of us has any ill Will at you, or intend to take any Advantage of you, or of any of your Party, from any Thing you say. *A.* I thank your Lordship. *Haltoun.* Did you ever preach at *Linlithgow*? *A.* It may be I have. *Bishop.* Yes, Sir, you have, and in the Fields there too, and that in great Conventicles. *A.* I desire that may be proven. *Haltoun.* You seem to be a Wolf, and not one come in at the Door, but at the Window. *A.* If I had not said I had been in Orders, your Lordship's Consequence had been good, but when I said, I could not directly answer that Question, your Lordship cannot argue from the Negative, as if I had said it. *Haltoun.* But you are intercommuned. *A.* When I was cited I was Sixscore Miles from the Place where my Citation was given, so that it was not possible for me to answer it, and it was upon pretended Contumacy, in not appearing on this Citation, that I was intercommuned. *Haltoun.* But why did you not move in it then? *A.* Since I could not move in it, for I had none to do for me, my being intercommuned putting me in such a Condition, that they who would do for me were afraid to converse with me, or so much as to take a Petition out of my Hand. *Haltoun.* Did you ever converse with Mr *Forrester*? *A.* It may be. *Bishop.* Yes, Sir, you have, and ye had still, since he went to the *Basis* Correspondence by Letters, and you were his Correspondent. *A.* My Lord *Haltoun*, since the Bishop says so, I declare ingenuously I never had a Line from Mr. *Forrester*, yea, nor ever so much as changed a Word with him. *Haltoun.* You seem to be of the Quakers Principles, for tho' ye give us our due Titles, yet my Lord *St. Andrews*, whom his Majesty is pleased to honour, ye give him not so much as he gives you, he gives you Sir, and ye give him nothing at all, that is no Civility. *A.* I came not here to justify my good Breeding, I confess I am a rude Man, but for that I have no Clearness.

Council's Proclamation, with the Tenor of the Bond, August 2. 1677. No. LXXIX.

CHARLES, by the Grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, To Our Lyon King at Arms, or his Brethren, Masters of Council, Pursewards, Messengers at Arms, Our Sheriffs in that Part, conjunctly and severally, specially constitute, Greeting: Forasmuch as, notwithstanding of the many good Acts and Laws made in Our Parliaments and Privy Council, for securing the Protestant Religion, the Order and Unity of the Church, and the Tranquillity and Peace of the Kingdom, many do obstinately continue, through Ignorance, Prejudice, or Disaffection, to withdraw from the publick Worship, and to frequent House and Field-conventicles, which we have so often declared to be the Nurseries of Schism, and Rendezvous of Rebellion, tending to debauch Our Subjects from that Reverence due to Religion, and that Obedience they owe to Our Authority; and considering, that these Offenders take Encouragement from their supposing a Remission in the due and vigorous Execution of Our good and wholesome Laws and Acts provided against them: Therefore We, with Advice of the Lords of Our Privy Council, in pursuance of Our late Proclamation dated the Eighth Day of June, 1674. Years, commanding all Heritors and Landlords, Liferenters, to require their Rentallers and Tenants to subscribe the Bond hereto subjoynd, and of the Seventh Act of the Second Session of Our Second Parliament, whereby all Our Subjects were discharged to withdraw from the established Meetings of divine Worship, declaring that every Person who should absent themselves without a reasonable Cause, to be allowed or disallowed by the Judges and Magistrates thereunto, should, if they had any Land in Heritage, Liferent, or proper Wadset, pay the Fifth Part of his or her valued yearly Rent, every Tenant Six Pounds, every Cottar or Servant Forty Shillings; as also of the Sixth Act of the same Parliament, all Our Subjects prohibited to cause baptize their Children by any save their own Parish Minister, or such as are authorized by the established Government of the Church, &c. declaring that the Parent Offender should pay the Fourth Part of his valued Rent, if an Heritor, Liferenter, or proper Wadsetters, Fifty Pounds if a Tenant, Twenty Pounds if a Cottar, half a Year's Fee if a Servant; as also of the 34th Act of the First Session of Our First Parliament, discharging all Our Subjects to procure themselves to be married by Jesuits, Priests, deposed or suspended Ministers, or any others not authorized by Law; each Nobleman under the Penalty of One thousand Pounds, each Baron One thousand Merks, each Gentleman and Burgher Five hundred Pounds, and each other Person of an Hundred Merks Scots; and in pursuance of the other Laws and Acts thereunto provided, do, with Advice foresaid, hereby require and command all Masters of Families, to cause their Chamberlains, Grievs, Domesticks, Servants, and others entertained by them, give due and exact Obedience to the foresaid Acts, and, in case of their Disobedience, to remove them out of their Service, under the Pains and Penalties contained in the said Acts. Likeas, We strictly command and require all Heritors, Wadsetters, Liferenters, and Landlords, to require their Rentallers and Tenants to subscribe the Bond hereunto subjoynd, authorizing them hereby to raise Letters to charge them for that Effect, upon Six Days, and to denounce and registrate them to Our Horn, if they be Tenants who have Tacks, and if they be moveable Tenants, that they shall upon their Disobedience recover Decrets of Removal and Ejection against them: And We do hereby discharge the said Heritors, Liferenters, Landlords, &c. to set their Lands hereafter to any Person, by Word or Writ, without inserting the foresaid Surety in Tacks, and taking Bonds apart, in case there be no written Tacks, that their said Tacksmen, Rentallers and others, their Hynds, Cottars, and others who shall live under them in the said Lands, shall give Obedience in manner foresaid, and in case of their Disobedience, that their Rights, Tacks, and Possessions, shall be void and null *ipso facto*, without any Declarator to pass thereupon. It is likewise hereby declared, that if any Cottars or Servants, for whom the Rentallers or Tenants stand bound, shall be found guilty by transgressing the foresaid Laws and Acts, the respective Masters shall have their Relief off the said Contraveners: And it is further declared, that all Masters of Families, Landlords, and Heritors, who shall not give punctual

Obedience, they shall be liable in the same Pains and Penalties due by Contraveners, but Prejudice always of proceeding against the Contraveners, and inflicting upon them the Pains contained in the said Acts of Parliament: And seeing the single and Lierent Etcheat of such as live within Regalties belong to the respective Lords thereof, We no ways intending to prejudge the civil Rights of Our Subjects, do allow them to have the Benefit thereof, according to Law; but, with Advice foresaid, do strictly charge and command them to use exact Diligence against the Contraveners of the foresaid Laws, within their respective Jurisdictions: With Certification, that if they prosecute them not, without Collusion, within Thirty Days after their Delinquency, We will call them before Our Council, and punish them for the Neglect of their Duty. It is hereby declared, that these Presents shall no ways derogate to the former Proclamation, obliging Heritors and others for their Tenants, Cottars, and others, but that the same shall stand and continue in full Force, Strength, and Effect, to all Intents and Purposes: And that the said Presents may be notified to all concerned; OUR WILL IS HEREOF, and We charge you strictly and command, that incontinent, these Our Letters seen, ye pass to the Market-cross of *Edinburgh*, and other Places needful, and there, with all due Solemnity, in Our Name and Authority, by open Proclamation, make Publication. And for the better Execution of these Presents, We require the several Sheriffs and their Deputes, with all possible Diligence, to cause read and publish the same upon a Sabbath-day, at the several Parish-kirks within the Bounds of their Sherifdoms, albeit some of these Parishes may belong to other Jurisdictions, intimating to the Heritors and others foresaid, that they cause their Tenants subscribe these Bonds, and report the same to the respective Sheriffs or their Deputes, who are ordered to return to Our Council an Account of their Diligence, within the Bounds reported to them, by the Heritors and others foresaid, within the Spaces following, viz. The Sheriffs of the Sherifdoms of *Edinburgh*, *Haddington*, *Berwick*, *Roxburgh*, *Selkirk*, *Peebles*, *Lanerk*, *Linlithgow*, *Stirling*, *Dunbarton*, *Renfrew*, *Perth*, and *Forfar*, betwixt and the Second Thursday of November next, and the Sheriffs of the remanent Sherifdoms within this Kingdom, betwixt and the Second Thursday of December thereafter; and ordain these Presents to be printed and published, that none pretend Ignorance, according to Justice, as ye will answer to us thereupon. The which to do, &c. Given under Our Signet at *Edinburgh*, the 2d of August 1677. and of Our Reign the 29th Year.

Follows the Tenor of the Bond.

I do hereby bind and oblige me, that I, my Wife, Children in my Family, Cottars and Servants, shall not withdraw from publick divine Worship in our respective Parish-churches, but shall attend the publick Ordinances there at the ordinary Diets thereof, under the Pains and Penalties contained in the Seventh Act of the Second Session of his Majesty's Second Parliament, which is Six Pounds Scots for every Tenant, and Forty Shillings Scots for every Cottar or Servant; as also, that neither they nor I shall contravene the Sixth Act of the same Second Session of Parliament, in having any Children of ours baptized with any save our own Parish Ministers, or others lawfully authorized conform to the said Act, under the Penalty of Fifty Pounds Scots for every Tenant, and Twenty Pounds Scots for every Cottar, *soies quotes*, and that neither I nor they shall be married by Ministers not lawfully authorized, contrary to the 34th Act of the First Session of his Majesty's First Parliament, under the Penalty of an Hundred Merks, *soies quotes*, and that I, and my Wife, and my Children in Family, Cottars and Servants, shall not be present at Conventicles, either in Houses or in the Fields, under the Penalty contained in the Acts of Parliament and former Proclamation of Council, contenting thir Presents be insert and registrate in the Books of Privy Council, that Letters and Executicals may pass hereupon in Form, as effects, &c.

Commission for raising the Highlanders, December 26. 1677. No. LXXX.

CHARLES, by the Grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, To all and sundry whom it shall come, Greeting: Forasmuch as Our Royal Government hath been of late much affronted, and the Peace of this Our ancient Kingdom much disquieted, by irregular flocking to Field-conventicles, Nurseries of Rebellion, by withdrawing from publick Ordinances, invading the Persons and Pulpits of the orthodox Clergy, building of Meeting-houses, the killing, wounding, and invading of some that were commanded in Our Name to repress the said Insolencies, We have thought fit, in Maintenance of Our Laws, and out of that tender Care which We have always had of this Our ancient Kingdom, to require and impower the Lords of Our Privy Council to call together, not only our standing Forces and those of Our Militia, but We did likewise warrant them to commissionate and impower such Noblemen and others, as did offer to bring any of their Vassals, Tenants, or Adherents, to the Assistance of Our Forces: And therefore We, with the express Advice of the Lords of Our Privy Council, do hereby impower and require who are to march under his Command on Horseback, and to convocate and draw together the Gentlemen and Heritors of who are to march under his Command on Horseback, and to convocate and raise the Highlanders in the said Bounds, and others under his Command, within his Lands, Property, or Superiority, and to form them in Regiments, Troops, and Companies, as he shall think fit, and to do every other Thing necessary for raising and forming them, as said is; and they being so raised and formed, We authorize and command the said to march with them to *Stirling*, and to be there with them on Thursday being the 24th Day of January next, and in his and your March there to take Quarter for their Money, and to force Quarter for their Money, in case the same shall be refused: And when they are arrived at the Town of *Stirling*, the Day foresaid, We hereby command him and them to obey such Orders as shall be sent from Our Privy Council their Committee, or such Person or Persons as We or the said Lords of Our Privy Council shall commissionate to command Our Forces, and to march under their Command wherever they shall be ordered: On which March, We hereby authorize them to take free Quarter,

Quarter, according as Our Privy Council or their Committee shall think fit to order, and, if need be, to seize on Horses for carrying their sick Men, Ammunition, and other Provisions; and for their Encouragement, We hereby indemnify them against all Pursuits civil and criminal, which may at any Time hereafter be intended against them, or any Thing they shall do in Our Service, by killing, wounding, apprehending, or imprisoning such as shall make Opposition to Our Authority, or by seizing such as they have Reason to suspect, the same being always done by Order of Our Privy Council their Committee, or of the superior Officer; and particularly We do hereby give them all such Power and Indemnity, as is usual and necessary for such Forces as are raised by Authority, or are at any Time commanded to go upon such military Expeditions. And lastly, We hereby command any such Persons living within the Bounds foresaid, as shall be pitched upon by the said to arise and march with him under his Command, and there to act and say as they shall be commanded by him, and that upon their highest Peril. It is always hereby declared, that these Heritors and others whom the said shall make Use of to command the Highlanders on Foot, shall be exempted from attending on Horteback. Given under Our Signet at *Edinburgh*, the 26th Day of *December*, 1677. and of Our Reign the 29th Year.

<i>Roths Chancellor,</i>	<i>Ch. Maitland,</i>
<i>Lawderdale,</i>	<i>Geo. Mackenzie,</i>
<i>Douglas,</i>	<i>Will. Scot,</i>
<i>Murray,</i>	<i>Strathmore,</i>
<i>Wintoun,</i>	<i>Seaforth,</i>
<i>Linlithgow,</i>	<i>Aboyn,</i>
<i>Marshall,</i>	<i>Ja. Fowles,</i>
<i>Ross,</i>	<i>Tho. Wallace,</i>
<i>Monro,</i>	<i>J. Wauchop.</i>

Commission to Committee of Council in the West, January 18. 1678. No. LXXXI.

CHARLES, by the Grace of God, King of Great Britain, &c. To all and sundry Our Subjects whom it effairs: Forasmuch as We cannot but too well remember, that whilst We were engaged in a War abroad in the Year 1666. many in the western Shires were so undutiful as to rise in Rebellion against Us and Our Authority; and albeit, after the beating of their Forces, We not only secured them by Our Act of Indemnity, but likewise gratified them above all Our other Subjects, by indulging some Ministers to preach among them, of their own pretended Principles, expecting thereby not so much to have secured the Peace of that Corner of Our ancient Kingdom, as to have obliged these within these Shires to have lived quietly and peaceably under Us, from a Principle of Gratitude as well as Duty, yet they forgetting both what We and they had done, did again return to the Practice of their former rebellious Principles, and by most seditious Courses did disturb the Peace, and contravene Our Laws; and We having again, by a new Act of Grace, discharged all Pursuits against them prior to the Year 1674. they, notwithstanding all these repeated Favours, did again of late, either by themselves, affront Our Authority, as it is now established, by flocking together in Field-conventicles with armed Men, usurping the Pulpits of the regular Clergy, and threatening their Persons, building of Meeting-houses, refusing and following declared Rebels and intercommunicated Persons, who preached downright Treason against Our Person, Government, and Laws, inciting Our People to open Rebellion, or connived at, or hounded out such as did so: Notwithstanding of all which, such was the Clemency of Our Privy Council, that they did both invite and empower the Commissioners of Militia and Excise, and other Noblemen and Gentlemen within these Shires to redress these Wrongs, and to secure Our Government against the same for the future: With Certification to them, if they failed therein, they should employ Our Royal Power and Force for effectuating thereof. And they having met and declared, that they were not able to repress these growing Insolencies, and lest Our other good Subjects in any of Our Three Kingdoms, might be again involved in these fatal Miseries, (occasioned by such Distractions) out of which they have but lately escaped, We have ordered the calling together of Our standing Forces, with some of Our Militia and Highlanders, whom we have commanded to march to these Shires; and to the end that all Things may be done there legally and effectually, We, with Advice of the Lords of Our Privy Council, do hereby give and grant full Power and Commission to Our right trusty and right well beloved Cousins and Counsellors, the Lord Marquis of Athole, the Earl of Mar, the Earl of Glencairn, the Earl of Murray, the Earl of Linlithgow, the Earl of Perth, the Earl of Wigton, the Earl of Strathmore, the Earl of Argyll, the Earl of Cubness, and the Lord Ross, to meet and sit as a Committee of Our Privy Council in these Parts, with full Power to them, or any Five of them, which is to be a Quorum, to issue out Proclamations and Orders, pursue and punish Delinquents, apprehend and secure suspect Persons, and cause such Bonds be subscribed as they shall think fit; and generally all other Things to do, with that same Power, and in that same Manner as if Our Privy Council were all there personally present, with whose Authority We do hereby invest them conform to the Instructions given them by Our Privy Council, of the Date of this Presents, with full Power to them or their Quorum, to choose their own Preses at such Times, and so oft as they shall find convenient; commanding hereby all Our good and faithful Subjects to attend and obey them, as they shall be required, upon their highest Peril, in the same Way and Manner as they are obliged, and do now obey Our Privy Council, which is settled, and usually sits here at *Edinburgh*; and We do ordain this Our Commission to last and endure ay and while the same be recalled by Us or Our Privy Council. Given under Our Signet at *Holy-rood-house*, the 18th Day of *January* 1678. and of Our Reign the 29th Year.

Subscribed us federunt

Minute of some Reasons in Law against the Bond, 1678. N^o. LXXXII.

BESIDES what is spoken of the Sinfulness of the Bond, let us see what may be the Judgment of conscientious Lawyers of it, and of putting out the Militia for the Punishment of Refusers to take it; who, as to the Bond, will say, that it is illegal, unwarrantable, unreasonable, and impresttable.

I. That it is illegal and unwarrantable, 1. Because it is not in the Power of the Council to impose such a Bond, and that it is a great Part of our fundamental Liberty, that no such Bonds be imposed without the Warrant of an Act of Parliament, which may be gathered from the perpetual Customs observed in such Cases, wherein it has been the Work of Parliaments to frame and require such Bonds; and Acts made about them do so exactly design who shall be liable to these Bonds, sometimes more precisely determining, as in the Business of the Declaration, and sometimes making a further Reference to the Council's Pleasure, and authorizing them for that Effect, as in the Matter of the Allegiance, the Bond warranted Act 1670. to be required of Withdrawers for Year and Day, that our Lawyers have all along supposed this Power of Bonds to be their proper and peculiar Right. But 2dly. It is statute by several ancient Acts, as *James I. Par. 3. C. 48. James IV. Par. 6. C. 76. and James VI. Par. 8. C. 131.* That all the King's Lieges live and be ruled by the Laws of the Realm: Now, if this arbitrary Power should take place, both Laws and the Power of making them might soon be rendred superfluous, and the Council's Power should soon surmount that of Parliaments, for there is the highest Reason that Power of imposing Bonds should only reside in King and Parliament; and that as the King's Prerogative has as yet been no higher screwed than that no Bonds be made amongst his Subjects without his Privy and Consent, so the People's Privilege, not to be imposed upon in this Kind, without their Representatives in Parliament, should also remain inviolable.

But it is said, our Council is warranted to impose this Bond, by virtue of the First Act of Parliament 1669. against Separation, which concludes with Power to the Council to do every Thing they shall find necessary, for procuring Obedience to the Act, and putting the same to punctual Execution, conform to its Tenor and Intent. *Answer.* In Law that general Provision being only subjoyned to some Particulars premised about the Execution of the Act, it cannot be understood to import more nor these Parliaments, much less to import more than the whole Act amounts to, but doth in effect only concern the better Direction of particular Cases and Circumstances, that might occur in the Execution of that Act. 2do. It were a strange Thing to extend a Clause, so clearly limited, to the Execution of an Act, and according to its Tenor to a plain Derogation to, and Subversion of our fundamental Laws and Liberties, so that by this Rule the Council might as well impose the Declaration or any other Bond they please, relating to Presbytery or Episcopacy, upon all the Lieges without Distinction. 3tio. By the said latter Act 1670. against Separation, there is a Bond therein appointed but only for Persons obstinate Year and Day, and the Council is thereby expressly empowered to require it; by both which it appears that the Parliament was far from thinking that the Council, either of themselves or by virtue of the said Act 1669. had Power to impose the Bond now in Controversy.

II. They will say it is unreasonable, because, 1st. It binds the Takers for Persons not in their Power, such as Tenants, Cottars, and for Persons in their Power, to Things to which their Power doth not extend, such as Matters of Conscience are. A Man may indeed be bound as to others in Things lawful, to use his Endeavours, but here the Thing is both unlawful, and Endeavours do not relieve. The Lord has said, Every Man shall bear his own Burden, and he has expressly commanded, That the Son shall not die for the Father's Transgression, and far less, *vice versa*, the Father for the Son's. 2do. It is unreasonable, because thereby all that take it are exposed to be wasted and ruined by their Tenants, Cottars, and Servants, who may soon make them incur Fines to the exhausting of their Estates. 3tio. Because, if it should take full Effect according to its Design, it would turn all the Nonconformists in Scotland, either to be Vagabonds or Beggars, neither would this be the End, but even these Beggars may reduce their Masters also to the same Condition, which is doubtless far from his Majesty's Intentions so oft declared, but would be very prejudicial to his Service.

III. They will say that it is impresttable, because the Number of the Nonconformists is very great, and tho' in such Cases it be hard to make precise Reckonings, yet it may be probably affirmed, that almost the whole West, the far greater Part of the South, very many in the East, and many beside, further North, are of this Perswasion, which is more than enough to evince how impossible the Performance of this Bond will be to most of those of whom it is required.

As to the putting out of Militia Men in pursuance of the Ends of the Bond, it may be rationally supposed they will say, speaking consequently, That a Person refusing this Bond from Conscience, cannot lawfully put out his Militia, nor otherwise contribute to the Employment of these Forces, for the Punishment of its Refusers in obtaining of its End. They will belike, say 1st. That a private Person ought not to be inquisitive into the Counsels or Actions of Rulers, nor impertinently strict in the Examination of their Designs and Reasons. 2do. That Subjects ought to entertain all possible due Charity for their Rulers, and be ready to understand their Proceedings with the fairest Construction they are capable of. Nay, 3tio. When Things intended by the Rulers, as to Matter of Fact, are doubtful, and do not fall under the Discovery of a sober Search, that it should neither perplex nor demur the Subjects as to the Point of Obedience: They will say as to the Matter of Fact, because if the Scruple be in Matter of Conscience, then without all Question the best and safest Course is to forbear; but notwithstanding of all these their former Resolution in the Case in Hand is right, seeing these Considerations have not so much as place in it, but the Matter of Fact and Conscience, so was, the Employment of these Forces in a plain Persecution, being so evident, that a Refuser of the Bond, and a Complier with it, doth beyond all peradventure destroy what he has built.

It is true, they will say, the Militia is established by Act of Parliament, and that this straitneth beyond what concerneth the Bond, yet to this reply, That if this Militia (how conveniently soever or not established at first) be now evidently misemployed to Violence, Man's Authority binds not against the Lord: They

ful; since it is in effect the same as if he did subscribe to the Law, which nevertheless the Duty of Subjection doth not require; it being clearly a different Case for a Man to profess himself subject to Law, and to subscribe to a Law, and there being many good Subjects which both reason against, and vote against making of Laws. *2dly.* This Bond binds a Man for himself, and all under him, that they shall live orderly in obedience to Law, which may be extended to all Sorts of Transgressions, and at least, by renewing of the Bond, to Laws as well to be made as made, and so not only to real Transgressions, but to seeming Transgressions also of unrighteous Laws. *3dly.* This Bond binds a Man not to reset or supply those whom Christ commands me to receive; visit, relieve, and assist as himself, and according to the doing, or not doing whereof he hath declared that he will one Day judge the World. *4thly.* This Bond throws Fire into Families, and divides the nearest Relations, setting the Husband against the Wife, and Father against the Children, for the sake of the Gospel, and so binding to that as a Duty which our Lord hath foretold, as one of the sadest Evils which the Malice of the World should occasion upon the publishing of the Gospel. *Observation.* If it be said the Bond contains an Alternative, and binds at most to pecunial Pains; it is answered *1st.* That for a Man's self, his Wife and Bairns, the Bond is not alternative, but binds him faithfully that he and they shall abstain from hearing the Lord's Ministers, and conform to Episcopacy. *2dly.* Neither doth it contain any Alternative as to the supplying or not supplying, or resetting of intercommuned Ministers, or vagrant Preachers, but binds a Man simply not to supply or reset them, and further to assist to take them. *3dly.* The Bond is not, as to any Part of it, alternative, but in effect binds in the first Place faithfully and principally to Conformity, and only to Penalties for greater Confirmation, and for easier Execution. *4thly.* The Law of God commands, *Exod. 23. 7.* That a Man keep himself far from a false Matter, and the Gospel doth often require that Men should confess the Truth before Men, as they would have Christ to confess and own them before his Father in Heaven, which certainly imports that no Man should bind himself against the Truth, albeit only under a Penalty, seeing that this at least is a qualified Denial of it. *5thly.* If a Man should bind himself not to worship God, or to worship an Idol under a certain pecunial Pain, would this Alternative of a Penalty excuse him before God, or relieve his Conscience? or if a Man should bind himself to rebel against the King, or to assist his Enemies, or else pay such a Penalty, will this Alternative justify his Loyalty? Certainly no Man of Conscience or of Loyalty can affirm either. *6thly.* As the Penalties of their Laws for Conformity are unrighteous, so I ought not to bind my self thereto, much less to exact the same of others, lest I make my self to partake of the Sin of these unrighteous Lawmakers; and it is one Thing for a Man to profess himself subject to the Penalty of an iniquitous Law, and to commit the Event to the Providence of God, and another Thing for a Man with his own Hand to bind himself to this Penalty, and so to the Temptation, which he should rather pray the Lord, not to be led into, and by this Means provoke his holy Jealousie to abandon him to the Sin also. Sir, these Things are in themselves so clear, that I am sure there are Thousands both of loyal and conformable Subjects in Scotland, which dislike this Bond, and would be loth, whatever may be their own Perswasion or Practice, to be the Imposers and Exactors upon other Mens Consciences of the Things therein contained; how much more then ought every true Nonconformist to abhor the very Thought of it? but the greater Regret is, that in effect the most Part that take this Bond do solve all their Difficulties, with a plain Resolution never to keep it, as if it were a Matter of Indifferency for Men to promise any Thing how sinful soever, providing they keep nothing.

But I hope that all true Men will consider, *1st.* How that the Promise, with a Resolution not to perform, is a manifest Lie, most contrary to the God of Truth his express Commandment, most pernicious to human Society, subverting common Trust amongst Men, the principal Ground of it; and lastly, most derogatory to a Man's Honour, which ties unto Truth, as the chief Concern of it. *2dly.* How just were it with God to abandon such Mockers to their own Delusions, and since they have not the Virtue to refuse a sinful Promise, to deny them also the Strength to perform it? *3dly.* The Lord requires that we should confess his Truth before Men, and it is said, that with the Mouth Confession is made unto Salvation, how then dare any Man think to appear before God who dissembles and denies his Confession, with no better Excuse, than that he mindeth to practise otherwise? *4thly.* That Bond doth not simply bind, but bindeth faithfully to perform the Things therein contained, which is a more than ordinary Asseveration, and may, in its full Construction, amount to a promissory Oath: But the Matter is so plain, and this woful Shift of resolving not to perform so absurd, that I have exceeded. I heartily wish that the Lord may keep all that are free, both from the Temptation and Snare of this sinful Bond, and am very hopeful that all his true Followers shall be taught by that Anointing which teaches us all Things, as not only to abhor this vile Bond, but to keep themselves also from all Appearance of Evil.

Hugh M'hutchison's *Paper upon the taking the Bond*. May, 1678. N^o. LXXXIV.

I Need not give an account how in that Time, I was at my own House apprehended by a Party of the Highlanders, and after some three or four Days being kept Prisoner at *Maybole* and *Air*, and brought before that Committee, by whom being enquired anent the Hearing of some honest Ministers, and being at their Meetings upon Fields and in Houses; upon confessing of all they posed me with; and I was very hardly threatned by some, and flattered by others, until at length that Bond was presented to me as a most indifferent Thing, the Subscribing whereof would be a sufficient Satisfaction for all the alledged Wrongs I had done, which immediately I subscribed without any further Adviseement, my deceitful Heart suggesting unto me, that thereby I might rid my self from among the Hands of my Adversaries; and yet observing nothing in that Bond, but within little Space thereafter, before ever I came from my Prison, I began to consider what I had done, where my Conscience bearing me Witness, that amongst many Mercies that God had in my time trysted me with, it was a most special one, that ever I had the Happiness to hear the Gospel preached by his sent Servants, called and qualified for that Office, and the Credit to have any of them in my House; and now by that Bond I had given it under my Hand, that I should not only give up with the preached Gospel amongst the Hands of these persecuted Servants of Jesus Christ, but should also turn their Persecutor and Burrier; these and other Thoughts so great upon me, that I could have no Peace, until by these confused Lines, I should publish to the World my Recantation of so horrid an Act. I know that in a short Time, less than a Quarter of an Hour, I did before the Lords of Council, what I can never undo again all my Days; for now it must go to the Grave with me, and stand upon Record when I am dead and gone; that in such a Year, such a Day thereof, I did give it under my Hand, that I should abandon a solemn Part of God's Worship, persecute his Servants, renounce my former Vows and Engagements, and in a Word, acquiesce in all these dreadful Acts and Laws that now stand in Force against the Interest of Jesus Christ in *Scotland*: I say again, all that I can do, or say, or write, is a very poor Salve for such a Wound, and therefore I reckon sincere Sorrow my best Remedy. Only a Word unto two Sorts of Persons. *First*. I obtest all in *Scotland* who have taken that Bond, especially such as know me, and look upon it as a simple indifferent Thing, that they do not think that by my taking of it, they are strengthened in their Way and Peace, either in taking or keeping: For hereby I do declare my Recantation of that Deed, and do proclaim unto the World that Action, and my self in doing of it, both vile and execrable, and do solemnly witness I have had no Peace since my taking thereof, except that I have some far off Looks to have my Interest again restored by the Blood and Intercession of that Saviour whose Interest I renounced in that unhappy Bond. *Secondly*. I obtest all in *Scotland*, that have not taken this Bond, that they stand to their Post, and that they be nothing ashamed of the Cause and Interest of the Kirk of *Scotland*, because that some old Professors of that Cause; and I among the rest, in an Hour of Temptation, through Ignorance, Weakness, Fears, Unwatchfulness and Infirmities, fainted and yielded, but rather let them study more of Watchfulness, Self-denial, and constant Recourse unto the Throne of Grace, that they be not led unto, nor left in Temptation, for that shameful Breach I have made upon my own Peace, my Profession, and upon the Credit of the Followers of that despised Interest of Christ in *Scotland* by taking of that Bond. I hope the Example of an old doted Man will be but small Ground of Insulting to the Adversary, and no great Ground of Discouragement to the Friends of that Interest. The Example of *Peter* in such a Case will be but small Ground of glorying to the Profane upon the one Hand, or Relief to the Godly upon the other Hand, if they should precipitate in that Snare, far less the Example of an old doting Man such as I am. I shall say no more, but that all that fear God, and love their own Peace, may stand to their Engagements for the Interest of Christ in the Kirk of *Scotland*, and that therefrom they do not swerve upon the Example of any, less upon my Example in taking that unhappy Bond: Which Action I do hereby again revoke, and do hereby promise, by the Grace of God, to adhere to the old Interest of the Kirk of *Scotland*, in Doctrine, Worship, Discipline and Government, according to the Confession of Faith, Catechism, and Covenants of that Kirk. In witness hereof, I do subscribe thir Presents with my own Hand at the *Blackrow*, the 22 of May 1678. before thir Witnesses.

HUGH M'HUTCHISON.

Proclamation against resetting Tenants, &c. February 11. 1678. N^o. LXXXV.

CHARLES, by the Grace of God, King of Great Britain, France, and Ireland, Defender of the Faith; To Our Lyon King at Arms, his Brethren, Heralds, Maces of Council, Purservants, or Messengers of Arms, Our Sheriffs in that Part, conjunctly and severally, specially constitute, Greeting: Forasmuch

Forasmuch as We have, for the Preservation of the Protestant Religion, as it is now established by the Laws of this Our ancient Kingdom, taken Care that all unlawful Meetings, upon Pretence of Religion, may be restrained, by which many of the Commons of that Our Kingdom, have been for several Years withdrawn from their Parish-churches, and been thereby deprived of the appointed Means for their Establishment in the true Fear of God, and the Duty they ow to Us and Our Government, and have been seduced to keep seditious Field-conventicles in a tumultuous Way, and other disorderly Meetings, where they may and do actually hear declared Traitors, intercommuned and vagrant Preachers, and any who, without Licence or Authority, do impiously assume the holy Orders of the Church, and make it their Business to diffuse amongst the unwary and credulous Multitude, seditious and false Doctrines, and pernicious Principles, which are destructive to all Order and Constitution of Societies, by which these who frequent those Meetings, are observed to be corrupted and poisoned with an open and obstinate Contempt of all Authority, Civil or Ecclesiastick, and to be led into most irregular Practices, which are inconsistent with all Order and Government, and are not to be allowed in any Protestant or Christian Church: For remedying of which growing Evils, and vindicating Our Authority and Laws from such gross Violations and Affronts, We have commanded a Bond to be subscribed, whereby Heritors, Liferenters, and Masters are obliged for their Tenants, Servants, and others living upon their Lands, and they for themselves, for obeying such Laws as may secure against Schism and Separation; and lest the same be eluded, and the Heritors, Liferenters, and Masters prejudged by the Tenants, Servants, and others foresaid, deserting such as take the said Bond, or lest the said Tenants, Servants, or others, may be encouraged not to take the same, upon Expectation that after they are removed by their Masters, or run away from their Masters, for not taking the Bond, or for going to Conventicles, or withdrawing from publick Ordinances, or upon any other account, provided against by the Masters Bond, they may or will be sheltered by others: We therefore, with Advice of the Lords of Our Privy Council, do hereby require and command, that no Tenants, Servants, or others foresaid whatsomever within this Kingdom, be reset upon another Man's Ground or in his Service, without a Testificate from the Heritor, Master, or from the Minister of the Parish where they live, that they have lived orderly, in manner foresaid; declaring hereby, That whatsoever Heritors, Liferenters, or Masters, shall receive any such Tenants or Servants, or others foresaid, without such a Testificate, they shall be liable to such Fines as Our Privy Council shall think fit to inflict suitable to their Guilt, both for repairing the Damage done to the Heritor, Liferenter, or Master, and for punishing their Contempt of this Our Proclamation. And to the effect Our Pleasure in the Premises may be made known to all Persons concerned, OUR WILL IS HEREOF, and We charge you strictly, and command, that incontinent, these Our Letters seen, ye pass to the Market-cross of *Edinburgh*, and other Places needful, and thereat, in Our Name and Authority, by open Proclamation, with all Solemnities requisite, make Publication of the Premises, that none of Our Lieges may pretend Ignorance thereof. And ordain these Presents, and the Bond, and Act of Council underwritten, to be printed, and subjoyned hereunto. The which to do, We commit to you conjunctly and severally, Our full Power by these Our Letters, delivering them by you duly execute and indorsed again to the Bearer. Given under Our Signet at *Edinburgh*, the Eleventh Day of *February*, 1678. and of Our Reign the 30th Year.

Per actum Dominorum secreti Concilii.

Al. Gibson Cl. Secr. Concilii.

God save the King.

Followeth the Tenor of the Bond mentioned in the foresaid Proclamation.

I undersubscribing, do faithfully bind and oblige me, that I, my Wife, Bairs, and Servants respectively, shall no ways be present at any Conventicles and disorderly Meetings in Time coming, but shall live orderly in obedience to the Law, under the Penalties contained in the Acts of Parliament made thereanent: As also, I bind and oblige me, that my whole Tenants and Cottars respectively, their Wives, Bairs, and Servants, shall likewise refrain and abstain from the said Conventicles, and other illegal Meetings, not authorized by the Law, and that they shall live orderly in obedience to the Law: And further, that I nor they shall not reset, supply, or commune with forfeited Persons, intercommuned Ministers, or vagrant Preachers, but shall do our utmost Endeavour to apprehend their Persons; and in case my said Tenants, Cottars, and their foresaids shall contravene, I shall take and apprehend any Person or Persons guilty thereof, and present them to the Judge ordinary, that they may be fined or imprisoned therefore, as is provided in the Acts of Parliament made thereanent, otherwise I shall remove them and their Families from off my Ground; and if I shall

shall fail herein, I shall be liable to such Penalties as the said Delinquents have incurred by the Law, consenting to the Registration hereof in the Books of his Majesty's Privy Council, or Books of any other Judges competent, that Letters and Executorials may be direct hereupon in Form as effects, and constitute my Procurators.

Edinburgh, the 11. Day of February, 1678.

THe Lords of his Majesty's Privy Council do declare, that the Heritors, Liferenters, and Masters, who have subscribed, or shall hereafter subscribe the Bond abovementioned, obliging them for their Tenants, and others therein specified, shall be only liable for the Penalties by the Delinquencies of their Tenants, and others foresaid, in case the Tenants, and others for whom they are bound, shall be pursued and convicted within Year and Day after the committing of the Delinquencies, without Prejudice to pursue the Tenants, or others foresaid, themselves at any Time thereafter, as accords. Extracted by me

Al. Gibson Cl. Secr. Concilii.

Act for securing the publick Peace, February 14. 1678. No. LXXXVI.

THe Lords of his Majesty's Privy Council considering seriously, that the greatest Part of the Disorders of this Nation are occasioned by a seditious and schismatick Humour in some Western and other Shires, which upon all Occasions inflames them into great Irregularities, and remembring how, albeit it might have been expected after his Majesty's happy Restoration, that the fresh Remembrance of these Insolencies which we suffered under a tyrannick Usurpation, (drawn upon us by the same seditious Principles, which begin now to revive in those Places) would have inclined all his Majesty's good Subjects to live with great Satisfaction quietly under his happy Government, and to believe that the Laws made by his Majesty and their own Representatives, were both the true healing Remedies of these bygone Distempers, and the safest Means for preventing the like for the future; yet many in those Shires did, by a most remarkable Principle of Disloyalty, rise in Rebellion against their native Prince, in Anno 1666. when he was engaged in a foreign War: And though after the beating of their Forces, his Majesty had extended his Indemnity even to these Rebels, and had so far gratified those Shires, as to grant them an Indulgence; yet they continued still to disturb the Peace, and to spread their Infection over the neighbouring Shires, by assembling themselves in Field-conventicles, these Rendevouzes of Rebellion, resetting, maintaining, and hearing intercommuned Preachers, and declared Traitors, who infused in them openly and boldly rebellious and treacherous Principles, by invading the Persons, usurping the Pulpits of the orthodox Clergy, threatening, affronting, and injuring both them and such as adhered to them, and by disobeying and deforcing with armed Men in a hostile Manner, and even wounding and killing such as offered in his Majesty's Name to put his Laws in Execution: And to let the World see that they were fixedly resolved to adhere to these Principles in spite of Authority, and that they had settled themselves in a permanent Form of Government (as they imagined) they did hold Sessions, Presbyteries, and Assemblies, established Correspondencies, and, for perpetuating the Schism, ordained and granted Missions to Preachers, built Meeting-places, and taxed his Majesty's Subjects for their Maintenance: And that they might cut off their Profelytes from all Dependence upon their native Prince, against whose Person and Government they railed upon all Occasions, they at last arrived at so great a Height of Rebellion, as to persuade the People that it was unlawful to take the *Oath of Allegiance*. Whereupon the Lords of his Majesty's Privy Council, upon design to prevent these growing Disorders, or the just Severity which the Authors thereof had deserved, did ordain the Commissioners of Excise, Militia, and Justices of Peace within these Shires, to meet and to propose such Means as might effectually secure his Majesty and the Peace of the Country: With Certification, that if they did not, his Majesty behaved to reduce them to their Duty by Force, and would look upon the Heritors therein who refused to secure the Peace, (as said is) as involved in, and Fautors of those seditious and disorderly Courses. To which they returned no other Answer, save that these Disorders were grown to such a Height, that it was not in their Power to redress them; whereupon it was thought high Time to acquaint his Majesty with the present State of these his Affairs here, who, to vindicate his own Authority, and from a tender Care of his People, whose Security with that of his Laws, he did foresee to be under-mined by such pernicious Contrivances and Practices, did, by his Royal Letter, dated the Eleventh Day of December, 1677. declare his Relentment against, and his Detestation of these Courses; and for suppressing thereof, commanded and authorized his said Privy Council, to proceed by Force and

Arms, to reduce that Country to their Obedience, and to oblige them to give Bonds for their own and their Tenants living regularly and obedient to the Laws; and particularly, that they should not go to Conventicles, harbour nor commune with Rebels, or Persons intercommuned, and for keeping the Persons, Families, and Goods of their regular Ministers harmless, and that under such Penalties as they should think fit. In obedience to which Letter, a Bond was accordingly drawn, only obliging the Heritors alternatively, either to present their Tenants, or to remove them; and declared, that they should be only answerable for their said Tenants, if they were convicted within a Year after the committing of these Delinquencies. All which Courses proving ineffectual, his Majesty hath just Reason to suspect the Designs of such as have, or shall refuse or delay to take the said Bond, as tending to overthrow his Majesty's Authority, to subvert the established Order of the Church, and to disquiet the Peace of his Majesty's good Subjects: And since every private Subject may force such, from whom they fear any Harm, to secure them by Lawborrows, and that it hath been the uncontroverted and legal Practice of his Majesty's Privy Council to oblige such, whose Peaceableness they justly suspected, to secure the Peace for themselves, their Wives, Bairns, Men, Tenants, and Servants, which are the very Words of all such Bonds, and that under such Penalties as they find suitable to their Contempt, Guilt, or Occasion upon which such Sureties are sought, and suitable to the Qualities of such from whom Caution is craved: Therefore the Lords of his Majesty's Privy Council considering, that his Majesty hath declared his just Suspicion of those who refuse or delay to take the said Bond in the Terms foresaid; and the said Lords, being from the whole Series foresaid justly suspicious of the Practices and Principles of such as refuse the same, do ordain, That all such Persons as refuse the said Bond, shall be obliged to enact themselves in the Books of Secret Council, that they, their Wives, Bairns, Men, Tenants, and Servants, shall keep his Majesty's Peace, and particularly, that they shall not go to Field-conventicles, nor harbour nor commune with Rebels, or Persons intercommuned; and that they shall keep the Persons, Families, and Goods of their regular Ministers harmless, and that under the Double of every Man's valued yearly Rent, (if he have any) and of such other Penalties as shall be thought convenient by the Lords of his Majesty's Privy Council, or their Committee, if they have no valued Rent, ordaining Letters to be direct for charging all such Persons as refuse to take the said Bond, to enact themselves in the Books of Privy Council, to the Effect foresaid, and that within six Days next after the Charge, under the Pain of Rebellion, and putting of them to the Horn; with Certification to them, if they fail, the said Space being come and bypast, that they shall be denounced Rebels, and put to the Horn for their Contempt and Disobedience; and ordain these Presents to be printed. Extracted by me

Al. Gibson *Cl. Secr. Concilii.*

God save the King.

Letter on the Lawborrows, 1678. NO. LXXXVII.

Sir,

I Am glad that you have received my last, and I hope you will keep and use it for your self, as I intended it; for these are evil Times, wherein a Man by speaking or writing may far sooner wrong himself than better others. As for this new Act and Certification of the Bond, wherein also you require my Opinion, I will say nothing to its Narrative, it speaks but too much for it self, and all that I find new in the Case, is, that the Council hath thought good to give some Colour to their Procedure from the Form and Stile of Lawborrows: And *next*, That as they seem to have abridged the former Bond and its obligatory Part, so they have much augmented the Penalty. *Thirdly*. That from the Pretext and Practick of Lawborrows they also give warrant to charge Men to enact themselves, or take the new Bond, under the Pain of Rebellion. But as to the First, I shall not trouble you how decent or indecent it may be for Rulers to require Lawborrows of their Subjects, the Thing I rather take notice of is, that even our common Lawborrows are not only founded on very clear Reasons, and conceived in very reasonable Terms, but also all expressly warranted by several Acts of Parliament, particularly King *Jam. VI. Parl. 7. Cap. 117.* anent the Form and Pains of Lawborrows, which is a further Evidence of what I told you in my former, that it is a certain and fundamental Principle both of our Law and Liberty, that neither Bond can be imposed, nor Pain inflicted without the Warrant of an Act of Parliament. *Secondly*. If the old Act and Form of Lawborrows do warrant the present Proceedings, why did not our Council content themselves therewith, and then prosecute the Contraveners and Contraventions according to Law? But they knew well enough, that neither would Law nor Reason make the Going to a Field-meeting a Breaking of the Peace, at least such as hath always hitherto been understood in the

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Case of Lawborrows, and certainly in no Case or Construction to infer their exorbitant Penalty of the Double of a Man's Rent: And next, That albeit the Council's Practice had been (as this their late Act says) to cause suspected Persons bind to secure the Peace for themselves, their Wives, Bairns, Men, Tenants and Servants; yet it always hath been understood, and for the most Part is expressed with this qualifying Addition, *And others of their causing, bounding out, resetting, Command, Assistance, and Ratihabition*, which this late Act of Council industriously omits, albeit neither Reason nor Law can make any Person otherwise liable for another Man's Transgression; and this I think may satisfy you as to the first Head, how little the late Act and new Bond is countenanced either by ordinary Lawborrows between Man and Man, or the Lawborrows and Surety usual to be required by the Council to preserve the civil and righteous Peace of the Realm. *Secondly*. As to the Bond it self, I see, that albeit Men be not required to enact themselves and the rest under them expressly to abstain from House-meetings, to live orderly, and not to supply vagrant Preachers, but to assist to take them, as in the former Bond, yet all the Reasons above deduced to prove the former either unwarrantable, unreasonable and imprestible, do also strongly conclude against the second Bond; and for the Things that are left in it, they seem to many no less unlawful than the Things left out. For *first*. How can a Man bind both for himself and all these express in the Bond precisely, without any Qualification, that they shall keep his Majesty's Peace, which is evidently of that Extent that a Man may be made liable for all the Riots and other Disorders against the Peace, that either the Bairn, Tenant, or Servant may fall into, albeit the same fall out never so fore against their Will. *Secondly*. Many Men doubt at present what and where his Majesty's Peace is, for they see clearly that the publick Peace is broken, the *North* being in an actual hostile Invasion of the *West*, and really if Men by binding to the Peace, do become obliged to suffer all that the Highlanders have done, and that they and others may yet further do both there and in other Parts, this may prove too heavy for their Faith as well as to their Patience. I grant it may be said, That if this Peace be broke to any Man thereto bound, it is also broke with him, and that just and necessary Defence against a Breach was never accounted a Breach: But I am far more certain, that this is neither meant, nor could ever be received; but on the contrary to alledge it, would be judged worse than any Violation. But the second Thing in this new Bond is, *And particularly that they shall not go to Field-conventicles*: And here I am sure is plainly held out such Meaning of his Majesty's Peace, as may not only satisfy any Nonconformist that the keeping thereof is sinful, but may also convince all, that the Extent of this Enacting is in effect almost the whole Import of the former Bond, albeit here couched in more covert Expressions, in as much as it is evident, *First*, That the not going to Field-conventicles is hereby declared to be a Part and Branch of his Majesty's Peace, and the going thereto a Breach of it. *Next*. That albeit Field-conventicles be only here expressed, yet it is done in such a Manner, as sufficiently infers, that both going to House-conventicles, and withdrawing from the Curates Kirks, are also understood to be the Breaches of the Peace, for this as well as the former are declared by the Acts of Parliament, 1663 and 1670. to be seditious Practices, and it is upon this account and no other, that the not going to Field-conventicles is made a Speciality of his Majesty's Peace, and not in my Opinion by way of Restriction, but rather by way of Ampliation, and with clear Intimation that all other Things of the like Nature are also here included. But *Secondly*. Are not these Field-conventicles the very Meetings of the Lord's Ministers and People, sinfully and unjustly disliked by Men, but no less visibly owned and countenanced by the Lord himself, who as he often held and kept such Meetings while here present on Earth, without being so much as once accused, either by the *Romans* these most ambitious and jealous Dominators, or by the *Scribes* and *Pharisees* these most envious and cruel Clergymen, as a Peace-breaker on this account; so are these Meetings now so much the more to be allowed and adhered to, that they appear to be as the Glory of the Lord, not voluntarily removing, but driven away of Men, and standing upon the Mountains, and are also therefore the more persecuted, as if they were the only Remains to complete the Conquest of these, who have long since violently cast out the Lord's Ministers, both from Kirks, Towns and Houses. I grant that there are Laws against these Meetings, particularly the severe Act 1670. but who are they that affirm these Laws to be just? Nay, how few are they in *Scotland* that do approve, or would consent and subscribe to the Rigours of that Act? and yet this new Bond and Enacting imports no less. I once heard a Nonconformist say, that he could not compare that Act to any Thing better, than that Water cast out as a Flood after the Woman fleeing into the Wilderness, that she might be carried away by it: Can any then, owning his Principles by his own Subscription, bind himself to it? *Thirdly*. This Enacting binds a Man, not only not to go himself, but that others also, his Wife, Bairns, &c. shall not go, whereby a Man in effect binds himself to be a Constrainer and Pursuer of others, and that in a Matter of Conscience, against all Rules of Christian Love, Tendernefs, Forbearance, and common Ingenuity also. Neither doth it avail to say, that a Man may thus bind, and yet not constrain; for certainly he that thus bindeth, is bound to use his utmost Endeavours according to that Authority which he hath over the Persons for whom he bindeth, which plainly amounteth

amounteth to a Constraint; and to say that he will not use these Endeavours, is plainly to say, that he will bind but not keep, which indeed is no better than to renounce all Truth, destroy all Trust, and manifestly mock both God and Man. I know, some think that it may here relieve, that a Man doth bind here only under a Penalty, and may beforehand resolve to pay the Penalty, as the safer Part of the Alternative: But I have already discussed this Subterfuge, which is in truth false, no Pain being properly an Alternative, specially in Matters of this Kind, not capable of a liquid Estimation, and disingenuous, being plainly contrary to the End and Meaning of the Imposers, and that sufficiently expressed and signified, and lastly an open Disavowing of both Truth and Righteousness, when the Lord on the other Hand, is calling to a faithful Confession. The Third Thing in this Enacting is, *Nor harbour nor commune with Rebels or Persons intercommuned*; and who are here meant every one knows; only to make the Thing more plausible, the Words, *Ministers and Preachers*, set down in the former Bond, are here left out: But having noticed this Clause sufficiently in my former Letter, I shall only desire you further to reflect, that if these, who receive not and relieve not Christ's suffering Members, be doomed with that sad *Depart, Matth. 25. 41.* of how much sorer Punishment suppose ye shall they be held worthy, who expressly bind both for themselves and others, that they shall neither harbour nor commune with them? The Fourth Thing is, *And that they shall keep the Families, Persons and Goods of the regular Ministers harmless.* Why this was adjoined, the Thing being more than much established by the Act 1669. is not easy to determine: In my Opinion it hath been done, the better to answer the Numbers, and to complete the Cadence of a Lawborrows; but the Thing that I think more strange at, is, how that, seeing it is manifest by the said Act, that the same was made to supply the King's Authority, and secure these Counsellors, who had emitted a Proclamation to the same Purpose Two Years before, yet our present Council could adventure without a Parliament, to stretch the Things yet more unreasonably; for they bind a Person by this Enacting, to keep the Minister harmless, not only within the Parish, which is all that the Act of Parliament binds to, but indefinitely where ever he may be. *Secondly.* The said Act insinuates, that using of Means and Diligence to apprehend the Actors of such Outrages, may exoner the Parishoners, and so the Council hath been pleased to interpret it, but this Enacting binds simply a Man without any such Qualification. *Thirdly.* The Act commands Men only for themselves, but this binds a Man, that not only he himself, but that his Wife, Bairns, (albeit ordinarily very impotent Folk) Men, Tenants and Servants (tho' never so unable, and perhaps also, never so remote, both from the Master and Minister injured) shall keep the Minister harmless, so that in effect, a Minister, or any of his Family being injured, any Fault may infer against a Man as many Forfeitures of the Double of his yearly valued Rent, as the Number of his Wife, Bairns, Men, Tenants and Servants comes to, let them be all of them never so innocent; and the least Care that a prudent Man thus binding himself can have, is, to provide his Minister with a sufficient Guard at all Times, and in all Places, which I dare say, even the very Framers of this Bond did not intend. The Fifth Thing in the Enacting is the Pain, *viz.* under the Double of every Man's yearly valued Rent, &c. which *first* may be understood, for every Contravention that may fall out upon the Bond, and so expose a Man to be ruined by Cottars and Servants in a Moment. *Secondly.* This Pain is without all Warrant of Law, as to the several Delinquencies that may be reckoned Contraventions of this Bond, which doth no way quadrate with, but may in many Cases exceed the Pains of Lawborrows, albeit that afore these Pains had been long arbitrary, as appears by the Act *Jam. VI. Parl. 9. Cap. 117.* they are by the Act *Jam. VI. Parl. 13. Cap. 166.* expressly determined and liquidate. *Thirdly.* Albeit some of these Delinquencies that may fall under this Bond, be, by Acts of Parliament, left to the Council's Discretion; yet this Pain of the Double of the yearly valued Rent, if understood (as it may, and ought to be, for any Thing that appears to the contrary) *toties quoties*, is most exorbitant and ruinous. The Third Thing that I remarked to be in the new Act is, that under the Pretext of Lawborrows, it gives warrant to charge Men to enact themselves, as said is, within Six Days under the Pain of Rebellion. But *first.* Why so peremptory? might not at least Ten or fifteen Days have been granted according to the ordinary Stile of the Council-letters, these being indeed no Letters of Lawborrows. *Secondly.* I have already fully told you, that the Imposing of both first and second Bond is unwarrantable, and consequently this Charge far more unwarrantable; and certainly if this Practice be good, the Council hath no more to do but to form a Preface, and borrow new Words of common Stile, and so issue out Letters of Horning, charging Men, not only to take this new, or the former Bond, but the Declaration, or any other Bond they please, were it even (for ought I can see) for borrowed Money.

But, Sir, I weary you: Were I charged upon this new Act, and if my Heart did not fail me, sure I am I would try a Bill of Suspension, and albeit I will not say, that I would imploy all the Reasons that I have touched; yet I think that there are several of them, and these the most material, that I both would and might make use of very safely, and perhaps also effectually; but as all the present Proceedings are to me Mystery and Wonder, so there are Two Things further, that I may more especially marvel at, The First is, how it comes to pass, that there
being

being so many and great Pains statuted, and so much Power given by Acts of Parliament against Nonconformists, even sufficient, if punctually execute, to exhaust and ruine them. The Council have not contented themselves to keep within these ample Bounds, but have so palpably exceeded and neglected all Warrant of Law, to the exposing of both his Majesty's Authority, which ought to be to all very sacred, and themselves who may be therefore called in question. And the Second Thing is, how it also happens that these Bonds being so unwarrantable, unlawful, unreasonable, and imprestible, as they appear to be, (and that altho' neither Nonconformity nor Conscience were therein concerned) and so many required, and like to be required to take them who are declared conformable, and every way free Men, yet none have as yet adventured to oppose them, by these unquestionable Reasons, and clear Methods, which Law doth so plainly allow, but on the contrary so many even of this Sort have been found to take them; whereas it is evident, that if all had either unanimously refused, or if even these only which remain, should continue fixed, and silently only endure the Hazard, the whole Project of these Bonds and Courtes had been, and would be most infallibly defeat and mistaken; Committers and other Actors undoubtedly would rectify themselves, which is certainly the most desirable and happy Remedy. *Adieu.*

Bond of Relief to the Magistrates of Air, February, 1678. N^o. LXXXVIII.

BE it known to all Men by thir present Letters, We Forasmuch as the Magistrates and Counsellors of the said Burgh of *Air*, have, by special Order and Command of the Lords of the Committee of his Majesty's Privy Council, bound and obliged themselves and their Successors in their Offices, that they, their Wives, Bairns, and Servants respective, shall no ways be present at any Conventicles and disorderly Meetings in Time coming, but shall live orderly in obedience to the Law, conform to the Acts of Parliament made thereanent; as also have bound and obliged them that the haill Burgesses and Inhabitants within the said Burgh respective, their Wives, Bairns, and Servants, shall likewise abstain and refrain from the said Conventicles, and other illegal Meetings not authorized by the Law, and that they shall live orderly in obedience to the Law; and further, that they nor we shall not reset, supply, nor commune with forfeited Persons, intercommuned Ministers, or vagrant Preachers, but shall do our utmost Endeavours to apprehend their Persons; and in case we shall contravene, that the said Magistrates shall take and apprehend any Person or Persons guilty thereof, and present them to the Judge ordinary, that they may be fined or imprisoned therefore, as is provided in the Acts of Parliament made thereanent, otherwise to remove them and their Families out of the said Burgh; and if they fail therein they oblige themselves to be liable to such Pains and Penalties as the said Delinquents have incurred by the Law, as the said Bond dated the 18th Day of *February* last at Length bears: And seeing the said Magistrates and Council have, in obedience to his Majesty's Authority, and for the Good and standing of the said Burgh, undertaken, and obliged themselves for them and their Successors in their Offices, not only for themselves, but for us the Burgesses and Inhabitants of the said Burgh, for their and our regular and orderly Deportment in Time coming; and we being most desirous and ready ilk one of us, for our own selves, to give to the said Magistrates and Council such Relief as is proper and incumbent to us, conform to the said Laws of the Kingdom in this Particular, therefore We and ilk one of us for our own Parts, bind and oblige us to warrant, free, relieve, and skaithless keep the said present Magistrates and Council, and their Successors in their Offices, of their Engagement and Obligement foresaid, made by them in our behalf, upon the several Particulars foresaid, ilk one of us *respective* for our own Parts; and in case we or any of us shall happen to contravene the Obligement foresaid, made by the said Magistrates in our behalf, we bind and oblige us, ilk one of us for our own Parts, to warrant, free, relieve, and skaithless keep the said Magistrates and their Successors of their Obligement abovementioned, and of all Cost, Skaith, Damage, or Expences, they or their forefairs shall happen to sustain or incur therethrough in any Sort, &c. with Clause of Registration.

Proclamation for taking the Bond in several Shires, March 13. 1678. No. LXXXIX.

CHARLES, by the Grace of God, King of Great Britain, France, and Ireland;
Defender of the Faith; To Our Lovits,
A a a Macers;

Macers, or Messengers at Arms, Greeting: Forasmuch as upon Consideration of frequent rebellious Field-conventicles, and other Insolencies and Disorders in several Shires of this Kingdom, We, by Our Letter of the 11th of *December* last, did authorize Our Privy Council to use such Means, and take such Courses as might be effectual for securing Our Peace, and quieting these Disorders: And particularly, We did require them to cause Heritors, Liferenters, and Masters give Bonds for their Tenants, Servants, and others in Manner therein express; and in pursuance of these Our Commands, a Bond was drawn, which by a Committee of Our Privy Council hath been offered to the Heritors in some western and other Shires of this Kingdom, which were most infested with these Irregularities, conform to the Power and Instructions given to that Committee. And to the end such Insolencies and Disorders so expressly prohibited by Law, and tending so much to Sedition and Disturbance of the publick Peace, may be prevented in other Places of the Kingdom, We, with Advice of the Lords of Our Privy Council, have thought fit, That the foresaid Bond, obliging Heritors, Liferenters, and Masters, for their Tenants, Servants, and others therein mentioned, shall be offered to the whole Heritors and Liferenters of the Shires of *Edinburgh*, *Haddingtoun*, *Linlithgow*, *Peebles*, *Berwick*, and *Selkirk*, to be subscribed by them. OUR WILL IS HEREOF, and We charge you, that incontinent, these Our Letters seen, ye pass to the Market-cross of *Edinburgh*, and other Places needful, and there in Our Name and Authority, you strictly command and charge the whole Heritors and Liferenters within the Shires abovenamed, and Jurisdictions within these Shires, to meet and convene upon the Days, and at the Places respectively following, *viz.* these of the Shire of *Edinburgh*, at the Town of *Edinburgh*, within the new Session-house, upon the Nineteenth Day of *March* instant; these of the Shire of *Haddingtoun*, at the Burgh of *Haddingtoun*, the Twentieth Day; these of the Shire of *Linlithgow*, at the Burgh of *Linlithgow*, the Twenty one Day; these of the Shire of *Peebles*, at the Burgh of *Peebles*, upon the Twenty second Day; these of the Shire of *Berwick*, at *Dunee*, upon the Twenty sixth Day; and these of the Shire of *Selkirk*, at the Burgh of *Selkirk*, upon the Twenty eighth of this Instant: And they being met upon the Days respectively foresaid, that the Sheriff-principal, or, in case of his Absence, his Deputes do offer the foresaid Bond, for securing the Peace, to the whole Heritors and Liferenters of the Shire, to be subscribed by them, and that the Sheriff also subscribe the same himself: Certifying such Heritors and Liferenters as shall be absent, or being present shall refuse to subscribe the said Bond, they shall be charged with Letters of Lawborrows, conform to the Act of Our Privy Council, of the Fourteenth of *February* last. And to the end Our said Service may be the more effectually prosecute, We hereby require the Heritors and others foresaid, to repair to their said Shires, and attend the Diets foresaid, as they will be answerable upon their highest Peril. And We ordain the Sheriffs of the said Shires and their Deputes, to cause intimate this Our Proclamation at the several Parish-kirks of the Shires, upon the *Sunday* immediately preceeding the Diet of meeting, that none may pretend Ignorance thereof: And that they return to Our Privy Council an Account of their Diligence in the Premises, with the Bonds signed by the Heritors, and the Names of these who shall be absent, or refuse to subscribe the same. The which to do We commit to you, conjunctly and severally, Our full Power by these Our Letters, to be by you duly execute and indorsed again to the Bearer; and ordain these Presents to be printed. Given under Our Signet at *Edinburgh*, the Thirteenth Day of *March*, 1678. Years, and of Our Reign the Thirtieth Year.

Per actum Dominorum secreti Concilii.

Al. Gibson Cl. Secr. Concilii.

God save the King.

Instrument, Dutcheß of Hamilton against the Earl of Strathmore, April 5. 1678.
No. XC.

THE which Day, in Presence of me Notar publick undersubscribing, and Witnesses after-named, compeared personally *John Bailie* Chamberlain of *Hamilton*, as having Power and Commission from *Anna Dutcheß of Hamilton*, and to the Effect underwritten, and past to the personal Presence of *Patrick Earl of Strathmore*, being for the Time in the Dwelling-house of *William Hamilton* Maltman, Burgeß of *Hamilton*, and there the said *John Bailie* in Name and Behalf of the said Dutcheß, shewed the said *Patrick Earl of Strathmore*, that the said Dutcheß, nor *William Duke of Hamilton* her Husband, had never seen any Orders for free Quarters to have been made by any Officers or Soldiers in any Troops or Regiments for the Time within the Shire of *Lanerk*, upon any Person or Persons whatsoever; and that

that notwithstanding thereof, a considerable Part of the Regiment of Foot under the Command of the said Earl, sometime more and sometime fewer, had quartered upon the Lands and Property of the said Duke and Dutcheſs, within the Pariſh of *Hamilton*, from the 16th Day of *March* laſt bypaſt, to this preſent Day *inclusive*, without Payment of any Sums of Money; therefore, as alſo that the ſaid Soldiers have exacted divers Sums of Money, or dry Quarters, (ſo termed by them) from ſeveral of the ſaid Duke and Dutcheſs their Tenants, and that by and attour the Entertainment of Meat, Drink, and Bedding they had in the Places where they were quartered; and therefore, and in reſpect there had been no Order ſhewn for free Quarters, or levying of Money, by and attour the ſame, the ſaid *John Bailie* in Name and Behalf, and at Command of the ſaid Dutcheſs, deſired of the ſaid Earl, that he would either pay, or cauſe make Payment to the ſaid Duke and Dutcheſs their reſpective Tenants, for the Quarters ſuch of his Soldiers had upon their reſpective Tenants, the Space abovementioned; as alſo, that the ſaid Tenants might be reimbursed of all Exactions uſed by his ſaid Soldiers from them. Whereunto it was answered by the ſaid Earl, that the bringing ſuch of his Regiment was at the Command of his Maſteſty's Privy Council, founded upon his Maſteſty's Warrant; and that the quartering made by him of his Regiment, was conform to Order from the Major-general, and that he had never commanded or allowed any Exactions of any Kind, beſide their Quarters; and that the ſame (if any was uſed) was expreſly contrary to his Orders: Whereupon, and upon all and ſundry the hail Premises, the ſaid *John Bailie* in Name and at Command foreſaid, as alſo the ſaid *Patrick* Earl of *Strathmore*, asked and took Inſtruments, one or more, in the Hands of me Notar publick underſubſcribing. Thir Things were done within the Dwelling-houſe of the ſaid *William Hamilton*, betwixt and Ten Hours in the Forenoon, Day, Month, Year of God, and King's Reign reſpective foreſaid, in Preſence of *James Weir* of *Kirkfield*, *Arthur Naſmith*, and *Richard Maxwell* Writers in *Hamilton*, the ſaid *William Hamilton* and divers others, Witneſſes to the Premises, ſpecially called and required.

Ita eſſe verum ut præfertur, ego Andreas Schaw, notarius publicus, ad præmiſſa requiſitus, aſſero, teſtand. ſigno & ſubſcriptione.

True Narrative of the Proceedings of the Council in the Year 1678. No. XCI.

There can nothing be ſo unpleaſant to his Maſteſty's Judicatories, as to puniſh, nor for honeſt Men, than to publiſh the Errors of their own Country-men: And tho' the fatal Conſequences which did lately follow upon the like Diſtempers, may create in all thinking Men, an extraordinary Abhorrence of ſuch Courſes; yet ſince ſuch as find no Safety but in the common Diſtractions, and no Pleaſure, ſave in the univerſal Confuſions of both State and Church, have ſo ſucceſſfully poiſoned ſome, and endeavoured ſo induſtriouſly to poiſon many of his Maſteſty's other Subjects in all his Dominions, it is hoped, that a true Narrative of theſe Proceedings will not be unwelcome.

It is too well known, how, after that Episcopacy was eſtabliſhed by Authority, in both thir Kingdoms, as that Government which was moſt agreeable to the Word of God, and the Practice of the primitive Church, and ſuited beſt with Monarchy, ſome factious Perſons here did much diſturb the Reign of that wiſe Prince King *James*, and overthrew the Government under that pious Prince King *Charles I.* in which Rebellion (that grew up by plausible Degrees, too like our preſent Proceedings) under the ſpecious Diſguiſes of Liberty and Religion, God puniſhed us ſo appoſitely, that theſe Parliaments which luſted ſo after boundleſs Liberty, were abſolutely turned out from any Share in the Government, and that new modelled Church, which violently grasped at, even all the civil Government, was rent in Pieces by its own viperous Brood the Remonſtrators, and fell from having any Eſteem with thoſe Uſurpers whom they had raiſed.

Theſe Diſorders did firſt take Riſe, and had their chief Maintenance from ſome *Western* Shires in this Kingdom, who having been the chief Actors in every Scene of that bloody and tragical Rebellion, were ſo far from wearying or repenting of having oppoſed their native Prince, that they perſecuted both in Church and State, ſuch of their former Associates as reſolved to return to their Duty, and to hazard all in reſcuing their King from that Imprisonment, which they well foreſaw was the firſt Step to the Scaffold: And thir Rebels being inflamed at a Communion in *Mauchlin*, they moſt rebelliouſly fought againſt his Maſteſty's beſt Troops; and after that worthy Attempt, for reſcuing his Maſteſty from his Imprisonment, 1648. was diſappointed, they did again form their own Tenants in an Army, and therewith invade and plunder the *Lothians*, and other adjacent Shires: And ſuch as were weary of the Insolence of that Party, having called home our preſent Monarch, theſe Shires, to diſappoint the Opposition

made to *Cromwel*, drew a Remonstrance, and divided from his Majesty's Forces, and declared by an Act at the *West-kirk*, that if his Majesty would not grant the Concessions then proposed to him, and whereby all his Prerogatives were to be screwed from him, they would not own his Government. And God having suffered his Majesty's Armies to be beat at *Worcester*, these Remonstrators did, by all possible Insinuations, endeavour to gain the Usurper's Favour, and did persecute such as had owned his Majesty whilst he was in *Scotland*.

After his Majesty's Restoration, which God had made so miraculous, to confute the insolent Appeals, which those People had always made to his extraordinary Providence, and to disappoint the Expectations of that Party, who resolved to burden his Return with such Concessions as they had formerly extorted in *anno* 1650. his Majesty and his Parliament, as the Representatives of the Nation, did unanimously restore Episcopacy, but so moderately, that no sober Man could complain: And tho' many, of a different Perswasion, deserted their Charge in the Ministry, yet all, save some Remonstrators, frequented the Ordinances, and lived most peaceably; but the chief of these moderate Men dying, some Remonstrators who were irreclaimable, fearing the Schism might die out, admitted some young Men to the Ministry contrary to the Principle of their own Assemblies, which condemned *Ministeria vaga*, and contrary to the express Laws of this Kingdom, which make these punishable by Death, and they, with the Help of these hot-headed young Men, having inflamed some of their old *Western* Friends, (for it cannot be denied, but there are very honest and loyal Persons in those Shires) into a Rebellion in *anno* 1666. whilst his Majesty was, as they conceived, unable to oppose both them and those foreign Enemies, with whom he was engaged then in a dangerous War, it pleased God to bless his Majesty with a total Victory over them: But yet his Majesty, whose Clemency is as extraordinary as his Restoration, was so far from pursuing his Victory with Revenge, that he yielded to the importunate Intercession of those who promised, 'That the indulging some Parishes in the *West*, to have Ministers of their own Perswasion, would settle all those Distempers; and tho' his Majesty was pleased to try this, and all other Means of reclaiming those Shires, and to bestow upon these Ministers the Salary due only by Law to the orthodox Clergy, yet those of that Party, finding their Rebellion so successful, concluded that the same Force, which had procured that, might procure more, and so they established new and flying Rendezvous of Rebellion, called *Field-conventicles*, in which, under Pretext of Preaching, all lawless and disaffected Persons, got constant Occasions of assembling themselves and adjusting their malicious Designs, and of infusing into the People (in such remote Places, far from the Observation of all wise and judicious Men) whatever their Malice could suggest against the King, his Laws, and Government, and from which, as the true Nurseries of Rebellion, it was most easy for them to form and model themselves into Armies, when those Designs were fully ripened, as they had formerly done in *Anno* 1666. which Rebellion was but a running and continued Field-conventicle, fed constantly by such as came to hear their Ministers, who then governed them, preach upon that long March; they having, in a Field-conventicle at the *Glenkens*, kept their first Rendezvous, from which they sent a Party to *Drumfries*, and surprised a Party of his Majesty's Forces, and thence having gone to another Field-conventicle in *Cummock*, they proceeded to others at *Air*, *Kilmarnock*, *Mauchlin*, *Strevin*, *Lanerk*, after which they conventicled on to *Pentland*, where, by their being beat, this Kingdom was restored to its former Peace and Quiet: And in which Field-conventicles, the Covenant, which is condemned as treasonable by the Law, was constantly preached up, and People taken upon Oath, bound by it to reform *England* and *Ireland*, as well as *Scotland*, and to bring all Delinquents to condign Punishment: Nor was the Church and all Christian Discipline in less Danger from them; for the People were led out to hear such as, for Fear of revealing, they were obliged not to know, and so *Jesuits*, *Anabaptists*, and any Sectary might have securely possessed those ignorant Creatures with what they pleased, and frequently did so, and these poor People, being once alienated from the Church and its Discipline, found therein a sweet Liberty of staying from all Churches, and of being subject to no Discipline.

Upon which Considerations, the King, by Act of Parliament, did wisely declare these Field-conventicles to be Rendezvous of Rebellion, the Minister to be punishable by Death, and the Hearers by proportional Fines: Notwithstanding of all which, and that such Meetings are destructive to all Government, unknown to, and unallowed by any Christian Society, and preached against by the sober Part of their own Principles; yet those wild Hill-preachers, did still continue and heighten their Fury to that Degree, that such of their own Party, as took Indulgences from the Council, were railed at, and, in Disdain, called Council-curates; and such as officiated under Bishops, were frequently robbed and assaulted in their own Houses, and threatened with such probable Cruelties, that they were forced to relinquish their Charge. And to possess the People with a Belief of their Establishment, they did, contrary to express Laws, keep Presbyteries, Synods, and other Assemblies, entertain Correspondence with the disaffected Subjects of his Majesty's other Kingdoms, and kept armed Men as Guards for their Ring-leaders, preaching in all Places, the Lawfulness of resisting the civil Magistrate, the Unlawfulness of taking the Oath of Allegiance, that Episcopacy was antichristian, all who owned them

were

were perjured, and Enemies to Christ; and the Parliaments and Laws by which they were established were impious and sacrilegious. And to convince the World, what might have been expected from these, if they had prevailed, let any Man read those Books printed by them, wherein, at their lowest Ebb, they invite all Men to oppose Authority, as to a Duty to which they were in the Covenant obliged upon Oath, and to kill all such as served his Majesty, by the Example of *Phineas*; which Books poisoned so far those whom their former Principles had prepared, that some of them adventured, even to assault his Majesty's Counsellors upon the chief Streets of his chief City here, and in the Face of the Sun, and having in cold Blood maintained it, and died justifying it, are to this Day numbred amongst their best Martyrs.

These Enemies of all Order waiting all Opportunities that might distract, or add to the other Distractions of their native Country, finding in *Anno* 1674. that some Members of Parliament had in several Things controverted his Majesty's Authority, and differed from his Ministers, they immediately flew out in *Fife* and other Shires, to such Heights, that they dared to usurp some Pulpits even in *Edinburgh*, and to convocate in great Numbers about the Doors of his Majesty's Privy Council, with most insolent Petitions, tracing carefully the execrable Steps of our former Rebellion: But his Majesty's Prudence, and the Care of his Privy Council, having quashed those Appearances, his Majesty's Authority did for some Time overaw, tho' not reclaim them; but hearing that his Majesty was like to be involed in a new foreign War, they again assembled in mighty Numbers in *October* and *November* 1677. and did violently invade the Pulpits and Persons of the orthodox Clergy, and so threaten all with sudden and great Revolutions, and resisted so frequently and insolently, such as came to them in his Majesty's Name, killing some and wounding many, that the Privy Council thought it necessary to write to the Sheriffs of those Shires, to require an Account of their Diligence in repressing such Disorders; who informed them, that they could not get either Officers to cite the Offenders, or Men to buy their Goods that were distrained, and that their Numbers and Contumacy were such, that they despaired of all Success; and even the Council found, that such as were cited before them, contemned still their Citations, and by constant Absences added to the former Number of Rebels: Nor was it possible to repress those Field-conventicles, by legal Processes, both because the far greatest Part had nothing to pay, and so feared not the Payment of these Fines imposed by Law, and it was impossible to discover who were present at them, because they stooped by armed Men any from coming near them, who were not of their own Principle. Whereupon the Council finding all the ordinary legal Courses fail, they wrote to the Commissioners of Excise, and Justices of Peace, of the Shires of *Air* and *Renfrew*, which did comprehend most of the Nobility and Gentry of those Shires, and invited and impowered them to take such Courses as might secure the Peace of the Kingdom, and his Majesty's other good Subjects, against the Jealousies and Fears arising from such tumultuary and illegal Convocations: To which they, in a full Meeting, and after much Deliberation, returned as an Answer, that these Disorders had spread so far, and were so deeply rooted that they thought it impossible either to settle the Country, or answer for their Tenants, except the King would allow them a new Indulgence. Which Answer coming, after the Council's Letters to other Shires, of the like Tenor, were ready to be dispatched, they stopped the same, fearing that the Example of thir Shires might draw in their Neighbours into the like Combination. And it being proposed in Council, whether it was fit to send unto these Shires the few standing Forces of this Kingdom; it was urged by many, and very strongly, That the Commons there had so shaken off all Respect to Authority, that they might probably disarm those few Forces, and thereby both disable to King to make any Defence, and force themselves, for maintaining that Guilt, to joyn all of their Party in an open Rebellion. Whereupon it was thought fitter to arm some of his Majesty's Militia Regiments; and the Marquis of *Athol* first, and then others having offered their *Highland* Men, this was thought less expensive, and might prove more formidable; and therefore was chused by the Council, who had resolved, with as little Expence as could be to the innocent Shires, (for the Militia of these only could be armed) to fright these irregular Shires into an intire Submission to his Majesty's Laws, conceiving, that it was much more kind and prudent to prevent early, and by one single Expence, the Increase of those rebellious Principles and Practices which were daily ripening towards an open Rebellion; in which the whole Nation might have wished, but in vain, that it had redeemed it self by so short and small an Expence, from the Payment of such vast Sums, and the Ruin of so many Thousands, as fell in the late unhappy Wars, and to which they found those Disorders leading by the same fatal Steps.

A Proclamation was also issued out in his Majesty's Name, discharging all Noblemen and Gentlemen, to remove, without Orders from the Council, during this Service, which as it hath been constantly practised in *Scotland*, so was necessary at this Time, both to restrain such as might abstract themselves from his Majesty's Service at that Exigent, and to retain such within the Kingdom, as should be found obliged to secure the Peace, it being most ordinary for such as judged themselves obnoxious, to retire whilst his Majesty's Forces were upon the Place, and then

then return when they were gone, whereas, upon the other Hand, it was easy to seek a Warrant, and none was ever refused to such as offered probable Reasons, which might take off the Suspicion of their going away to elude the Proclamation. His Majesty's Forces being assembled, it was resolved, That they should disarm those Shires, a Course formerly taken by the Council in the like Case, in *March*, 1667. by the same Persons who now complain, whilst they themselves were Counsellors, and leading Men, and which is, by our express Laws, a Part of our King's Prerogative: And in the next Place, a Bond was offered, wherein every Heritor was obliged to answer for himself, his Wife, and his Children, under the Penalties express in the Acts of Parliament, made by the universal Consent of the whole Nation, which obliges a Man to answer for these Delinquencies of his Wife and Children; so that such as object, That no Man can be answerable for his Wife or Children, or for any except himself, do either not understand our Law, or do maliciously endeavour to persuade the People, that our Laws are unjust: And it is observable in all those Fifth-monarchy Presbyterians, that where Law can be any way wrested, they make much Noise of Laws and Customs, but where that cannot be so debauched, they cry out against them as impious and not binding. The Bond did likewise oblige the Masters, either to pay the Fines of their Tenants, or to remove them after they were found guilty of contravening his Majesty's Laws, or else to present them when called for by his Majesty's Judicatures, which was also most easy; for since these Alternatives were in every Man's Power, and since the Council judged this the only Expedient for securing the publick Peace, and that it had been formerly practised in *October* 1666. even by such as now shun to subscribe this Bond, though in that Proclamation issued out by them, all were commanded and charged under the Pain of Rebellion, whereas this Bond was only offered, and which Proclamation was much more ample and severe, as the Proclamation hereto annexed can clear. It is strange that any Man should refuse to contribute all that is in his Power, to establish Peace where there is such Hazard of Troubles; and the Reason why this Expedient was thought on, was, because the Council was not able to know, nor pursue every private Tenant or Servant: But these knowing that their Masters were bound, and the Masters knowing that they might be overtaken, this would make both very circumspect: And yet the Penalties were only these to which the Tenants were liable, by express Acts of Parliament: And in the last Bond, all was sweetned by the former easy Alternatives, and by the First *Act*, 3 *Session* of his Majesty's First *Parliament*. The Parliament foreseeing, that new Methods would certainly be invented of disappointing the Remedies proposed in that Statute, and that it was not necessary, and would be expensive to convene Parliaments upon all such Occasions, they therefore impowered the Council to inflict, not only the Penalties therein mentioned, but such other corporal Punishments as they should think fit, and to do every Thing that they should find necessary for procuring Obedience to that Act, made by them against Separation and Disobedience to the Ecclesiastical Government, and which Power was indeed very proper to the Council, to whom by our Law the Administration of the Government is intrusted under his Majesty; and which Act they thought a sufficient Warrant of the Proclamation 1666. for obliging the Subjects to give Bonds, and for denouncing of such as refused, and declaring their Leases null: Whereas the Bond now is but only offered; and by the Paper subjoyned to this Narrative, it will clearly appear, that this Council was obliged by the Practices of such as now complain, to do all that they have done, and was more necessary now than then, since these *Western* Shires had not then risen in Rebellion, before *October* 1666. and Field-conventions were not then so numerous, whereas now, they are declared the Rendezvous of Rebellion: And how could this Council be answerable to suffer Ten times more than his Majesty's standing Forces, to be assembled in Arms weekly, and in despite of Law, or what Nation under the Heaven does suffer the like?

Yet this Bond was not pressed, but such as refused it when offered, were thereby thought to have given just Reason of Suspicion: And therefore, as any private Man may, upon Presumptions, crave Surety from another, that they shall not trouble them; so the Council did justly crave this legal Surety, called *Lawborrows*, from those who refused this Bond, which Security is consonant to all Law; and that the State have formerly sought the same as well as private Men upon Presumptions, and are still warranted to do so, is clear by *Act* 3. *Parl.* 2. *Jam.* II. Nor are two Years Rent too great a Penalty, for tho' in private Cases the Pain or Sum be small, because there every Justice of Peace may exact the same, yet in extraordinary Cases the Pains have still been commensurate to the Occasion, by the privy Council and Justice Court, as is undeniable; nor can there be any Security, where there is not a Commensuration betwixt the Surety and the Hazard: And who can deny that Two Years valued Rent (which amounts to little more than one Year's true Rent) is too great Security for the Peace of King and Kingdom; for if the Giver of that Security does Diligence, and lives peaceably, he pays nothing, and if he will not, he can never pay too much where the Hazard is so great.

These Forces having marched, the Council, by Warrant from the King, ordered them to take free Quarter, not absolutely, but according as the Council or Committee should allow; nor gave they ever absolute Order for free Quarter, but on the contrary, they ordained all such

as should secure the Peace, to be freed from Quartering, and that the Fines of the Delinquents should be employed for paying the Forces, who voluntarily contributed their Assistance; but it was fit to insert free Quarter in the Commissions, because many emergent Accidents might have made the same necessary. And the King having been put to raise Forces upon the foresaid Tract of Disobedience; and, after all ordinary Courses and Remedies had failed, could there be any Thing more just, than that these who justified the foresaid Presumptions against themselves, in not finding Surety for the Peace, should have been the First Advancers, and quartered these Forces, than that these Quarters should have been paid by the innocent Shires, who sent out the Militia, or by those who voluntarily assisted and raised, and brought their Forces upon their own Expences? And to shew that the King resolved to take no Advantage in this Quartering, but to ease the innocent, his Majesty's own standing Forces paid daily every Farthing. It is likewise offered to the Consideration of all who understand our Government, whether it can be denied, but that the Kings of *Scotland* had ever the Power to raise Forces for quashing, even the Appearances of Insurrections; for it were too late to prevent them when they are raised, and they never having a constant Cash, nor any suitable Allowance for this Effect, they constantly quartered freely such as were raised upon that Account, nor was this ever quarrelled till now: And as the Council of *Scotland* never asserted, that free Quarter was lawful in Time of Peace, so no reasonable Man can deny, but that it is fit and necessary in Time of Trouble, or Presumption of spilling the Country by unreasonable and unruliful Men, to raise the Country, as the Act of Parliament foresaid expressly bears; and when raised, was it ever controverted that those Countries which gave Occasion for that raising of Forces, should entertain them, there being no Fund or ready Cash destinated by our Parliaments for that Effect: And since by the 25th Act of the 3d Session, First *Parl. Charles II.* the Parliaments do, beside the Militia, give a Power to the Council to dispose and manage that whole Affair, so as may best make the Offer there made of their Lives and Fortunes most effectual, and declare that they will hazard their Lives and Fortunes, as they shall be called for by his Majesty, for the Safety and Preservation of his sacred Person, Authority and Government, how can any good Subject deny so small an Assistance to his Majesty, when his Authority was so baffled and endangered, and where nothing was called for to his Majesty's private Use and Advantage, but merely for their own Safety and Preservation? And albeit it may be too well argued, that these Shires were in a State of Rebellion, Field-conventicles being declared by our Law Rendevouzes of Rebellion; but there were not only such Field-conventicles as were punishable by pecunial Sums, but Convocations of the People in Arms, not accidentally or infrequently, but frequently and avowedly, and under the Conduct of many Ministers, who were either declared Traitors for being in that Rebellion in Arms, *Anno 1666.* or being declared Rebels by legal Sentences since, were intercommuned by open Proclamations, and who in all Countries kept Correspondency, and renewed the treasonable Oath of the Covenant, railing against the King, his Laws and Servants, and, after express Commands and Proclamations, discharging such Meetings, as tending to overthrow the Government of Church and State; and is not this such a Degree of Rebellion, at least as, when all Remedies failed, might have allowed Quartering in such Shires, as entertained these Rendevouzes of Rebellion, without any Opposition? Yet such was the Clemency of our gracious Prince, and such the Moderation of his Council, as that they ordained the Quarters to be paid out of the Fines of the Delinquents, and that all such as offered to secure the Peace, should have none quartered in their Land: And albeit it is impossible to convocate so many Men without some Irregularities; yet so strict Instructions were given by the Council, and so great Care was taken by the Committee and Officers, that fewer were committed from so great Numbers than could have been expected, and none were ever complained of to the Council or their Committee, which were not redressed, and the Clamours are raised by such only as resolve to cast an *Odium* upon all that serve his Majesty; and yet the Clamours against what is done in the West, are much greater in *Edinburgh* than in the Shires who are said to have suffered, and greater at *London* than in *Edinburgh*. It might well be expected, that these Shires which had taken free Quarter themselves, without any just Quarrel or Order, would not quarrel that Quarter which had the King and Council's Order for its Warrant, and their own Guilt for its Occasion: But such Murmurers ought to consider, that by so doing they discourage others for the future to assist the King freely, which is great Unkindness to the King, and obliges the King to require a suitable standing Force, which deserves little Kindness from the Country, and that all this Noise tends to lessen our Security, and to heighten the Expectations of such as resolve to rebel, and by such Lies the last Rebellion was from a Spark blown to a Flame.

Whereas some assert, That the Council could not legally garison the Houses of private Persons: The Answer is easy; for it were strange, that our King should have the ordering of Peace and War, and yet might not garison Houses, when he sees great Presumptions of Rebellion and Trouble, having no Forts nor Garisons in those Shires, maintained upon the Charge of our Nation; nor were any Houses garisoned here, save where the Proprietors refused to secure the Peace, or were found guilty of breaking it, or had other Houses wherein they dwelt conveniently;

veniently; and albeit the Commissioners of Excise were desired to furnish them with Necessaries, yet these were to be repaid by the King, who could not make present Preparations of such Necessaries, without the Assistance of such as lived in these Shires, and Bond was given for the Re-payment: Our gracious King and his Council here, have never persecuted tender Consciences, punishing only such as, not content to serve God in a sober Way, inflamed their native Country with their irregular Zeal, and it is expected, that such as reflect upon what has been lately done by the King and his Council, should first remember the lamentable Miseries, into which this Nation was thrown by such, and even milder Beginnings and Actors, our Property distressed of arbitrarily by Committees, our Persons dragged to Prisons and Scaffolds, for obeying those whom it had been Treason to disobey, our Nobility and Gentry insulted over by every little Minister, and his own Tenants in Kirk-sessions, our Parliament made ridiculous and ineffectual by their general Assemblies; and if the Council had suffered such Practices to grow up unto open Rebellion, had not our neighbour Nation, as well as our own, just Reason to have condemned our Clemency to these as Cruelty to them, and to demonstrate that Persons, not Things, are aimed at in these Misinformations. It is most observable, that his Majesty's own Officers, as Sheriffs, and others, who ought to have opposed, are these who complain most of the Opposition made to these Disorders, that have been fostered up by their Negligence or Connivence, and that when the King or Council do any Thing to soften or reclaim these embittered and humorous Creatures, it is cried out against as Indulgence; and when they do the least Thing to restrain them, it is railed at, by the same Authors, as Tyranny; but since some in our Nation could not, nor yet cannot be quiet under the kind and gentle Government of King James, King Charles I. and our present Monarch, and whilst the Remembrance of our late Distractions are yet fresh with Us, what can be expected from such Persons and Principles in after Ages?

Observations upon the true Narrative, April 1668. N^o. XCII.

SIR,

MY Expectations were great, when I heard that a Vindication of the late Proceedings (which I never thought capable of any) was at the Press in *Edinburgh*, and my Thanks to you are proportionable, for your sending the Paper, though with a new Title, to me, wherein I found at First, that the worst of Causes hath got this Piece of Justice, that it is fallen into the Hands of the weakest of Advocates, which is a main Encouragement to incline me to gratify your Request of having my Observations thereupon. The only Difficulty I find is, that the *Errata* are so many, that but to note them all would swell this Letter to a greater Bulk than the Pamphlet it self. Take these few then, and use them as from and to a Friend. In all Papers of this Nature Four Things are desired and expected, 1st. That nothing but Truth be narrated. 2^{dly}. That Truth important to the Business be not unfaithfully concealed. 3^{dly}. That what Truth is narrated, it be done without Mixture of Falshood in Circumstances: 4^{thly}. That there be Reason for publishing the same.

In all these Four this Narrative is fully peccant. 1st. There are many gross Falshoods in it, as every understanding *Scottish* Reader cannot be ignorant of; and though the Author's Years and Ignorance of Matters of Fact, Thirty or Forty Years since, may offer some Kind of Apology for his Unfaithfulness in some of his more remote Relations, yet such as were done lately leave him destitute of that Plea. Of this Sort take these among many, 1st. That Episcopacy was restored in this Kingdom moderately, *P. 4. l. 21 and 22.* All *Scotland* knows, that in less than a Year after its late Establishment, it arrived to a far greater Height in Pomp, Power, and Persecution, than the former Prelacy did in Forty Years Growth; so that it is hard to conceive, how it could have been more immoderately and excessively inferred, the Convictions whereof were so strong in some of the same Persons, that both then had, and yet have the Exercise and Management of Affairs, that they found it necessary to abridge it in some Things, chiefly in its Power of the High Commission in 1667. 2^{dly}. That many deserted their Charges in the Ministry, *ibid.* When the certain Truth is, that of the most peaceable and innocent Nonconformists, Hundreds in a Day were most violently ejected, and then they and most of the Nonconforming in the Kingdom (a very few excepted) so pursued with Proclamation upon Proclamation, that it was a Wonder they were not all ejected out of the Nation. 3^{dly}. That all, save some Remonstrators, frequented the Ordinances, and lived most peaceably, *ibid.* Whereas it is known, that many, not Remonstrators, did never haunt their Assemblies for Worship, and that such as began first to appear publicly in preaching, notwithstanding prohibiting Laws, were neither Ministers nor Men when the Remonstrance was framed; yea, it will be found, that almost all the Ministers who are preaching publicly on their

Hazard

Hazard this Day in *Scotland*, did enter into the Ministry after both the Remonstrance and Protestation, which the Author doth ignorantly or maliciously confound. *4thly*. That they admitted some young Men. *ibid*. It is most certain, that before 1666. (which is the Time the Author speaks of) and some Years thereafter, neither was there any of the many Nonconformist Probationers ordained, nor any young Man licensed to preach in all the Kingdom. *5thly*. The calling the Rising in *Galloway* 1666. a running and continued Field-conventicle, *P. 5. l. 14.* is a ridiculous Fancy, and with as much Shadow of Sense, may the Campaign in *France* and *Flanders* be called by the same Name. *6thly*. That the Jesuits, Anabaptists, and other Sectaries, frequently preach at those Meetings. It is well known to the Nation, and I doubt if dreamed by the Author, that the Jesuits are under no such Necessity to go to the Fields, they have warm Protection in spreading their Doctrine; nor are they such Fools as to try their Hands amongst *Scottish* Phanaticks, who do daily forsake their Bishops and Curates for their begun Advance to Popery, and other Sectaries are but rare in *Scotland*, and rarely and gently troubled; it is only the Presbyterian against whom the Strictness of the Law strikes. *7thly*. That Field-conventicles are unknown to and unallowed by any Christian. *ibid*. Hath this Man read the Bible or the History of *Scotland* or the *Netherlands*, where Field-meetings have been used to accommodate the Multitude, whom no House could contain, and whereunto the People were in no such Constraint, as the Presbyterians in *Scotland* are by such strict Laws, fining deeply Lands and Houses where the Meetings are kept? *8thly*. That the Council gave not absolute Order for free Quarters, (see *P. 10. l. 12.*) but it was fit to insert free Quarters in the Commission, because many emergent Accidents might have made the same necessary, *l. 16 and 17.* It would seem to insinuate to a Stranger in *Scotland*, that free Quarters were neither ordained nor exacted, but he might have as well denied that a Host of many Thousands of Men without Pay, have been in the West since *January 24th*, or else truly have asserted, that they lived all the Time upon the Air. *9thly*. That his Majesty's standing Forces paid daily every Farthing. *ibid*. It can be proven, that they did degenerate from their first Civility, by the Influence of bad Example, and the Licentiousness allowed to the Highlanders, and that they often took free Quarters, if not more. *10thly*. That so strict Injunctions were given by the Council, and so great Care taken by the Committee and Officers, *P. 11. l. 28 and 29.* It is a Marvel to see such Words printed by Authority, that there is here such a Heap of Untruths, that there is none of the wild Host, or of the oppressing Committee, or of the oppressed Country, whose Conscience doth not witness against the Falseness of these Extenuations, after that the best Part of the Kingdom is impoverished and almost laid waste, by a Crew of barbarous and savage Men of another Language and Custom; and of no Religion, and so oppressed by free, dry, and assistant Quarters, besides open Robberies, above what the King of *France* useth in his Conquests: To see all this Rapine and Spoil tush'd at as nothing, may make Men to think that it is the Mind of this Writer, and such as are of his Sentiments, that since the People in the West had not their Throats cut, their Tongues should not complain. *11thly*. That the Clamours against what was done in the West are greater at *Edinburgh* than in the Shires, and greater at *London* than at *Edinburgh*. *ibid*. It is like, that his tender Ears hear these at *Edinburgh*, and his frightful Heart apprehends the Effects, that the Reports of them at *London* may produce through the Nobleness and Clemency of the King; but thus to jeer at the Cry of Oppression, (which hath doubtless come to the Ears of the God of Judgment, and when its Account shall be published to the View of the World, will render all them, in whom is ought of Christianity or Humanity, amazed) is the sure Proof of a seared Conscience, and a Heart void of Pity. *12thly*. Neither King nor Council have ever persecuted tender Consciences, *P. 12. l. 15 and 16.* is an Assertion that innumerable Consciences, Carcasses and Purfes, for these Eighteen Years last past, does unanswerably witness against. The only Apology for this Lie is, that he knows not what a tender Conscience is. Thus, Sir, I have given you a round Dozen of Untruths, and it were enough in so many Pages, but I have left as many more to a careful Gleaner.

2dly. Truths important to the Business unfaithfully narrated, as *1st*. The great Numbers of Nonconformists in *Scotland*, and the general Fury of the Body of the Nation, cross to Episcopacy at the King's Restoration. *2dly*. The fair-like Claim they have for expecting Toleration, at least by Act of Parliament, King *Charles* being present in Person, and ratifying therein the Covenants, his present Majesty's Coronation Oath, and many Laws formerly made, securing the Subjects, (if any moral Security would have done it) from the re-entering Oppression of Prelacy. *3dly*. What great Afflictions the Nonconformists have endured with Patience for that Persuasion, which would require a Volume to relate fully, and how that under these Pressings their Party grows daily, so that they may well be reckoned the greater Part of the Kingdom, these who conform being generally compliant with Prelacy, rather for their outward Ease and Interest, than for any Conviction of the Righteousness of the Cause, commonly confessing, that they would more cheerfully submit and concur, if Authority did re-establish the former Government of the Church. *4thly*. Their peaceable Submission to an hard Oppression, which might rather have found a Reproach for Excess, than a Calumny for the contrary.

3dly. Unfaithful Mixture in narrating Truth, and here I shall not so far trespass, either upon your Patience or your Memory, as to trouble you with the pointing out of the Words, to which these Truths are well known to be opposite. 1st. That it was the active Opposers of the Engagement 1648. that invited and brought home the King 1650. 2dly. That as the Remonstrance was never owned and approved by the superior Judicatories of the Church and State at the Time of its framing and presenting, so there is hardly any Minister in *Scotland* now alive, that had any Hand in it, and few of either Officers or Gentlemen, except the present President of the Session, whose Interest in it was remarkable; and yet these same Remonstrators fought stoutly against the *English* at *Hamilton*, and afterward they and such as came nearest to their Spirit and Principles, kept the greatest Distance from the Usurpers all the Time of the Usurpation, the contrary whereof is falsely alledged by the Author. 3dly. Though any Appearance of Faction and Distance amongst the Grandees, might well give the Nonconformist Encouragement to improve such Seasons (wherein few Reasons of State or Executions of the Law against them did sleep) for preaching and hearing the Gospel; yet it is certain, that the known Naughtiness of the Curates, and the Pride and Opposition of the Prelates, with the visible Successes of the nonconforming Ministers Labours, had still the greatest Influence on the Increase of their Meetings, and that these Assemblies are now greater and more numerous than when Opposition to them was far more moderate. 4thly. The Insurrection 1666. is often and much reflected on, but if its Occasions, and Provocations to it, with the Executions and Oppressions following the Defeat, had been also related, the Reader would have inclined either to justify or excuse the Attempt, or at least to account the Author hugely impertinent to make a Boast of Clemency in this Case, wherein the Height of Rigour and Severity was used on many of the meanest Accessories. 5thly. The Indulgence is several Times invidiously named, but the visible Constraint of Prelacy, rather than of any Compassion or Affection of the Party, which did occasion the Grant of it, and the miserable Cloggs it was attended with in its Second Edition, with the Narrowness of the Plaster for the Sore, do clearly prove its Insufficiency, to Conviction, as is fraudulently passed over. 6thly. The Supplications of a few weak Women in *Edinburgh*, who were encouraged thereto by a preceding Moderation for some Months, is foolishly and falsely likened to the considerable Addresses made to the Council by Persons of all Ranks. I might add, as a Thing hugely impertinent, that he would fain rank all Persons dissatisfied with the present arbitrary and oppressive Course, in one Clats with the Nonconformists; yea, he likens the present Dissatisfactions, and the native Method of complaining to his Majesty, unto Attempts and Endeavours for casting off Episcopacy in King *Charles I.* his Reign, both which are groundless and invidious; and since the Author, to shew his Spite, will needs go back Thirty or Forty Years, (which Length of Time brings always a new Generation of Men upon the Stage) to seek out invidious Passages, wherein the present discontented Party had no Interest, and wherewith the Principles of the greatest and most considerable of them have no Conformity; I wish, to render him more ridiculous, he had gone back Sixty or Eighty Years further, and begun his piquant Narrative from *Knox's* seditious Principles and Practices, and the Field-conventicles at *Perth*, *Carnpat Muir*, *Carberryhill*, and *Langside*, where the Queen Regent was opposed by Arms, and where her Daughter *Mary* was taken Prisoner, and deposed, and, after her Escape, was driven out of the Kingdom, which brought her at last to a Block, for alledged Treason against Queen *Elizabeth*: With which Courses Secretary *Livingstone* was displeased, and afraid of his Danger for opposing the same, that, as was generally thought, he ended his Days wilfully by Poison, as *Spotiswood* testifies. These Things had afforded Reflections on a discontented Party, not much more impertinent than *Mauchlin Muir*, and *Whigmore Road*, and the Remonstrance do on most Men now alive.

For the last Thing required in a Narrative, the *obvious Reason* for the publishing it. I am sure the Design (if it has any that is rational) must be Information, which it cannot be, for it is full of Defects and Falshood; or the Author had done better to have remained a thinking Man, and not so unhappily meddle in Writing; and this brings to my Mind, what I heard related about its Name and Title, which was ominous, and in *limine cespitare*, that after some Hundreds of Copies were printed, the Title (another than this) was found ill contrived and unsuitable, but so hasty were they to send it abroad, and so thrifty of Expence, that they would not destroy the Copies, and reprint them a new, but cut off the first Title Page, and substitute this in its Room, (as is seen in most of the Copies, the first Sheet whereof is divided) and so instead of the much expected and boasted of *Manifesto* and Vindication of the late Necessity of publishing such a worthy Piece, some would offer a Third Title, and desire it may be called, The Second Part of *Arctina*, or the First Part of the apostatized *Calumniator publicus* against that Party or Interest, in whose Service he broke his Leg about Four Years ago, and in deserting whereof shortly after he broke his Faith, neither of which can ever be made straight again: But however, whether or not this Title might fit this Paper, or the Paper fit the Title of Narrative, or rather Invective, this only I would note, that the Publisher

isher of such a rude and raw Paper at this Time in this Dress, is justly censurable, for here-
in is the Act of Oblivion violated, and Principles and Actions (which Time it self might have
purchased Oblivion for) again raised, and invidious Comparisons stated betwixt old and pre-
sent Things, and very dangerous Practices defended, and more dangerous Principles, all which
are of very bad Consequence.

You may think strange that I have omitted many Things of the greatest Importance, but
it is purposely done. 1st. Because I resolved to crowd all in one Letter, the Bounds where-
of I have almost transgressed. 2^{dly}. Because many Things, wrong in this Narrative, are, either
by the very Words or explicatory Enlargement of them that are in the Narrative, clear, as of
some late Proclamations, the gross Mistakes whereof, it is hoped, that a significant and duti-
ful Way be taken to discover to his Majesty and the World. 3^{dly}. As for the great Things,
the Bond, Lawborrows, Host, free Quarters, Garisons, disarming the Country, and the Grounds
hinted for their Justification, some of them worse than the Thing they are brought in Excuse
of, as that the West was in a State of Rebellion, and the Compliment of the Subjects Lives
and Fortunes, and the Act of Militia may be made a Relative, and disposed of as the Council
sees Ocession, since these Things are the Subject of the grand Grievances of the Nation, and
I doubt not but will be managed with full Conviction to all the World; I think I am bound
in Civility to forbear to meddle in so great a Cause, espoused by so many noble Patriots, and
in present Dependence before his Majesty's Royal Throne. *Vale*.

Defences, Replies, and Duplies in Mr. James Mitchel's Process. 1678. N^o. XCIII.

*Curia justitiaria S. D. N. Regis tenta in Pratorio burgi de Edinburgh septimo die mensis
Januarii, 1678. per honorabiles viros, Dominos Justitiarium generalem Collington, Strathurd,
Castlehill, Forret & Glendoick.*

Curia legitime affirmata.

INTRAT

Mr. James Mitchel Prisoner

Indicted and accused for the Crimes of Assassination, and invading of Privy Counsellors and
wounding of Ministers mentioned in the Dittay.

His Majesty's Advocate declares he passes from my Lord Justice-general, as Witness in this
Cause. Mr. John Ellis Advocate, as Procurator for the Pannel, declares, they sustain my Lord
Justice-general to be Judge, notwithstanding of his being cited as a Witness both by Pur-
suer and Defender.

His Majesty's Advocate produced a Warrant from his Majesty's Privy Council for pursuing
Mr. James Mitchel, whereof the Tenor follows.

Mr. John Ellis produced an Act of his Majesty's Privy Council, empowering Sir George
Lockhart and him, to appear for the Pannel's Defence, whereof the Tenor follows.

Mr. James Mitchel Pannel, denies the Dittay and any pretended Confession, alledged emit-
ted by him. Mr. John Ellis for the Pannel, alledges that he cannot pass to the Knowledge
of an Affize; and the Conclusion, that the Pannel has committed Murder, cannot be inferred
from the Subsumption of the Libel, because by the Laws of this Kingdom, the civil Laws, and
the common Opinion of Doctors, and Law, and general Custom of all Nations, *nudus cona-
tus & affectus sine effectu*, even in the most atrocious Crimes, except Treason, Parricide, and
other atrocious Crimes excepted, is not punishable by Death. And it were against all Rea-
son, seeing Punishments ought to be proportional to the Crimes, that a naked and simple Design
of Murder should be punished as Murder that had taken effect: *Et in criminibus gravioribus*,
viz. adulterium, furtum, sodomia, the naked Design is not punished *pœna ordinaria*,
even by the civil Law; and tho' *Lex Cornelia*, by an extraordinary Search, does declare, *si
quis cum telo ambulaverit*, yet it is but a statutory Law, and derogate to by the Law of Na-
tions, and the special Law of our Nation, in so far as Murder in our Law, being defined to be,
and has only place in *interfectis per feloniam*, and those who were killed upon forethought
Felony. 2^{do}. In so far as the Libel concludes him guilty of Assassination, the same is no ways
relevant, it being both a Term and a Crime unknown in our Law; and by the Laws and
Acts of Parliament of this Nation, the Subjects of Scotland are to be governed by the Laws of
Scotland, and tho' the Crime of Assassination were a Point of Dittay by our Law, as it is not,
yet it is not, nor cannot be pretended that he was hired for that effect, neither is it libelled.
3^{tio}. In so far as the Libel includes the Pain of Death, for the Mutilation of the Bishop of
Orkney. First. It is answered, That the same is no ways relevant, and the said Conclusion can
no ways be inferred from the Subsumption, because the Act of Parliament does only declare
Disinembration

Dismembration to be punished as Slaughter. *Secondly.* The said Act declares Dismembration only to be punished as Slaughter, when it proceeds from forethought Felony. *Thirdly.* The said Act requires another Qualification, *viz.* that it be pursued by the Party, none of which can be subjoined upon in this Case, because it is not libelled, that the Bishop was dismembred, or had his Hand cut off, but only had a Wound in the Hand; and the Libel does expressly bear, that the Bishop of Orkney got the Shot in the Hand accidentally, when the Discharge was against the Bishop of St. Andrews, and so was not upon forethought Felony, as to him. And *lastly,* The Bishop's nearest of Kin do not concur, nor are Pursuers, which is a special Requisition by the Act of Parliament: Likeas the said Act is absolute, and in no Register can it be made appear, that any Person was capitally punished for Dismembration, but, upon the contrary, many accused and condemned by arbitrary Punishments, so that the Libel is no ways relevant, as to that Article, for the Reasons forsaid, especially seeing Dismembration is not here so much as libelled or pretended. And whereas it is insinuate, that the Bishop did languish and die of the said Wound; It is answered, That the Libel is no ways relevantly conceived, because it is not libelled, that the Wound was, *ex sua natura*, lethal or mortal; and it is offered to be proven, that the Bishop lived several Years thereafter, did go about his ordinary Function, as a Bishop, by Preaching, which is a sufficient Ground of Exculpation and Defence.

4to. In so far as the Libel is founded upon the Act of Parliament anent the Invading of Counsellors; it is answered, That this present Case does not fall under the Capacity of the Act of Parliament, because it is not libelled, that the Cause of the said pretended Invasion of the Bishop, was upon the account he was in the Prosecution of his Majesty's Service, but, upon the contrary, it may appear strange to any rational Man, *quorsum & quo bono* he could have done it.

5to. As to the Acts anent Invading of Ministers, they import no capital Punishment, but only Confiscation of Moveables, and as to which the said Acts are opposed; and as to the Act 1670. it is posterior to the Fact libelled.

In so far as the Libel seems to be founded on a Confession, in so far as the said Confession may be made use of, as a sole or conjunct Probation; the Pannel does object against the same upon the Grounds and Reasons following. *First.* If any such Confession was emitted by the Pannel, which he has absolutely denied in the Lords own Presence, no ways acknowledging the same, no Respect can be had thereto, and it is not probatory, because the same is extrajudicial, in regard it is not made in Presence of the Assize, who are Judges in the Probation, which is expressly contrary to the Act, 11 Parl. King James VI. which requires the haill Probation to be laid in Presence of the Assize and Party; which Act of Parliament was not only made for Security of Pannels, as to a just and legal Procedure against them, but also as to Assizers, to whom the Trust of the Life of the Subjects of this Kingdom is committed, and who, as to the Point of Probation, might not proceed upon Fame and Report, but upon a clear Probation before them; for if that were not, the Assize would be altogether deprived to know how the Confession was emitted, if spontaneously, or *ex constantia*, *vel trepidatione*, or *spe venie*: And the most that ever was sustained in this Court was, that the Assize did find a Party guilty upon a Confession emitted before a *Quorum* of the Justices in a fenced Court. Altho' the said pretended Confession should be sustained probative, as, for the Reasons above expressed, the Pannel, with all Submission to your Lordships Justice, humbly conceives, it cannot; yet if any such Confession was, it is null, because it was elicited *spe venie & immunitatis*, and, for proving thereof, the Pannel does repeat his Exculpation, which he conceives, is relevant in Law, and craves the Witnesses therein to be examined upon the Contents therein. *Secondly.* The said Confession, being emitted *extra judicium & spe venie*, as said is, *est in se nulla*, and cannot be confirmed nor validate by the Testimony of any Witness whatsoever. And to evidence that the Pannel's Life was never intended to be taken upon the said pretended Confession, the same, if any was, is opposed, by which it evidently appears that he was examined upon Oath, as to the most material Part of the Crime, *viz.* his Complices, which makes it more than evident, that it, being *in materia criminali & capitali*, in which Oaths cannot be taken by Law, renders the Confession null and invalid, at least makes it evident, that the Libel has been restricted *ad civiles effectus*.

My Lord Advocate insists, in the first Place, upon the Act 16 Parl. Jam. VI. by which *nudus conatus*, attempting and invading, though Nothing followed, is found relevant to infer the Pain of Death; but so it is, that the said Mr. James Mitchel did attempt the Killing of the Bishop of St. Andrews a Privy Counsellor, which Attempt *devocnit ad actum proximum*, the said Mr. James having done all that was in his Power; and as to the Quality adjected in the Act insinuating the Defence, that it must be proven that it was for doing of his Majesty's Service, it is replied, That this Quality is inferred, and can, nor requires to be no otherwise proven than by a presumed Inference; for the Design of the Attempter being an Act of the Mind and Secret of the Heart, it cannot be otherwise proven, but simply by the attempting a secret Counsellor, or any of his Majesty's Officers, against whom the Pannel could have no Quarrel, but

* As to what is alledged against the Acts of invading Ministers. It is answered, That the first Act appoints that it shall be punished with all Rigour, and the Seventh Act *Charles I.* and the last Act is sufficient, though posterior to the Crime, to declare what was the Meaning of that General of *punished with all Rigour*; and since our Law makes the attempting of such as are doing his Majesty's Service, capital, that General ought to be extended to Death, since lesser Crimes and other Crimes are for the same Reasons, which are applicable to this, punishable by Death, nor can there be any Hazard in this, since there is a Law for the future, and no Man shall ever die for so great a Crime in our Nation.

Whereas it is alledged, That the Pannel did only confess upon Hopes of Life. It is replied, that, *imo.* The Promise of Life from a Judge, who could not grant the same, cannot defend, especially where no Threatning preceeded, and where it is clear, that what was confessed was founded upon other Presumptions & *indicia*. Nor is this relevant, except the Pannel could offer to prove, *First.* Threatning, to the Fear whereof he yielded. *Secondly.* That he expressly pactioned, that his Confession should not operate against him, which is very clear from *Bossius, Tit. de confessor per torturam, Num. 12.* where he states the Case, and concludes that a spontaneous Confession, though Life were promised, does not defend, and is the Guilt less, or the Truth less, that a Judge promise? And if this were sufficient for every Judge to make himself King, and grant Remissions at his Pleasure, and though this may weigh with the Judge who promised, yet the Law considers the Party confessing still guilty, and so does never secure him; & *quod potest condemnare tenent, Cimus Cod. de iis qui ad ecclesiam effugiunt. Alciad. lege de verborum significatione*; and *Clarus* himself says, *ego suspicor opinionem Ceni esse magis communem*; but giving his own Opinion rather as a private Man than a Lawyer, he says, *ego tamen non condemnarem ad mortem nisi aliis indiciis fuerit gravatus, ergo reus indiciis gravatus & morte plectendus*, which is most just and reasonable, for though the Law be jealous, where a mere silly Innocent confesseth to a Judge who may terrify him, or having Interest in causing him confess, and lay the Blame off his Friends; yet where the Pannel's own Confession proceeded from a Person suspected by all the World, by a Person who publickly in all Places since has owned the Deed, who fled upon that account, who was taken with unlawful Weapons, unfit for his Profession, and the specifick Weapons which committed the Attempt, who condescended upon all the Circumstances, and declared that he gloried in being a Martyr upon that account, in being seen running away immediately upon doing the Deed, with a Pistol in his Hand, in being found out in a Thousand Lies and Prevarications, when he was examined, in having renewed his Confession publickly, it were but to scorn the Law, and massacre Mankind, to think that a Confession so adminiculate, should not bind the Confessor, who can alledge nothing of any Threatning used against him by the Judge to whom he confessed, and Lawiers do in that Case consider the Quality of the Judge, as severe, unjust, or partial; but the Confession is alledged to be made here upon Promise given by my Lord Chancellor, whose benign gentle Temper frees him from all Suspicion: And as the proponing of this Exculpation acknowledges the Deed to be committed by Mr. *James Mitchel*, against which the Protestation denying the Libel cannot be sustained, being *contraria facto*, as is evident to any rational Man; and the Pannel cannot either pretend *alibi*, nor any other Pretence of Error for excusing his Retraction, so his Majesty's Advocate opposes his Confession, bearing no Qualification: And though he is very secure, that the Exculpation cannot be proven, yet since it is notourly known, that he is the Committer, and that this may be a Preparative to other Pannels, against whom no Probation ordinarily is had, but Confessions evicted by Judges with fair and gentle Promises, he mordicus adheres to the Relevancy; for as *Bossius* says, *etsi iudex dixerit, nihil mali eveniet tibi, vel etiam promittat ut liberabitur, magis tamen communis est opinio confessionem valere, quia iudex etiam ita poterat fingere ad veritatem eruendam*: And as this is most advantageous for the Commonwealth and Mankind, so there can be no Hazard to a private Pannel, since, if he can but instruct his own Innocence, or the Reason of his Error, by alledging that he was *alibi*, or that there were severe Threatnings of Torture used, the same will still be allowed to qualify his Confession; but the general Presumption lies, that a Judge will not damn his own Soul, stain his Function, ruine his Fame, expose himself to the Terrors of God Almighty, by alluring a Confession from a poor Innocent.

As to what was objected against the Confession, as extrajudicial, and before an incompetent Judge. It is replied, That Confessions are of all Probations the most infallible, seeing Witnesses may, but it cannot be presumed a Man will wrong himself, and the Rise of that Maxim, That extrajudicial Confessions are not relevant, was only to exclude Probation upon Confessions emitted where there was no Judge, nor no Design of Enquiry; but the Confessor being loose and inconsiderate, and upon no Guard, and under no Reason of Advertence, did at Random own a Deed of which he was most innocent, either for Ostentation, or to please the Company, or in Railery; but to say that a Man should not be judged by what he deliberately confesses, where he knows the Design is to enquire into the Crime, and that the Event must be a criminal Trial, is without all Foundation of Probability or Reason; nor can Judges or Affizers be so much convinced by what Witnesses can say, who may have Malice, or be brib-

ed, or mistaken, as what proceeds from a Man's own Breast deliberately, and in cold Blood, which in effect is often times the Inspiration and Influence of the almighty God, who, to shew his Love to Justice, and Kindness to Mankind, draws even from the greatest of Malefactors the clearest Confessions; and since Men do not use to bring Witnesses when they commit Crimes, nor can the Nature of the Thing allow Probation by Writ, to cut off Confession in these Cases, were to make Crimes for ever pass unpunished, and to make Law, which is founded upon Principles of Reason, and the Good of the Commonwealth, vanish in mere Terms of Art, and hard Words, contrary to the Design of Law, and the solid Principles of sincere Policy.

That this Confession is then judicial, is clear, being taken by the Authority of the Privy Council, the supreme Judicatory of the Nation, and where the Design was to expiate the Truth, and the Pannel knew that he was upon a Trial for his Life; nor can the Incompetency of that Judicatory be herelleged, since as the Session is a Judicatory merely civil, and the Justice-court merely criminal, so the Council is a Judicatory above both, comprehending the Power of both, and being so far competent in the Cognition of Crimes, that they take Precognitions in criminal Causes, they modify and qualify the Sentences of the criminal Court, they determine intricate Cases remitted to them by the Justices in Point of Law, and the King and the greatest Part of the criminal Court being there, it were absurd to think, that a Confession emitted before them should not prove; and if in a Precognition a Party should confess, and so the Trial there cease, what could be more absurd than to think that this Confession should not bind? especially seeing Confessions emitted before the Lords of Session, in Cases of Improbation and Decrets following thereupon, are a sole, a final, and plenary Probation, before the Justice Court: Likeas, that Principle in Law, that Confession (*coram iudice incompetente*) does not hold, is where *iudex* is *incompetens tam ad inquisitionem quam ad accusationem*, as is *forum penitentiae*, as Kirk-sessions, or *forum mere civile*, neither of which can be said in this Case, where the Judge before whom the Confession is emitted, is the ordinary Judge of the Inquisition and Trial in criminal Cases, & *iudex non solum jurisdictionis pro-regalis*, but a Judge who originally and generally examines all the Pannels of Scotland.

My Lord Advocate adds, that this Confession was made in Presence of the Lords of his Majesty's Council and the King's Commissioner, in whom all the Judicatories of the Kingdom eminently reside, and might have sent the Pannel to the Scaffold without an Assize, seeing [*in confitentem nullae sunt partes iudicis.*]

Whatever Favour may be allowed to Retraction of Confessions *factas ex incontinente, ubi potest docere de errore*. Yet what Reason can there be where a Pannel denies without Proofs of his Innocency; and therefore *Bossius Tit. de Confessione, Num. 64.* concludes, *est etiam necessarium allegare errorem, ceterum si simpliciter revocaret, confessus non est audiendus*, and *Num. 70.* he adds, *quia fateor quod quis non auditur simpliciter, dicendo post confessionem, non est verum quod confessus fui, tamen si per testes constare potest de innocentia, magis attenditur veritas quam confessio*. And since Minors in Law are obliged *docere de errore*, when they revoke, it were absurd to think that the Law was so ridiculous, as that a Man confessing before a grave Judicatory, should have Liberty to retract without shewing any Reason of his Retraction, and the Guilt rather proves *per inficiationem*, and by, that impudent Lie, then is lessened by the Retraction.

In the Case likewise, where Debates are concerning the Validity of a Confession, Lawyers consider whether, what was confessed, was or can be adminiculate by other collateral Probation, *argumenta & indicia*, and whether the Probation be *verisimilis*, whereas this Confession is adminiculate here by many other Circumstances, such as Persons who saw him come away, by his owning of the Principle, since by his Flying, &c. so that here neither can he instruct why he retracts, and the Thing confessed is adminiculate, & *circumstantiis & indiciis*.

As to the Objections founded upon the Act of Parliament, That all Probation must be in the Presence of the Assize: It is replied, That the whole Form of that Act is grossly mistaken, for the Design of that Act was to correct a barbarous Custom; whereby the Pursuers were allowed to sollicite, and to produce to them, sike Writ and Witnesses, as they pleased, for Probation of the Crime, to preclude the Pannel of what he could say against the same, since false Papers might be thrown in as Confessions and Proofs; but that cannot reach the Case where a Confession is produced before a Pannel, and his Procurators and they being to object against the same: Nor can it be urged by this Act, that no Paper can be relevant, but what is owned by the Pannel in Presence of the Assize; for we daily see, that Letters produced under the Pannel's Hand, tho' he should deny his Subscription, will be sustained, and it will be sufficient to prove by Witnesses, that he did subscribe, or by Comparison of Letters, that he did subscribe. Likeas this Act of Parliament does not exclude, that Confessions before the Lords, in Matters of Falshood and Decrets following thereupon, may not be probative before the Justice: Likeas, Confessions taken before the Justice, tho' no Assize be present, do, without all Controversy and Debate, prove the Crime, and yet, neither can the Justices condemn without an Assize: Nor does that Act of Parliament militate more against that Case, than against this. And in that Case of *Finlay M'rab*, a Confession taken in the Tolbooth, without a

fenced Court, and before one Judge, was found sufficient to infer the Pain of Death, both by the Council and Justices. And it is admired, how it can be thought, that Presumption can be sustained, as the Foundation of a criminal Sentence, as we see daily, and that Witnesses which in effect are but presumptive, and yet a Man's own Confession, emitted seriously, and in cold Blood shall not be sufficient. And as there could be Nothing more dangerous to the Commonwealth, than that Crimes should be thus rendred unsearchable, so what Hazard can there be to the People on the other Hand, or the Pannel when they are made their own Judges? And to take off all Possibility of Danger, it shall be allowed to them to prove Error, Force, Innocence, or Mistake; and this Probation has been in all Ages and Nations sustained as uncontroverted, as *David* ordained the Person who said he had killed *Saul*, immediately to be executed without farther Enquiry, giving as the undoubted Reason, that he had condemned himself out of his own Mouth, and which is registrate in Scripture, to secure the Image of God against those who would deface it, and that such Confessions should be sustained in any Case, much more in this, when the Nature of the Crime is atrocious, and the Manner of the Discovery extraordinary difficult, and if either Atrocity or Difficulty prevailed with Lawiers to remit somewhat of its ordinary Rigour in exacting clear Probation: And we see in *criminibus domesticis & exceptis*, much more, when both these concur against a Man's own Confession to be admitted: And whereas ordinarily Pannels are penitent at first when examined, the Horror of their Crimes softning their Hearts; if their Confessions should not then prove, it were impossible and fruitless to expect, that after they are imprisoned amongst a Company of other Malefactors, and after they have Men skilled in the Law to wait upon them, to teach them the Art of Retraction, and that their Conscience grows callous and acquainted with the Idea of their own Crimes, what sincere Confession may be then expected from them?

My Lord Advocate declares he does not insist against the Pannel, for conversing with Rebels at this Time, and insists upon the Shooting of a Bishop and Minister, before the Act Anno 1670. to infer an arbitrary Punishment, and insists upon Mutilation, as capital, upon the Act of Parliament anent Demembration, which is, *reddere membrum inutile*; and a Man is as much demembred, when he has an useles Hand, as if he had no Hand, and insists upon the Act 28. Parl. 3. Jam. IV. wherein Slaughter and Mutilation, upon forethought Felony, are equiparant, and the Pannel declared to be punishable with Death upon both these Cases, but reserves the Punishment of Mutilation to be qualified by the Justices, according to what shall be found here proven, and to what has been the Custom of the Justice-court formerly, in such Cases.

Sir George Lockhart replies, as to the Defence founded upon the Fourth and Sixteenth Parliament James VI. that the Libel is not relevant, not condescending upon the express Qualification which the Act of Parliament requires, is no ways elided by the Alledgance contained in the Reply; for *imo*. The Lords of the Justiciary would be pleased to take Notice, that there is no Speciality in the Case of this Act of Parliament as to Privy Counsellors, but that it extends to all his Majesty's Officers, and consequently the meanest Officer being invaded in the Terms, and under the Qualification contained in the Act of Parliament, might plead the Benefit thereof; and if the Libel should be sustained in general Terms, without the express Qualification, the simple Act of Invasion of a Lyon Herald, though neither Death nor Wounds followed on it, would infer the Pain of Death; but that no such thing is the Meaning, or can subsist with the Act of Parliament, is so clear and evident, that it were impossible for the Wit of Man to express the Qualification to be libelled, and more positively proven in more plain and direct Terms than it is set down in the said Act, in so far as the Act of Parliament requires, by way of Provision and Condition, in the statutory Part thereof, in thir Terms, it being verified and tried, that any of the said Counsellors, Sessioners, and Officers, were pursued or invaded for doing of his Majesty's Service, shall be punished to the Death: And there is great Reason and Necessity for this Qualification, because the Act of Parliament intending, contrary to the Custom that was general in all Nations, and of this Kingdom, in all other Crimes, that *conatus & attentatus*, which is only relevant in the Crime of Treason, should be reputed *crimen consummatum*, in case of Invasion of any of his Majesty's Officers; therefore the Law requires this Qualification further in Matter of Fact, that it should be verified, that the Person invaded was doing of his Majesty's Service, in which Case the Crime had a Respect, and in the Construction of Law, as done against his Majesty's Authority, which he was then executing: And here this Qualification in Matter of Fact, that it was for doing of his Majesty's Service, is not so much as libelled; and in the Opinion of all Lawyers, as may appear by *Ful. Clar. § p. assassini. Num. 2. ubi agitur de imponenda pana alicujus constitutionis specialis requiritur, quod concurrant omnes qualificationes, de quibus in ipsa constitutione*; and *Quæst. 85. Num. 9.* he says the same Words, *Ubi agitur de imponenda pana alicujus constitutionis specialis, oportet quod in illo casu verificentur omnes qualitates in ipsa constitutione expresse, alias pana non committitur, & hæc*, says he, *est doctrina communiter ab omnibus recepta*, and most especially when it is not an intrinsic Quality and Aggravation, but where it is a Qualification required by Law

it self, as *integrans delicti*, and, as *Gomes* has it, *alterutrum pana*, and therefore it must be *totidem verbis* libelled, and positively proven.

And as to that Pretence, that it is to be presumed and inferred from the Circumstances, and the Way and Manner of committing the Fact, and that *propositum* and Design cannot be otherwise proven, *nisi per indicia & conjecturas*. It is duplied, The Qualification required by the Act of Parliament is *toto calo* different from the Design; for if a Person would invade any of his Majesty's Officers in doing of his Majesty's Service, and would pretend that he had no Design to invade, certainly the Pretence were absurd, and in that Case the Design *presumitur ex natura attentati*; but the discharging of his Majesty's Service is not a Design, but a Matter of Fact, which consisteth in an extrinsick Action, and must be proven, and may and does often occur: As for Instance, if a Magistrate should be invaded in the actual Execution of his Majesty's Authority, or if the Invader should be so transported with Rage, as, when he invades a Judge, to tell him, that it was because he has unjustly decerned, these and the like Cases are indeed in the Terms of the Act of Parliament, and the simple Invasion, though no Wounds followed, being directly levelled against his Majesty's Authority, *nudus conatus & affectus delinquendi reputatur pro effectu*; and as this is clear from the express Words of the Act, and which being in *materia correctoria & criminali*, is strictly to be interpret; so it is also unanswerably evinced from the Act of Parliament, King *Charles I.* of blessed Memory, by which Act it is provided, that the Invasion and Violence done to Ministers, is punishable conform to the Act of Parliament 1587. to which it relates, which is Confiscation of Moveables, and declares that the said Act is to be extended to Archbishops and Bishops: From which the Pannel's Procurators argue thus, If by the posterior Act of Parliament in *Anno 1633.* the Invasion and Violence done to Archbishops and Bishops is not punishable with the Pain of Death, but only an arbitrary Punishment; how is it possible, that the Fourth Act, *Parl. 16. James VI.* should infer the Pain of Death upon the Invasion, as it is circumstantiate and libelled? but that the Archbishop was invaded, who was a Privy Counsellor, and with the Qualification that is required by the said Act of Parliament, that it was for doing of his Majesty's Service. And as to that Allegedance, that the Pannel cannot condescend upon any private Ground of Quarrel, or other Reason why he did invade the Archbishop: It is answered, If this Allegedance were sustained, it were contrary to the Act of Parliament libelled upon, which does not require the Pannel to prove, but that it must be tried and verified that the Invasion was for doing of his Majesty's Service, and so his Majesty's Advocate must prove the same by a clear and positive Probation, as a Point in Matter of Fact.

And as to that Pretence, that the Pannel did glory that he had committed the Fact and Invasion libelled, and endeavoured to justify the same, and perswade others that it was lawful: It is duplied, That as the said Qualifications are altogether disowned, so they are no ways the Qualification in Matter of Fact, required by the Act of Parliament, *viz.* that the Invasion and Violence was for doing of his Majesty good Service, which is indispensably required upon the Reasons abovementioned, otherwise the Act of Parliament should have said no more, but that all Invasion of his Majesty's Privy Counsellors, or other Officers, should be punished with Pain of Death; whereas the Act of Parliament thought it just and necessary, and fit for all Mens Security, that a single Act of Invasion of any of his Majesty's Officers, however it might be punished *pana arbitraria*, yet should not import or infer the Pain of Death.

In so far as the Dittay is founded upon the common Law, and it is *assassinium*, in which *conatus & attentatus habetur pro crimine consummato*: It is answered, The Dittay is no ways relevant, because it is not founded upon any Law or Act of Parliament of this Kingdom, and the common Roman Law cannot be the Foundation of criminal Dittays, whereby to draw in Hazard the Lives of any of his Majesty's Subjects: Likeas, there are clear, express, and positive Acts of Parliament to the contrary, as the 48 Act, *Parl. 3. James I.* and Act 79. *Parl. 9. James IV.* declaring that the Laws of no other Realm are to be regarded, especially whereupon to found criminal Indictments; and albeit, by the common Law, *conatus in homicidis*, especially where it was *homicidium dolosum*, and designed to be committed *proditorie per insidias*, was punished as *crimen consummatum*, yet all Lawyers agree, as may appear by *Jul. Clar. Quest. 120. Farma. Quest. 80.* and by the Authorities by them cited, that by general Custom of all Nations, in *omni genere homicidii affectus, conatus & attentatus*, is not punishable *pana ordinaria delictus*, and so cannot infer a capital Punishment or Pain of Death, as is concluded in his Indictment.

And as to that Pretence, that the Crime libelled is the Crime of Assassination, in which *nudus conatus* is sufficient, especially *si devenerit ad actum proximum*: It is answered, *imo.* That all Laws do agree in this, that *crimen assassinii* is only when the Person does hire and conduce another to commit the same, *interveniente pretio*, and for which *Jul. Clar. 8 assassinii*, where he so describes the Crime, and *Matthæus de criminibus* does so describe the same, and does expressly assert, that unless Money or Reward intervene, the Crime of Assassination cannot be committed, where the Words are, *crediderim tamen nisi merces certa & sceleri proposita, & constituta fuerit, sive in specie seu corpore, sive in pecunia numerata, non posse enim*

videri assassinium, and there is no other Lawyer extant, that did ever otherwise describe the Crime, and there is great Reason why Money or Reward should be considered in the Constitution of this, because the Law did consider the Crime with respect to the Hazard, and the Hazard lay where Persons were hired and conduted by Infidels, by giving of Money or other Reward to kill Christians: And albeit, even in the proper Crime of Assassination it self, in some particular Nations, where the said Crime was too frequent, as in *Italy*, *conatus* is punishable, & *Ful. Clar.* in the same 8. and others do maintain, that by the general Custom of most Nations, in the precise Crime of Assassination, *conatus seu attentatus* is not punishable with the Pain of Death; but the Pannel has no Reason to insist on this Matter of Fact libelled, being no ways the Crime of Assassination, but only to commit that which Laws call a Design, to commit Murder *proditorie & per insidias*, in which all agree, that, by the Custom of all Nations, *conatus faciendi non reputatur pro facto*.

As to that Point of Dittay, founded upon the Mutilation of the deceased Bishop of *Orkney*, conform to the 28 *Act, Parl. 3. Jam. IV.* It is answered, That denying that the deceased Bishop of *Orkney* was mutilate, so, albeit it could be proven, it cannot infer the Pain of Death. *imo.* Because it is clear by the said Act of Parliament, that it is not in the Case of Mutilation, but of Demembration; and it were a strange Imagination to think, that if a Party were mutilate, or lost a Finger, that the Pain of Death could be inferred; and there is a great Difference betwixt Mutilation and Demembration, Mutilation being only an Inability or Privation of the Use, whereas Demembration is the intire Loss of the Member; and it is a Principle in Law that Acts of Parliament, especially in *casu criminali & capitali*, cannot be extended *de casu in causam, etiam ex identitate vel paritate rationis*, and that *cortici verborum adhaerendum est, & casus omissionis habetur pro omisso*. And here there is no Parity of Reason, both the Prejudice and Deformity being far greater in the Case of Demembration than Mutilation.

And whereas it is pretended, that tho' the Pannel's Confession had been elicite *sub spe impunitatis*, that yet it is not sufficient whereupon to liberate from capital Punishment, because a Judge cannot remit a Crime, and that *Bossius* and others are clear that notwithstanding of any such Confession upon Promise of Impunity, yet a Judge may, and ought to condemn *ad panam ordinariam delicti*. It is answered, the Pretence does not elide the Defence, because supposing it shall be proven, that the Confession was elicite *sub spe veniae*, and upon Assurance of Life, such a Confession, so elicite, cannot be Ground whereupon to violate the Faith and Impunity given, and far less can such a Confession, tho' any could be proven, being retracted, be considered as a Confession; and as to which Law and Lawiers are very clear and positive, the Law is, *Lex 3. Cod. de custode reorum*, and Lawiers, as may appear in *Matthaus de criminibus, Quest. 16.* where his expresse Words are, *Querunt an confessio promissa, impunitate & spe veniae elicita, sufficiat ad condemnandum?* Respond. *Non sufficere, tamen si enim in iudiciis potestate non sit promittere impunitatem, adeoque ex promissione non obligatur, tamen dolo extorta est, & per hanc fraudem etiam innocentes illaqueari possunt.* And *Bossius* in that Title, *de confessis*, after he has stated the Case, resolves it thus, *Tutius tamen est, ut dicamus requirere perseverantiam, & est ex mente doctorum, & cum ratione, quia negare non potest, quin talis confessio sit obumbrata*, and says, it were against Humanity it self, to condemn *ad panam ordinariam delicti*, in such a Case. And *Ful. Clar.* cited by his Majesty's Advocate, *ego non condemnarem ad mortem*, and which is indeed the constant and irrefragable Opinion of all Lawiers and Practice of all criminal Tribunals.

And whereas it is pretended, that *Ful. Clar.* subjoyns these Words, *nisi aliis indiciis sit gravatus*, and his Majesty's Advocate condescends upon several Presumptions. It is answered, If his Majesty's Advocate will lay aside the Confession, and adduce such a presumptive Probation, whereupon the Pannel may be condemned, then he may plead the Benefit of that Qualification, but the Presumptions condescended upon are remote Conjectures, and no ways concluding, and the Pannel, after the alledged committing of the Fact, did return and live peaceably for several Years, and denies the Fact, and cannot be otherwise convicted thereof. And if any pretended Confession should be made use of, either *per se*, or *in modum adminiculi*, it cannot be divided from the Quality under which it was granted, which the Pannel offers to prove, was upon expresse Assurance.

And whereas it is pretended, That the granting of an Assurance or Impunity, is, upon the Matter, a Remission, which no inferior Judge can do, but that notwithstanding he may, and ought to condemn. It is answered, *First.* It will appear by the Probation of that Character and Quality the Granter of the Assurance was in. *Secondly.* Lawiers do not consider, whether a Judge *potest veniam concedere*, or remit a Crime, but a Confession being elicite *sub spe veniae*, is not a full and absolute Confession, but a qualified, and cannot be made use of, the Quality not performed and made good, and it were a Prejudice to publick Interest, and a Way to preclude the Ingenuity of all Confession, if notwithstanding of the Interposition of publick Faith, and the Granting of Assurances, and the Eliciting of Confessions, *sub spe veniae*, the Confession might be made use of, and the Quality and Condition, upon which it was emitted, altogether neglected,

neglected, which is downright inconsistent with the Opinion of Lawiers, and the Practices and Customs of criminal Judicatories.

And as to what is alledged, That tho' this Confession had not been emitted before the Lords of Justiciary, yet it was not extrajudicial or irrevocable, because it was deliberately given, and before a Committee, who had Authority from the Lords of his Majesty's Privy Council. It is answered, This Point is of extraordinary Importance and Consequence, as to the Lives and Fortunes of his Majesty's Subjects, and as to the Lords of Justiciary and the Procedure of the Inquest, who are Judges to the Probation; and therefore it is represented in behalf of the Pannel, that admitting any pretended Confession should be produced, yet if it was not emitted before the Lords of the Justiciary, it is not a judicial but extrajudicial Confession, & *fidem non facit*, as to the Probation of the Crime: And as to which, *First*. There is an universal Concord in the Opinion of all Lawiers, and in the Practices and Customs of all criminal Judicatories, and as to which, the Lords of the Justiciary are desired to cast their Eye upon all who have written upon this Point, and as *Clarus* says, *non invenies dissentientem in mundo*, and it is a strange Custom all Lawiers, and the Custom of all Nations should have hallucinate in this Point, for which the Pannel's Procurator cites *Jul. Clar. Quest. 55. Farma. Quest. 81.* and many other Lawiers are likewise clear, that Confessions emitted *præ judice competente, sed non sedente in tribunali*, is but an extrajudicial Confession; and much more, when it is *confessio emissa coram judice incompetente*; and when the Question is, Who is to be reputed *judex incompetens*? It is positively resolved, that *omnis judex is incompetens*, who could not proceed *ad condemnationem*, as to the Crime as to which the Confession is emitted. And certainly tho' any Confession were produced, emitted before a Committee of the Lords of Privy Council, they have no criminal Jurisdiction, so as to proceed *ad condemnandum in crimine capitali*, that being by *Craig, Digest. 8.* that *ex eorum statutis nec periculum vita, hereditatis, aut omnium fortunarum subire posse*.

And whereas it is urged, That the Lords of Privy Council have a mixed Jurisdiction, and may proceed by Way of Procognition, & *per modum inquisitionis*, and may resolve doubtful Cases, and qualify Sentences. It is answered, That it is not denied, but the Lords of Privy Council, both have and do very well deserve that Jurisdiction; but as to criminal Jurisdiction in capital Cases, it is only competent before the Lords of Justiciary; and Precognitions, or the previous Inquisitions, tend not *ad condemnationem*, but only as to this, whether to stop or remit to the Lords of Justiciary. And Nothing is considered as a judicial Confession, but where there is *formalis processus*, and where a Party is called *coram judice competente*, and he is *sub instante periculo vita*, and knows that the infallible Import of his Confession, is to that very Effect for his Condemnation, none of which can be pretended, when the Confession is emitted *coram judice incompetente ad condemnandum*.

And whereas it is alleged, That a Confession, in the Opinion of Lawiers, cannot be retracted, unless the Party could *docere de errore*, and purge his Innocency, and did it *ex incontinente*. It is answered, The Alledgance is groundless, for tho' a Confession were emitted *coram judice competente in tribunali*, it might be retracted *ex incontinente*, if he were able *docere de errore*, and there is no Lawier ever required it at other Times, but when the Confession is emitted *coram judice incompetente, fidem non facit quoad probationem delicti*, either *ex incontinente*, or *ex intervallo*, and without shewing of any Error, or purging of Innocence, such Confessions in Law, not amounting to any Probation, no more than as Lawiers argue, if the Depositions of Witnesses should be taken in *uno judicio*, would *fidem facere*, either *in causa civili, criminali, in alio judicio*. And certainly there is less Reason for Confessions where Parties disown the same, and retract them if emitted, and much more here where the pretended Confession was elicited *sub spe venia*, so far was the Pannel from thinking, that emitting of his Confession was in order to Condemnation; especially, seeing it neither is, nor can be proven, that the said pretended Confession was so much as judicially given in face of the Privy Council, where his Grace the Duke of Lauderdale, being then Commissioner, was present, and the Pannel's Procurator will not debate the Import of the same, but remit it to the Confession it self, in case it be offered to be proven, that the Confession was emitted judicially before the Privy Council.

And whereas it is alledged, that the Act of Parliament, Act 9. *Parl. James VI.* ordaining all Probation to be led in Presence of the Assize, does not concern the Case, and is misunderstood, seeing here the Confession will be produced in Presence of the Assize. It is answered, The Act of Parliament is clear to the contrary, and can admit of no such Interpretation; for albeit that the Narrative of the Act of Parliament bear, that Abuses were committed, and *ex malis moribus bonæ oriuntur leges*, the Narrative of the Act of Parliament was only *causa impulsiva*, and the statutory Part of the Act of Parliament is clear and positive, that all Probation should be deduced in Presence of the Assize; and of all other Probation there is the greatest Reason that the very Act of Confession should be in Presence of the Assize, who are Judges of the Probation, and who are to proceed upon Oath, and whose Conciences are to be satisfied and instructed as to the Way and Manner, and Conditions and Times whereupon such Confessions were

elicit, all which are concealed, where there is nothing produced to them, but a Confession taken without their Presence, especially seeing the Pannel alledges and offers to prove the several Points of Fact and other Particulars were confounded upon and declared, none of which are mentioned in this pretended Confession, all which should have been insert, and could not be divided as being in *articulo connexa*.

And whereas it is pretended, that Decreet pronounced before the Lords of Session is *probatio probata*, and whereupon Assizes may and ought to condemn. It is answered, The Argument is in *materia disparata*, and does not concern the Matter of Confession, and is only in a special Case of Falshood, and that upon a special Reason, because the Investigation of Falshood depended upon a Trial, and Concourse of many and violent Presumptions, which may require a long Tract of Time, and Examination of Parties and Witnesses; it were impossible that such Trials could be deduced before an Inquest, these depending several Years many Times before the Session, before they can be brought to a Close, and therefore Law and Custom in that Case has sustained a Decreet of the Lords of Session, as a Probation *in iudicio criminali*; but it is absolutely denied, that it would hold in any other Crime, and certainly if the Crime of Theft were pursued civilly before the Lords of Session, *ad damnum & interesse*, the Theft should be proven or confest before the Lords of Session, it would not *fidem facere in iudicio criminali*, as is evident by the Authority of the Lawiers, who agree that *acta probatoria in uno iudicio fidem non faciunt in alio*, nay, which is more, *acta probatoria in uno processu fidem non faciunt in alio processu coram eodem iudicio*: And as to the Instance of the Practick of *M'nab*, the Pannel opposes the same, when there were Depositions of Witnesses, and these many Times in the Journal-books. The Cases of Confessions emitted have been obtruded, yet it cannot be instanced that ever the Lords of Justiciary, did by Interlocutor sustain the same as probative, but on the contrary, it does appear in the Case of *Frazer*, in the Year 1641. that Sir *Thomas Hope* being then his Majesty's Advocate, declared, That a Confession emitted before a Sheriff-depute, who has a criminal Jurisdiction in some Cases in the Things allowed by Law, and who beyond all doubt is Judge competent *per modum inquisitionis*; yet so convinces less, that that was an extrajudicial Confession, that he only insisted therein *ad modum adminiculi*, and joyned it with the other Probation mentioned in the Practick, which was *per se* convincing and significant: As also, since his Majesty's happy Restitution, in the Case of one *Robertson*, although the Confession was emitted before one of the Lords of Justiciary, and his Majesty's Advocate for the Time; yet he was so convinced of the Insufficiency of the same, that after it was produced *per modum probationis*, he took up the same, even in that State of the Process, when the Assize were sworn: And as to the Instance of Divinity in *David's* Practice, it does not concern the Point of Law, and cannot be made appear that the Party retracted his Confession, and it is a Practick that either *nimum* or *nihil probat*. In respect whereof, &c.

The Lords continue their advising of this Debate till to Morrow at Two a Clock in the Afternoon, and ordain Assizers and Witnesses to attend, ilk Person under the Pain of an Hundred Merks.

The said Day *John Graham* Post-master, *Patrick Graham* his Brother, *Keith* of *Lutquhairn*, *Matthew Colvil* Writer in *Edinburgh*, *Alexander Livingstone* Ensign to Captain *Windram*, *Walter Kennay* Merchant in *Edinburgh*, *Thomas Hamilton* Master of the Coffee-house, *James Fletcher* of *New Cranstoun*, *Charles Murray* Merchant, *John Auchmouty* Ensign to the Castle of *Edinburgh*, *Robert Baird* of *Sauchtounhall*, each of them unlawed in an Hundred Merks, for not compearing to pass upon Mr. *James Mitchel* his Assize.

Robert Baird and *Thomas Hamilton* their Unlaws discharged, to be booked or extracted by Deliverance upon their Petitions.

Mr. James Mitchel's Confession, February 10. 1674. N^o. XCIV.

IN Presence of the Lord Chancellor, Lord Register, Lord Advocate, and Treasurer-depute, Mr. *James Mitchel* Prisoner, being called, did freely confes he was the Person who shot the Pistol at the Bishop of *St. Andrews*, when the Bishop of *Orkney* was hurt thereby, in the Year 1668: And depones upon Oath, That no living Creature did perswade him to it, or was upon the Knowledge of it.

James Mitchel.

Rosches:

Ar. Primrose.

Jo. Nisbet.

Ch. Mainland.

Proclamation for Convention, May 28. 1678. No. XCV.

CHARLES, by the Grace of GOD, King of Scotland, England, France and Ireland, Defender of the Faith, &c. To all and sundry Our good Subjects, whom these do, or may concern, Greeting: The great Kindness We bear to that Our ancient Kingdom, hath at all times inclined Us to be very watchful over all its Concerns: And considering, that all Kings and States do, at present, carefully secure themselves and their People, by providing against all such foreign Invasions and intestine Commotions, as may make them a Prey to their Enemies; and that it is not fit, That that Our Kingdom should only, of all others, remain without Defence, especially at a Time wherein those execrable Field-conventicles (so justly termed in Our Laws, *The Rendezvous of Rebellion*) do full grow in their Numbers and Intolerance; against all which, Our present Forces cannot in Reason be thought a suitable Security. Therefore, and that We may be the better enabled to raise some more Forces, for securing that Our Kingdom against all foreign Invasions and intestine Commotions, and to maintain them in the most equal and regular War, and let the World see the unanimous Affection of our People to Us; We have thought fit to call a Convention of the Estates of that Our ancient Kingdom, to meet at *Edinburgh* upon the Twenty sixth Day of *June* next to come: And We do hereby Require and Command all Archbishops, Dukes, Marquises, Earls, Viscounts, Bishops, Lords, and Officers of State of that our Kingdom, to be present, and attend that Diet: And also We do require all Our Sheriffs, in the several Shires, and their Deputies, that if there be any new Elections already made for this Year, of Commissioners to Parliament or Conventions, they make timely Intimation to these Commissioners, to keep this Meeting; but if there be no Elections already made, that then, they forthwith call and convene all the Free-holders in the respective Shires, that according to the Laws and Acts of Parliament, Elections may be made of fit Persons, to be Commissioners for this Convention: And that Our Royal Burrows make choice of Commissioners accordingly, and that they and all other Persons having Interest, attend this Convention of Estates, under the Pains contained in Our Laws made thereanent. And that all Our good Subjects may have Notice of this Our Royal Will and Pleasure, We do hereby command Our Lyon King at Arms, and his Brethren, Herald, Mace, Pursuivants, and Messengers at Arms, to make timely Proclamation hereof at the Market-crosses of *Edinburgh*, and at the Market-crosses of the Head Burghs in the several Shires of that Our Kingdom. Given at Our Court at *Whitehall*, the Twenty third Day of *May*, 1678. and of Our Reign the thirtieth Year.

God save the King.

Letter in Defence of Field-meetings, June 1678. No. XCVI.

I Thank you for your Letter of News, with the Proclamation for a Convention, inclosed: But I strange to find mention of Field-conventicles made therein carry you so far beyond your ordinary Moderation. For reflecting upon their late Increase, and some other apparently offensive Circumstances, rather through the Prejudice which this Condition may have excited, than with that juster Consideration ye use to adhibit, ye accuse the Ministers and Leaders, of several Imprudences, and forgetting not only the other Motives couched in the Proclamation, but what the Contrivers of this Proclamation are certainly known to design, you almost conclude us Field-meeters to be the only Troublers of the Land, which being a Charge too uncharitable for you, and too heavy for us, as Christians or good Country Men, I shall endeavour briefly to clear your Judgment of these darkning Mistakes, and then point out to you more solid and satisfying Discoveries. I need not insist with you upon the Engagements that we have in Conscience against Bishops and their Dependents, and to our own outed Ministers: Though our Scripture Grounds were less pregnant, and our Oaths and Covenants fewer, yet I am perswaded, that all sober Men who have rightly considered the Nature, Fashion, and Fruits of these two Sorts of Ministers and their Ministry, will already grant that the very All of our Religion, that is, *The glory of GOD, and our Souls Salvation*, are most deeply concerned in the Differences. Men dispute about Forms, and amuse themselves with vain Searches: But as Things are now seated, their Agreement and Disagreement to me comes shortly to this, That both serve their own Masters, the Bishops and Curates, infligated by their own Lusts, and set up by Men, do their own Work; and our poor persecuted Ministers, engaged by better Motives, and sent by our Lord *Jesus*, do accordingly pursue his Will and Pleasure, and how determining this should be to all who mind their Souls Interest, is no hard Matter to judge. This only I am most sure of, that these Things with the great and signal Advantages they have received amongst us, more than in all the reformed Churches besides, should at least plead with our Rulers in our behalf for full and free Toleration and Protection; but how contrarily we have been treated, GOD and the World knows. It was not enough to overturn the Lord's Ministry, and in its Place to erect abjured Prelacy, but as if either Conscience had been a Story, or as versatile as the Weather-cock, all must by their actual Conformity testify their hearty Conformity and Compliance with this new Model; so that even simple Withdrawing is made criminal, and the innocent Withdrawers driven and over-driven to their Churches, until we were driven into the Confusion of the 1666. After that Distress and Extremity we had but a short Breathing, when immediately House-meetings come to be more strictly noticed, and Field-meetings prohibited under the Pain of Death to the Preacher and Convocator, and other grievous Penalties to the Meeters, and yet so rigorous was the Necessity, that we were constrained to venture to the Fields, both because of the Danger of Houses, Paucity of Preachers, and a great Confluence of Hearers. For clearing whereof I need not remember you how Ministers were banished and ejected out of Towns, how Fifty Pounds Sterling was

the Fine of every Master in whose House a Conventicle was found, how Officers and Spies were and are set in several Towns to spy out and seize summarily both on Meetings and Ministers; and lastly, how Men and Women both have been dragged, without Warrant of Law, from Meetings in Houses, to Prisons, as if less bailable than Murderers, and some forced to go out at Windows to escape the Inconveniency. These Things, I say, are but too well known: But that which more presseth, and better expresseth the Necessity I plead, is the Paucity of Ministers, which is such, that it is rare to find Two or Three of them together in a Shire, and the great Confluence of Hearers, whose extraordinary Number, neither Houses nor Churches can receive; so that all these Things laid together, I would gladly ask you or any sober Man, what other Cause a poor People under a Pressure of Conscience, and Soul-indigence for such Occasions should take? and what better Expedient they could fall upon, when no Choice was left them, than to imitate our Lord's Example, so great, so good, and so constant a Field-conventicler? Men of late speak against our Field-meetings, as if they were a wild Choice of our own Fancy, and that we had needlessly left Houses when we might have kept them; but as the contrary is too too evident, so I am perswaded that any who considers, how that, whether for withdrawing, or for going to other allowed Churches besides our own, or for House-meetings, or for Field-meetings, or for building Houses to our selves, or lastly, for going unto vacant Churches, we have been always persecute with the same Rigour, will easily be convinced that it is neither this nor that Manner of it, but Nonconformity in whatsoever Form, that is the only Object of the Bishops their implacable Animosity. But you say, there are several scandalous Circumstances in our Meetings that do most provoke, such as our hearing of forfeited and intercommuned Ministers, our meeting in Arms, and our Preachers speaking unsufferably against Authority. But first, I am glad you do not object our hearing of Papists, Anabaptists, and other Sectaries, but I think you make no question that this is but a Calumny, as also that if it were more true, it would be less objected. Next, as to our own hearing of forfeited and intercommuned Ministers, I think even our Enemies will not say, that either Forfeiture or Intercommuning doth unminister, so that since Men, through the Lord's good Providence, have escaped, and are preserved from the Effect of these Law-censures, we see nothing that should hinder us to own and regard them as the Lord's Ministers, and our Pastors, except Law-hazards, which may well make our Reckoning greater, but doth not make it worse: You know that more might be said upon the Grounds and Causes for which these few forfeited Ministers were so sentenced, but I forbear. Only as to the Intercommuned; since the Ground of this Intercommuning was the Mens Faithfulness, and that they therefore have been treated with Severities which used only to be exercised towards the most notorious Criminals, such as wilful Murderers, Thieves and Robbers fugitive from Law, I see not why it should not endear them the more to us, and give our Rulers just Cause to blame themselves for the Contempt of Authority, which in effect is only occasioned through their own first abusing it. As for our Meeting in Arms, you know perfectly that this is only practised in a very few Places, by a very few Men, and yet talked of at a very monstrous Rate; but it is indeed this Fable that I think shall turn one Kingdom to a Fable, for as it was made the greatest Pretence to condemn the West, unheard, into a State of Rebellion, and bring upon it the late hostile and barbarous Invasion, albeit it cannot be instanced that ever at any Meeting in these Parts, his Majesty's Forces were either resisted, or in the least apparent Hazard of being resisted, so now it is blown up with all the Cunning and Industry possible, to make the Kingdom believe that they are in such an imminent Danger as cannot be prevented, except by the Payment of such Sums as are like to prove its undoing. Our Field-meetings were at first soberly called Seditions, then the Style is improved, and they are called Rebellions, but the Design requiring it, they must be proscribed as execrable, and this 3d and last Blast is thought enough to blow us from both our Monies and Liberties, but, *Sir, si populus vult decipi, decipietur*; it is known to all that these Meetings were generally at first, and are still in many Places so naked and defenceless, that Two or Three idle Fellows, without any Warrant, have at their own Hand fallen upon Meetings of seven or eight Hundred, and scattered them without Resistance, and oft times about Glasgow and other Parts, three or four Redcoats have and may still dissipate Thousands of these Meeters most securely: Which Things albeit they have often happened, and that with such Beatings and Pillagings, and other Insolencies as Law doth not allow, and Flesh and Blood can hardly bear, yet have neither these nor the abovementioned Act of Parliament, making these Meetings capital, as I have said, provoked them for the most Part to any better Posture, and all that can be with Truth alledged, is, that partly to protect three or four Ministers in more special Hazard by reason of a Price set by the Council on their Heads, and partly to prevent the profane Interruptings and Abusings of God's holy Worship, and sincere Worshipers, by the Boldness of contemptible, and oft times non-warranted Parties, some few in remote Parts have been moved to come together in such Condition as might secure them from such Attempts. But if these Things be a little offensive, may it not, think you, be a reasonable Allay to reflect upon all the Violences, even to the wounding and killing of several Persons, that have been committed in our Meetings without any Opposition; and how often have Sheriffs with their Men, and Parties of the Militia, and standing Forces, come to our Meetings, and been encountered by double, yea, triple their Number, who could have eat them up? and yet so great was the Deference to Authority, that all done was to break off and capitulate for a safe Retreat. It is true the Act 1670. calls the Field-meetings *Renderings of Rebellion*; and this groundless Conceit hath been so much of late talked of, that the simple may possibly believe that they are declared to be such, and the being at them made a kind of statutory Treason; but there is indeed no such Matter, and all the Import of the Phrase is, That the Legislators, in a more passionate than judicious Preface, thought fit to imploy that angry ugly Expression, to render the Thing more odious; but as to the Body of the Act, it is clear and precise enough, and contains no such Thing. In a word, Sir, you may see that neither were the Fields our Choice, nor should our Arms (for since Men call them so, I may comply, albeit it is scarcely without laughing and blushing at their Fecklessness) be farther considered than to move and induce our Rulers to moderate these Severities that have provoked to them: But if Humour take Authority, and so it become determined, were it even against the most ridiculous of all Things, so wit, for Instance, even Laughter, it is certain that neither Pretences even specious enough, nor Disorders and Confusions infinitely greater, would be wanting in the prosecuting of its Discharge. But the Third Thing you object is, That our Ministers speak insufferably against Authority; and I shall not say but Temptations too visible, and Infirmities inseparable to the best, may carry to a little Excess sometimes: But on the other Hand, I may assure you with the justest Confidence, that the Reports that commonly are spread of this, are very false and calumnious, that it is but seldom, and

in clearly inviting Occasions that they at all meddle with publick Matters ; and that if Mens most horrible Defections, and most unchristian and unnatural Persecutions were but in the least reflected upon, our Ministers Talkings, were there ten-fold more, would sooner be excused than reproached. I might have intitled longer upon all these Heads, and also have commended these Meetings from the Lord's visible Presence with them, and the most remarkable Fruits of the Gospel that have attended them, above the Discrediting of all the Calumnies of the Adversary, but Wisdom is justified of her Children; only, to evince to you or any reasonable Man that hath not laid aside all Regard to Conscience, and is not wretchedly infatuated with the so much lately magnified Delusion, that Peace and Nonconformity, every where compatible, upon far more different Terms, are only in *Scotland* incompatible on any Terms, let our Rulers but once apply themselves to any Thoughts of a fair Toleration, and you shall quickly see our Tolerableness. I know they have already tried Indulgences, but is it not also manifest that these were ensnaring to Consciences, so restrictive of ministerial Liberty, so uneasy as to the Persons of Men, and so unindulgent to other Parts of the Kingdom, that it is rather to be marvelled that they have produced so much Quiet? Our ill Willers would have it also believed that some of us are so humourfom that we neither agree with our Brethren that are indulged, nor could agree among our selves in any possible Demand; but albeit we be dissatisfied with the Pretences of the Indulgences, and care little for such clogg'd Indulgences, yet we know well enough, that even ill contrived, and far worse intended Favour may be innocently made use of; and altho' I will not take upon me to be a Proposer, yet this I am sure of, That the simplest Concessions are every way the best, and do nothing doubt but that the Liberty which the Infidels grant to Christians in *Turkey*, or Papists grant to Protestants in *France*, or even Prelatists grant to Nonconformists in *England* and *Ireland*, may afford very effectual Directions. Nay, I am perswaded, that would our Rulers but assuringly and fairly allow us to meet in Houses, without hindring those that would not enter, to abide and hear without, it would prove a more certain Remedy of all their Jealousies of our Meetings in the open Fields, and with Arms, than all their Hosts, Forces and Conventions ; or if you please to bring the Business yet lower, both for refusing Calumny, and removing all offensive Appearances, let our Rulers only declare, That they will not cause attack and disturb our Meetings in hostile Manner, but content themselves to prosecute us and them by Order of Law, and legal Process, and I am sure the few that come in Arms, would instantly lay them aside. What Reason there is then for a Convention, and all the Burdens wherewith it threatneth the poor, afflicted, distressed Kingdom, let all Men judge, and I hope these concerned will consider. But, Sir, for to make way to these Discoveries that I farther promised, hath not Force already been used by *Daniel's* Army in 1666 and 1667, and now again by the Highland Host? Hath it not been the Work of our Parliament, and the constant Will of Our Council now these 17 Years, to establish Conformity, and suppress that they call the contrary Disorders? hath not the Bond and Lawborrow also been contrived (and, if you please, you may suppose, that one or both of them had been taken universally) with the greatest Caution and most extensive Provision imaginable for this Effect? and what hath all availed, and what, I pray you, can be promised, from the utmost of this Kind that can be devised? Far be it from me to boast, the Subject is too sad, and I know too well both the Weakness of Men, and the Uncertainty of sublunary Things, to give way to that Vanity; but if my Apprehensions may be received by you with the same Sobriety and Sincerity wherewith I desire to entertain them, I am much of the Opinion, that albeit we should give 5, nay 10 Years Cess, and should order all the Forces it can bear, to be levied, it will not bring the Work of our Meetings to nought, and Men will much sooner weary themselves both of paying and persecuting, than the Lord's People will weary of his Service; and yet for all this the Matter is far from being desperate, for let but a fair equal Liberty be granted, not excluding any Caution that may be reasonable for securing of the publick civil Peace, and I dare engage a Serenity of mutual Peace amongst Fellow-subjects, and pure Affection and Submission from all to his Majesty, shall shine forth amongst us as ever blessed a People; which Things being so hard and hopeless on the one Hand, and on the other so easy and promising, is it possible Men should err in their Choice, were they not under very sinister and pernicious Influences? I need not tell you how Factions have risen, and been driven these several Years in this Nation; and amongst other Things it hath been one of our wicked Calumnies to perswade themselves and others, that the malcontent Lords and we do now understand one another, and that, I warrant you, is dangerous enough, but for what other Reasons or Ends, except it be to involve themselves with us in the same Oppressions, and Miseries I could never conceive. Thus you see the most conformable of them have been pressed with the late Bond and Lawborrow, and that without any Respect either to their own unquestionable Conformity, or their utter Incapacity to undertake for others, or lastly, the certain Insignificance of the Bond as to the Thing pretended to by it. But the Unhappiness of the Affair was, that the best Reason that these Malcontents had for their refusing, *viz.* Incapacity, and Impossibility was also the strongest, yea, only Reason to urge them to it, seeing that the Imposers did thereby clearly understand that by subscribing or enacting they would be wholly at their Mercy for the full avail of their Fortunes; and now that you know how obnoxious our Governors have made themselves by their late Acts, and what Complaints have been made of them, can you doubt but that the special Motive of the calling of this Convention, hath been that common Maxim, That when Men have run into the greatest Disorders, there remains no Way of doing better, but by doing worse, and the principal End of the Indiction is, to have Money and Forces to secure the Projectors by the Ruin of their Opposers? I confess it is also very probable, that Avarice and Ambition, especially the former, have had a powerful Accession; but this is no further of my Concern then to tell you, that he must be very dull, or infinitely easy and opulent, that can suffer himself to be cheated by such manifest Contrivances of Avarice, Ambition and Revenge, out of both his Money and Liberty, upon thin and Thread-bare Pretences of our so necessary, harmless, and easily remediable Field-conventicles. I thought also to have remarked to you the great Kindness of the Country (so much wasted and disordered) the good Example of other Kings (no doubt the most Christian King for one) for securing themselves against foreign and their own People, (our present Want of Defence against foreign Invasions (when all Men talk of a general Peace) the Unproportionableness of our present standing Forces, against the Danger of Conventicles (when yet Two fair Words, Let them serve God in Quietness, would blow away all the Hazard) and the maintaining of the Forces to be raised in the equal and regular Way (that is, after the exhausting of the West, by an equal acting upon all) which are the rest of the Reasons hinted at in the Proclamation; but seeing I have already said enough for clearing the true Causes, I am loth to trouble you with any Reflections, and do securely

leave all to the Wisdom, Fidelity and Courage of these honourable Persons that are to meet in this Assembly, and the sovereign and over-ruling Disposal of the almighty God, who standeth in the Congregation of the Mighty, and judgeth among the Gods. Will they full judge unjustly, and accept the Persons of the wicked? Let them defend the poor and fatherless, do Justice to the afflicted and needy, deliver the poor and needy, and rid them out of the Hands of the wicked; if they know not, neither will understand, if they walk on in Darknets, when all the Foundations of the Land are out of Course, though they be called Gods, and all of them the Children of the most High, yet shall they die like Men, and fall as one of the Princes. Arise, O God, judge the Earth, for thou shalt inherit all Nations. So I bid you Farewel.

Act and offer of 1800,000 Pounds by the Convention, 1678. N^o. XCVII.

THE Convention of Estates of the Kingdom of Scotland, by his Majesty's Authority and Command, at this Time assembled, considering the great Happiness, Peace, and Tranquillity they enjoy under His Majesty's Royal Government, and His fatherly Care for this His ancient Kingdom, in being so watchful over all its Concerns; and that as all Kings and Estates do at present carefully secure themselves and their People, by providing against all such foreign Invasions and intestine Commotions, as may make them a Prey to their Enemies. So it is not fit that this Kingdom should only of all others, remain without Defence, in a Time wherein these dangerous Field-conventicles, declared by Law *Rendezvous of Rebellion*, do still grow in their Numbers and Insolencies, against all which, the present Forces cannot in Reason be thought a suitable Security. And considering the many frequent and renewed Professions this Kingdom hath made, with their Lives and Fortunes to serve His Majesty, in the Maintenance of His Honour, and Greatness, and that there is a new Opportunity offered to them to make good the Professions of their Zeal, Duty, and Affection: In Recognizance whereof, and in humble Acknowledgment of the same, and that His Majesty may be the better enabled to raise more Forces for securing this His ancient Kingdom, against all foreign Invasions and intestine Commotions; and to the End, they may be maintained by equal and regular Ways: And to let the World see the unanimous Affection of this His Majesty's ancient Kingdom, for the Maintenance of His Majesty's Royal Greatness, Authority, and Government, in Church and State, as it is now asserted and established by the Laws of the Kingdom, and in order to the Entertainment of such Forces, as His Majesty shall raise for the Defence thereof, the Convention of Estates of this Kingdom, for themselves, and in Name of, and as representing this His Majesty's ancient Kingdom, do humbly beseech His Majesty would be graciously pleased to accept the unanimous, ready, and cheerful Offer, and humble Tender of a new Supply of Eighteen hundred thousand Pounds Scots Money, to be raised and paid forth of the Shires and Burghs of this His Majesty's ancient Kingdom, in the Space of five Years, according to the present Valuations, and that as twenty five Months Cefs, in the whole, being five Months yearly, amounting to Three hundred and sixty thousand Pounds Scots, at two Terms in the Year, by equal Portions, beginning the first Term's Payment, being One hundred and fourscore thousand Pounds, at the Feast and Term of *Martmas* next to come, for the half Year immediately preceeding, commencing from the Term of *Whitsunday* last, in this Year of God, One thousand six hundred seventy and eight Years, and so forth to continue, and paying termly the foresaid Sum of One hundred and fourscore thousand Pounds Scots, until the Term of *Whitsunday*, One thousand six hundred eighty and three years *inclusive*, which is hereby declared to be the last Term of the said five Years, within which Space, the said Sum of Eighteen hundred thousand Pounds Scots, is due and payable, and that at the Proportions under-written *respective*, being five Months Cefs yearly, by the foresaid Space of five Years, which is two Months and one halt Month's Cefs for every Term.

King's Letter with Instructions about the Militia, with his Letter about the Oath and the Tenor of it, December 19. 1678. N^o. XCVIII.

Right trusty and welbeloved, &c. We greet you well. Having received an Account of your Diligence in the Matter of the new Model of the Militia of that our ancient Kingdom (so earnestly, in Our Letter of the 26 *October* last, recommended to your Care) We are therewith so well satisfied, that We cannot but return you Our Thanks for the same, and for the cheerful Readiness that appears in you upon all Occasions, to promote Our Service. We have seen the Instructions prepared by you to be given to the Commissioners of Our Militia, with a particular Account of the Division of the Five Thousand Foot, and Five Hundred Horse on the several Shires, according to the Proportion of the Militia appointed by the Twenty Fifth Act of the Third Session of Our First Parliament, in the Year, 1663. And We being very well pleased with both, have now thought fit to let you know, that We do approve the same. And therefore, We do hereby authorize and require you, to enjoin the Commissioners of Our Militia, punctually to observe those Instructions: And We do further authorize you, to add unto them such other Directions and Instructions, as you shall from Time to Time judge needful, for the more effectual Performing that Service. In the mean time, We will give Orders to dispatch the Commissions for the Officers, conform to the several Precincts mentioned in the said Division, to the end no Time may be lost in bringing so good a Work to Perfection. We have received your Letter, dated the last of *November*, and are very well satisfied with those hearty Expressions of your Duty to Us and Our Government; for which We return

return you Our Thanks, being well assured of your Continuance in the same. We bid you heartily Farewell. Given at our Court at *Whitehall*, the Tenth Day of *December*, 1678. and of our Reign the Thirtieth Year. By his Majesty's Command,

LAWDERDALE.

Follow the Instructions mentioned in his Majesty's Letter, to be given by his Majesty's Privy Council to the Commissioners of the Militia of the several Shires in the Kingdom of Scotland.

His Majesty taking to Consideration the great Dangers which threaten his sacred Person and Government, and all his good and faithful Subjects, both from foreign and intestine Designs, and especially from the hellish Plot of *Jesuits* and *Papists*, and turbulent Commotions of seditious People; and his Majesty relying much on the constant Loyalty and Fidelity of this his ancient Kingdom, and laying hold upon the frequent Offers made by them to him of the Militia of Horse and Foot within the same, hath by his Letter to his Privy Council, signified his Royal Will, for putting a Part of the said Militia in a fit Capacity to act for the Preservation of himself: In obedience whereunto, his Majesty's Privy Council have, by an Act relative to his Majesty's Letter, appointed Five Thousand Foot, and Five Hundred Horse, of the Number of these Twenty Thousand Foot, and Two Thousand Horse of the Militia established by Act of Parliament, to be drawn out of the several Shires and Burghs of this Kingdom, being a Fourth Part of the whole (not including the Militia of the Town of *Edinburgh*) and that these Five Thousand Foot, and Five Hundred Horse be established according to the Rule of Proportion: And whereas the Proportion of your Shire of _____ is _____ Foot, and _____ Horses, you are therefore ordered to sient the Number of Horsemen and Footmen, upon the Parishes, Heritors and Liferenters in your Shire, in the usual Manner, having always a Care to patch upon such as may constantly attend the Service.

You are to appoint all these listed within your Shire to rendezvous and keep together Four Days each Month, at such Times, and such Places, as the Major of Foot, or Lieutenant of Horse shall appoint, whether it be by single Companies of Foot, Squades of Horse, or greater Number, or the whole, as the Major of Foot, or Lieutenant of Horse shall order.

You are to order the Heritors to give Allowance to the Horsemen and Foot Soldiers, for keeping the said Diets of Rendezvous of Four Days in every Month, and that for Ten Months (his Majesty being to pay them for the last two Months) at the Rate of Six Shillings *Scots* a Day for ilk Footman, and eighteen Shillings *Scots* for each Horseman, conform to the Act of Parliament; and ready Obedience is expected hereto, seeing they are at no more Expence by paying Forty Days to this Number, than they were at formerly, by paying Ten Days to the whole, which they either did, or should have done.

The Heritors of your Shire are to pay their Proportion of Forty eight Pounds *Scots* to the Trumpeter, with the Shires who are joyned with them in constituting the Troop; as also your Shire is to pay Twelve Pounds *Scots* to every Drummer who serves in the Companies within your Shire, conform to the Act of Parliament.

You are to appoint Two of your Number, *per vices*, to attend the First Day of each monthly Rendezvous within your Shire, and one of your Number to attend the general Rendezvous of your Regiment or Troop when they come together, it being necessary that there be one Commissioner present for every Shire, out of which the Regiment or Troop is taken, to the effect they may give Order for fining and punishing the Absents, and for proceeding against all Deficients, and for Performance of every Thing else incumbent to them, conform to the Acts of Parliament and Council made thereanent, as well in every Company of Foot, and Squadron of Horse, as when the whole Regiment and Troop are together.

These two Commissioners, with the Concurrence of the commanding Officer, present for the Time, of the Foot Company or Squadron of Horse, or Corporalship, and of the Major of Foot and Lieutenant of Horse, or other commanding Officer present, when the Regiment of Foot or Troop of Horse are together, are carefully to cause paynd every Deficient and other Transgressors, conform to the Acts of Parliament and Council anent the Militia; hereby requiring the said Commissioners to do exact Diligence herein, as they will be answerable at their utmost Peril, and certifying these Commissioners who shall be absent, or, being present, shall neglect their Duty hereby and by Act of Parliament entrusted to them, they shall be proceeded against, as Contemners of his Majesty's Authority and Service, and Neglecters of the publick Peace of the Kingdom.

N. B. Several Instructions, not of any publick Concern, are left out.

These Instructions the Council earnestly recommend to you, as you would testify your Care and Affection to the Protestant Religion, and of the Preservation of the Honours, Lives and Fortunes, not only of the present, but of the succeeding Generations, and as you would not dissatisfy or disappoint so gracious and so affectionate a King, who, upon all Occasions, and especially this, hath evidenced so great a Trust in you, and to great Solicitude for your Safety. Approven at *Whitehall*, *December* 10. 1678.

LAWDERDALE.

Division of the Five Thousand Foot, on the different Shires of Scotland.

- Reg. 1. Shire of Roxburgh and Selkirk 333 Men, Berwick 200. Peebles 66. Dumfries 200. Wigtoun and Kirkcudbright 200.
 Reg. 2. Shire of Edinburgh 200. Haddingtoun 200. Linlithgow 83. Stirling and Clackmannan 166. Lanark 250. Ar and Renfrew 110.
 Reg. 3. Shire of Fife and Kinross 400. Perth 400. More for Locality 222.
 Reg. 4. Shire of Forfar 249. Kincardin and Marshall 200. Remanent Part of Aberdeen and Banff 264. Localities of Argyle, Dumbarton and Bute 200.

G g g

Reg. 5. Shire

Reg. 5. Shire of Elgin and Nairn 249. Earl of Seaforth and Lovat's Division of Inverness 166. The
rest of Ross 100. Sutherland and Caithness 200. Orkney and Zetland 166. Inde. 4824.

*Division [mentioned in his Majesty's Letter] of Five Hundred Horse on the several
Shires of Scotland.*

Troop 1. The Shires of Roxburgh and Selkirk 37. Berwick and Peebles 25. Drumfries 22. Wigton and
Stewartry of Kirkcudbright 22.

Troop 2. Shire of Edinburgh, Haddington and Linlithgow 46. Stirling and Clackmannan 22. Lanark
37.

Troop 3. Shires of Fife and Kinross 44. Perth 44.

Troop 4. Shire of Forfar 25. Kincardin and Earl Marshall's Division of Aberdeen Shire 18. Rest
of Aberdeen Shire and Banff Shire 44.

Troop 5. Shire of Elgin, Nairn, Inverness, Ross, Sutherland, and Caithness 66. Air and Renfrew 44.
Inde 496.

The same Day, King's Letter about the Oath, with the Tenor thereof.

RIGHT Trusty and well beloved, &c. We greet you well. We having, for the Security of Our ancient Kingdom of Scotland, and of the Protestant Religion therein, ordained you by Our Letter 26th October last, to draw out Five thousand Foot, and Five hundred Horse of Our Militia Forces of that Our Kingdom, to be trained and disciplined in Manner therein exprest; and being desirous that such as are to be employed in that Service be in a most sure and special Manner obliged to maintain and promote the Protestant Religion, as well as Our Royal Interest (which two We think inseparably conjoined) it is therefore Our Will and Pleasure, that you give Order to Our Major General, in Our Name, to command all Our Forces, who are to be employed in that Part of Our Militia, besides the Oaths of Allegiance and Supremacy, to exact from all the Soldiers, both Horse and Foot, to be employed under them, the Oath in a Paper herewith sent, and that not in the ordinary Way that such military Oaths use to be exacted, by drawing up the Troop or Company together in a Body, but that every Soldier, one after another, shall by himself swear the same. And to the effect this may be a general Rule over all, We have thought it fit, that Our standing Forces, both Horse and Foot, and Dragoons already raised, or that before this We have ordered to be raised, do likewise take this Oath, and in the same Manner that those of Our Militia are appointed to do, in which you are to give the same Order to Our Major General; and so we bid you heartily Farewel. Given at Our Court at Whitehall, the Tenth Day of December 1678. and of Our Reign the Thirtieth Year. By his Majesty's Command,

LAWDERDALE.

Follows the Form of the military Oath.

I A. B. do swear to be true and faithful to my Sovereign Lord King Charles, and his lawful Successors, and in my Station to maintain the present Government in Church and State, as it is now established by Law, and to oppose to my Power the damnable Principle of taking up Arms against the King, or these commissionate by him, upon any Pretext whatsoever, and to be obedient in all Things to His Majesty's Major General or Commander in Chief, authorized by his Majesty for the Time being, and will behave my self obediently to my superior Officers, in all that they shall command me for his Majesty's Service: And I do further swear, That I will be a true, faithful and obedient Soldier, every way performing my best Endeavours for his Majesty's Service, obeying all Orders, and submitting to all such Rules and Articles of War, as are or shall be established by his Majesty. So help me GOD. By his Majesty's special Command,

Whitehall, 10th December 1678.

LAWDERDALE.

Council's Letter to the King on the Popish Plot, Nov. 30. 1678. N^o. XCIX.

May it please your sacred Majesty,
WHEN we remember the Confusions in which we were involved before your Majesty's happy Restoration, the Slavery and Tyranny from which we were thereby redeemed, your Clemency which then covered, and has since prevented so many Crimes, the Peace that you have procured, the Justice which you have so impartially administrate, and the Benignity of your Temper, we do, with great Horror, Indignation, and profound Amazement, reflect on that execrable and hellish Plot against your most sacred Person, and having a solemn and publick Fast, for imploring the Protection of almighty GOD to your sacred Person, and that he might be pleased in His infinite Goodness to discover and confound all such desperate and damnable Conspiracies: We in the next Place conceived our selves obliged to congratulate, in this our humble Address, the wonderful Deliverance that GOD has bestowed upon these Kingdoms (and us in particular) in securing the Protestant and Reformed Religion, and your Majesty's Royal Person, from such imminent Dangers, as might have left us a Prey to all that our Enemies could have wished, or we could have

have feared ; of which Duty we had more early acquitted our selves, if we had not thought, we were first obliged to try, if by any Discovery in this your ancient Kingdom, we could have found any in the remotest Accession to that villanous Guilt, that we might with our Congratulations presented you with these hateful Traitors as Sacrifices : And now, among our other Joys, one is, That as yet we can neither by Papers nor Examinations find, that any of this Kingdom have dipt in that execrable and impious Conspiracy ; nor shall we lessen our Endeavours in that Re-search, since we can never be too diligent, in what can never be repaired, if our Endeavours should now languish, wishing to have our Hands strengthened, and our Care directed by your Majesty's Royal and judicious Commands, whose Protection is the chief Bulwark of the orthodox Church. We have sent your Majesty for this end, an Account of your pious and wise Laws made by your Royal Predecessors against Papists ; for Prosecution whereof in the Method your Majesty shall prescribe, and for the Maintenance of all your Majesty's just Rights and Royal Prerogatives, we do for our selves, offer your Majesty our humble and hearty Endeavours : And we may assure your Majesty, that the far greater Part of your Subjects here, are content to hazard for the Service of GOD, and your Authority, their Lives and Fortunes, with a Zeal that may testify their Devotion and Loyalty. That GOD may protect your sacred Person, and in your Preservation protect this reformed Church, shall be the fervent and daily Prayers of your Majesty's most faithful, most humble, and most obedient Subjects and Servants.

Council's Letter to Lawderdale, Nov. 30. 1678. N^o. C.

May it please your Grace,
WE have thought it our Duty to congratulate his Majesty's happy Delivery from that execrable Plot, which threatened so imminently the Protestant Religion, and the Peace of those Kingdoms : We hope your Grace (upon whose Conduct and Kindness we always rely) will second our Letter with these Assurances of our Loyalty, which your Grace knows we will be ready to make good upon all Occasions, and to which we think our selves more especially tied in this Conjunction of Affairs, wherein every Man finds his own Interest and Happiness involved in his Majesty's Preservation. We had not been so late in this Duty, if we had not thought it convenient to try if we could have discovered any Accession to that Design here, and are glad to find, that none of this His Majesty's ancient Kingdom has been so far deserted by GOD, or has so far abandoned his own Reason (for what we can yet discover) as to conspire against the Happiness of his native Country, in the Person of our incomparable Monarch, at whose Command his Subjects will (we hope) be very ready to hazard all that is dearest to them, and from whom we expect such Instructions, as may enable us to put his Laws and Inclinations in Execution. We have herewith sent a List of these Laws that strike against Papists, as to which no Man can better satisfy his Majesty than your self, who has had the deserved Honour to be so long one of his Judges and faithful Ministers, and whose Fidelity in all that relates to his Royal Interest is so well known to, May it please your Grace, your Grace's affectionate Friends.

FINIS.





